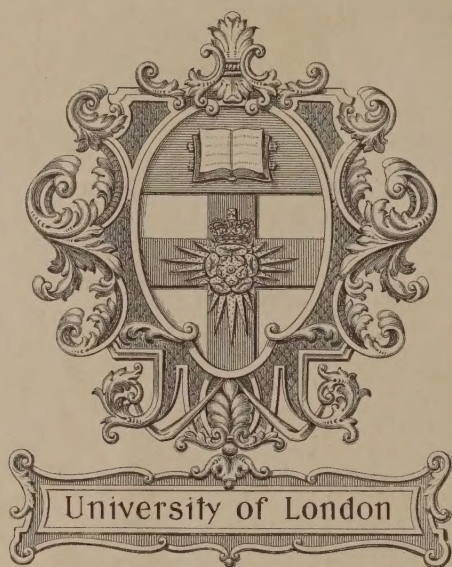
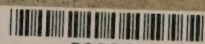






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ACCOUNTS AND PAPERS:

THIRTY-TWO VOLUMES.

—(16.)—

ELECTION PETITIONS—*continued.*

Session

10 *December* 1868 — 11 *August* 1869.

V O L. XLIX.

1868-9.



ACCOUNTS AND PAPERS:

1868-9.

THIRTY-TWO VOLUMES:—CONTENTS OF THE

SIXTEENTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N^o at the foot of each Paper; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

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BRIDGWATER ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

BRIDGWATER ELECTION PETITION.

(1869.)

*Ordered, by The House of Commons, to be Printed,
5 March 1869.*

[illegible]

R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Bridgwater, in the County of Somerset, between Henry Westropp, Esq., and Charles William Gray, Esq., Petitioners; and Alexander William Kinglake, Esq., and Philip Vanderbyl, Esq., Respondents.

To the Right Honourable the Speaker.

Bridgwater, 26 February 1869.

Sir,

I HEREBY certify, that at the trial of the above Election Petition, I determined that Alexander William Kinglake, Esquire, and Philip Vanderbyl, Esquire, were not duly elected, and that the election was void.

And in compliance with the directions of the Parliamentary Elections Act, 1868, s. 11, I report,—

A. That Alexander William Kinglake, Esquire, and Philip Vanderbyl, Esquire, were by their agents guilty of bribery; and that it was not proved that such bribery was committed with the knowledge or consent of either of them.

B. That Henry Chapman Bussell was proved to have been guilty of bribery in paying 10*l.* each to James Palmer, William Crocker, and James Hayward to induce them to vote for Messrs. Kinglake and Vanderbyl; and by offering a similar sum to William Luckes; and that William Crocker and James Hayward were guilty of bribery in accepting the sum of 10*l.* each for their votes.

C. That there is reason to believe that bribery extensively prevailed at the election.

My reasons for coming to this conclusion are, that it appeared that statements had been made that if any money was paid to any voters on behalf of Messrs. Kinglake and Vanderbyl, the same sum should be paid to all who voted for them. The inquiry was stopped, from its being admitted that agency was established with respect to Henry Chapman Bussell, so that it was not ascertained how far those statements were made by agents for whom the Members were responsible, but it was sufficiently proved that an expectation that these promises would be fulfilled existed amongst the voters. That a large number of the voters refrained from voting till past one o'clock, about which time Henry Chapman Bussell was proved to have bribed the three persons above-named, and there was strong reason to suspect (though it was not proved) that he bribed others, and that voters were also bribed by one Andrew Allan; both Bussell and Allan having gone away, so that they could not be examined as witnesses.

That Messrs. Kinglake and Vanderbyl, who, before the proved and suspected giving of bribes, were in a great minority, immediately began to poll many votes, and were placed in a majority; and I therefore think there is reason to believe that many of the voters for them at this time were induced either by actual money paid to them, or the expectation of a sum similar to that paid to others.

COLIN BLACKBURN,

Election Judge.

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MINUTES OF EVIDENCE

TAKEN before the Honourable Mr. Justice *Blackburn*, on the TRIAL of the ELECTION PETITION for the BOROUGH of BRIDGWATER, at the Town Hall, Bridgwater.

Tuesday, 23rd February 1869.

WESTROPP and GRAY	-	-	-	-	-	-	Petitioners.
KINGLAKE and VANDERBYL	-	-	-	-	-	-	Respondents.

Mr. Serjeant *Parry* and Mr. *Collins* appeared as Counsel for the Petitioners. Mr. *Trevor* appeared as Agent. 23 February 1869.

Mr. *Henry James* appeared as Counsel for the Respondent, Mr. Kinglake. Mr. *Lovibond* appeared as Agent.

Mr. Serjeant *Sargood* and Mr. *Edlin* appeared as Counsel for the Respondent, Mr. Vanderbyl. Messrs. *Reed* and *Cooke* appeared as Agents.

Mr. Serjeant *Parry* was heard to open the allegations of the Petition.

[Adjourned to To-morrow, at Ten o'clock.]

Wednesday, 24th February 1869.

Mr. Serjeant *Parry* put in the following Address, signed by Mr. Kinglake and Mr. Vanderbyl, dated 12th November 1868:— 24 February 1869.

“ TO THE ELECTORS OF THE BOROUGH OF BRIDGWATER.

“ Gentlemen,
 “ HAVING now completed our canvass, we hasten to thank you for the kind and generous support accorded to us. We gladly acknowledge the kindness and courtesy with which we have been received by opponents as well as friends.
 “ Considering the largely augmented number of the constituency, it was to be expected that we might unintentionally fail to call upon some of you ; but we trust to be able to rectify all omissions of this kind before the polling day. We trust that you will stand by us on the day of nomination, and come early to the poll on Tuesday next.

“ We are, gentlemen, your obedient servants,
 “ *A. W. Kinglake.*
 “ *P. Vanderbyl.*”

Mr. Justice *Blackburn*.] I suppose we do not require proof of that?
 Mr. Serjeant *Sargood*.] No, your Lordship may take that.
 Mr. Serjeant *Parry* put in the following polling cards, and circulars sent therewith :—
 “ Bridgwater Election, South-street District, St. Mary’s-street Polling Booth ; Register No. 1028.—I vote for A. W. Kinglake, Esq., and Philip Vanderbyl, Esq.”
 65. A

24 February
1869.

[CIRCULAR accompanying the above Card.]

“ BRIDGWATER ELECTION.

“ Dear Sir,

“ 14 November 1868.

“ To save you trouble on the polling-day, we beg to enclose you a card containing all the information necessary to enable you to vote.

“ It is of the utmost importance that you should poll as soon as possible after eight o'clock in the morning.

“ Yours truly,

“ *Heary Lovibond.*”

“ Bridgwater Election. North District, High-street Polling Booth; Register No. 357.—I vote for A. W. Kinglake, Esq., and Philip Vanderbyl, Esq.”

[CIRCULAR accompanying the foregoing Polling Card.]

“ BRIDGWATER ELECTION.

“ Dear Sir,

“ Bridgwater, 14 November 1868.

“ To save you trouble on the polling day, I beg to enclose you a card containing all the information necessary to enable you to vote.

“ It is of the utmost importance that you should poll as soon as possible after eight o'clock in the morning.

“ Yours truly,

“ *Eustace Barham.*”

POLLING CARD.

“ Bridgwater Election. South Polling Booth, Salmon Parade; Register No. 877.—I vote for A. W. Kinglake, Esq., and P. Vanderbyl, Esq.”

[CIRCULAR accompanying the above Polling Card.]

“ BRIDGWATER ELECTION.

“ Dear Sir,

“ Bridgwater, 14 November 1868.

“ To save you trouble on the polling day, we beg to enclose you a card containing all the information necessary to enable you to vote.

“ It is of the utmost importance that you should poll as soon as possible after eight o'clock in the morning.

“ Yours truly,

“ *Reed & Cook.*”

Mr. Serjeant *Parry* also put in the following canvassing card:—

“ BRIDGWATER ELECTION.

“ The honour of your vote and interest is respectfully solicited on behalf of Mr. Kinglake and Mr. Vanderbyl, the Liberal candidates.”

Mr. Serjeant *Parry*.] In the accounts there are joint bills sent in to the Candidates, and joint payments made to them.

Mr. Justice *Blackburn*.] I suppose it can hardly be disputed that the two candidates stood jointly and canvassed jointly.

Mr. Serjeant *Sargood*.] I think we must admit that.

Mr. *James*.] I cannot make that admission with respect to the act of every gentleman.

Mr. Justice *Blackburn*.] No; they stood jointly and canvassed jointly. What effect that would have upon making the agents of one the agents of the other, I will consider afterwards, when I hear all the evidence. All I say at present is, that they stood jointly and canvassed jointly.

Mr. Serjeant *Parry* handed in a report of an address of Mr. Kinglake, which he stated was issued by the committee, and which contained the following passage:—

“ In conclusion, let me say that our Tory friends are not satisfied with attempting to create disunion with us by publishing such placards concerning the ‘ Permissive Bill’ as that to which my honourable friend has referred, but they also wish to make it appear that my honourable friend, Mr. Kinglake, and myself are not working together.

“ I am glad that Mr. Kinglake has expressed himself so clearly on this subject, and I take this opportunity of also assuring you that we both put our shoulders to the wheel, and that we work together most cordially. There has never been one word of discord between us; and I may tell you that I feel proud to have as my colleague a man of such ability, and with an European reputation.”

Mr.

Mr. Serjeant *Parry* stated that a Witness of the name of Langdon had been threatened by a person of the name of Honeyball. 24 February 1869.

Mr. Justice *Blackburn* stated that anything amounting to the appearance of tampering with or threatening a witness was very improper conduct on the part of anyone, and if such a thing were seriously done, it was a matter which he should seriously punish; but before he did so, it would require to be distinctly proved, and to be dealt with as an ordinary criminal transaction.

Mr. Serjeant *Parry* stated that he did not propose to take that course at present.

JAMES PALMER, sworn; Examined by Mr. *Collins*.

1. ARE you a Carpenter?—I am.
2. And you live at Back-street, Bridgwater?—I do.

3. You are a voter for the borough of Bridgwater?—I am.

4. For which side did you vote?—For Mr. Westropp and Mr. Gray.

5. The Conservatives?—Yes.

6. The polling-day was the 17th of November?—Yes.

7. Mr. Justice *Blackburn*.] What was the day of the week?—

8. Mr. *Collins*.] Tuesday, the 17th of November. (To the *Witness*.) In the middle of the day, on Tuesday, did you go to the “Anchor” inn?—I did.

9. Where is the “Anchor” inn?—On the quay.

10. Is the landlord of the “Anchor” inn Henry Chapman Bussell?—He is.

11. What did you go to the “Anchor” inn for?—I went with a friend to have a glass of beer.

12. Who was the friend?—Francis Carver.

13. Who is Francis Carver?—Foreman to Mr. Gough’s shipyard.

14. Did you have your glass of beer with Carver?—I had a glass of beer.

15. Did you see the landlord?—I did.

16. Mr. Bussell?—I did.

17. How long after you went into the “Anchor” did you see Mr. Bussell?—Two or three minutes, I suppose.

18. What did you first see him do; where was he when you first saw him?—The first place I saw him was at the door of the room.

19. What room?—The room in which I entered to take a glass of beer.

20. What room?—The parlour or front room, whichever you term it.

21. Did he say anything to you?—Not at the time; not then.

22. When did you next see him?—He beckoned me out of the room.

23. Where did you go to?—I went into the cellar.

24. That is downstairs?—No, there is no downstairs at all.

25. On the same floor?—On the same floor.

26. Was there any other person in the cellar besides you and Bussell?—Not that I am aware of.

27. You did not see anyone?—No.

28. Tell me what Bussell said in the cellar?—He told me to vote for Mr. Vanderbyl and Mr. Kinglake, and here was 10 sovereigns.

29. Give us the exact words, as near as you can?—“Here is 10 sovereigns.” I said, “What is this for?” He said, “To vote for Mr. Vanderbyl and Mr. Kinglake.”

30. What did you say?—“All right.”

31. What did you do with the money at that time?—I put it into my pocket.

65.

32. Did you then leave the cellar?—I left the cellar, and came into the passage.

33. When you were in the passage did Mr. Bussell say anything to you?—He said, “Captain Richards will go to the poll with you.”

34. At that time did you see Captain Richards?—I was facing him.

35. Mr. Justice *Blackburn*.] Was he in the passage, do you mean?—He was in the passage when I came from the cellar.

36. Mr. *Collins*.] Did you go anywhere with Captain Richards?—I walked part of the way; at least he walked part of the way to the polling booth with me; when we came near the “Clarence” I told him I was going in there, I was not going any further with him.

37. What did you say?—I said, “I am not going any further with you, I am going into the ‘Clarence.’”

38. The “Clarence” inn?—The “Clarence” hotel.

39. Was the “Clarence” hotel the head quarters of the Conservatives?—Westropp and Gray’s head quarters, I believe.

40. They were there?—They were there at the time.

41. Did you leave Richards?—He left me, I suppose; we separated.

42. And you went into the “Clarence”?—I went into the “Clarence.”

43. Who did you see at the “Clarence”?—I saw Mr. Westropp and Mr. Gray, and several other gentlemen; and I delivered the money up to Messrs. Westropp and Gray, and it was sealed in my presence; I never let it go out of my hand till I gave it up.

44. Did you go upstairs in the “Clarence”?—I did.

45. And you gave the sum of 10 sovereigns to Mr. Westropp?—I gave it to Mr. Westropp; it never left my hand till it passed to Mr. Westropp’s.

46. Did he give you anything in exchange?—No, he did not give me anything in exchange.

47. You say you gave 10 sovereigns?—

Mr. Justice *Blackburn*.] I suppose it will hardly be doubted that there was the 10 sovereigns given up at the time.

Mr. Serjeant *Sargood*.] I hardly know what to doubt yet.

Mr. Justice *Blackburn*.] Very well; go on with it.

48. Mr. *Collins*.] You gave the 10 sovereigns to Mr. Westropp?—Yes.

49. Did you see a man named Crocker at the “Anchor”?—I did.

50. Is he called Captain Crocker?—Yes.

51. What part of the house was Captain Crocker in?—The same room I entered myself.

52. The front room?—The parlour.

53. You say you saw it sealed; was that the seal,

J. Palmer.

J. Palmer. seal, so far as you know (*handing a packet to the Witness*)?—I will not swear to the seal.

24 February 1869. 54. A similar seal to that; who sealed it?—It was sealed, I believe, by Mr. Westropp, in my presence.

55. It was sealed by somebody, in your presence?—Yes.

56. Did you see Frederick Jarman and Mr. Phelps there?—I did.

57. At the time you gave up the money?—I did.

Mr. Serjeant *Sargood*.] He said he saw Mr. Westropp seal it.

Witness.] No; I believe not. I said, "I believed;" you must give me time to consider. I remember it was Mr. Phelps sealed it.

58. Was Mr. Westropp there at the time?—Yes; Mr. Phelps sealed it. Give me time to consider, gentlemen, I will be there directly.

59. Mr. *Collins*.] At that time, what were you; who were you employed by?—Mr. Searle, a builder, of Bridgwater.

60. You were foreman of the carpenters there?—I had the lead of the shop.

61. Since November, have you left their employment?—I have.

62. Since the election, have any offers been made to you?—None whatever.

63. Not by anybody?—No.

64. As to leaving the town?—None whatever.

65. Did you see Pearce as well as Crocker at the "Anchor"?—I did.

Cross-examined by Mr. Serjeant *Sargood*.

66. May I venture to ask if you have any political views at all; are your views Liberal or Conservative?—My views have always been Liberal up to the present question of the Church; since that I have deviated from the line of policy.

67. Since the discussion on the Church, your line of policy has been to take money for doing one thing, and going and doing another?—I merely did it to show up the dirt.

68. If the "Anchor" is such a dirty place, what happened to take you there that morning?—I went with a friend; I had been with him to the "Clarence," and I went to have a glass with him at the "Anchor."

69. You told us the "Clarence" was the Conservative head-quarters; did you know what quarters, if anything, the "Anchor" happened to be?—I knew Bussell was a Liberal.

70. Who was your friend who was with you?—Francis Carver.

71. Was he a Conservative or a Liberal?—I did not put the question to him.

72. You did not know?—I did not know.

73. Do you know which way he voted?—I believe for Kinglake and Vanderbyl; I do not know whether he did or not.

74. You think so?—I do not know.

75. You would call his views Liberal?—I have no reason to call them that; I do not know what he is.

76. You know what you are, a Conservative?—On the present occasion.

77. And have been so since what date?—You may date from the 17th of November.

78. I thought so; the change of policy happened thus; you went into the "Anchor" a Liberal, and came out of the "Anchor" a Conservative?—I never went into the "Anchor" to look for anything of the kind.

79. You went there a Liberal?—I promised to vote for Westropp and Gray previously to that.

80. When had you first promised to vote for them?—When Mr. Westropp and Mr. Gray called at my house I promised to vote for them.

81. When was that?—I cannot tell exactly; some few days before the election.

82. This was on the day of the election; this was on the Tuesday; would you say the previous Saturday?—Longer than that, I have no doubt; I cannot tell to a day.

83. A week?—It may have been a week, or a fortnight; I will not state the time.

84. With such a violent change in your opinions, I should have thought you would have remembered the time; was it a week or a fortnight before the election?—Somewhere thereabouts.

85. You were wrong in saying that the 17th was the day you changed?—That I showed it; that was when I came out, you see.

86. That was when you changed your colours?—As you like.

87. Is that what you mean, that was the first time you showed your true colours?—It was the first time I had a chance to vote.

88. What had your friend Carver and you been doing at the head-quarters of the Conservatives that day?—Merely taking a glass of beer.

89. Did you take him, or did he take you?—We went in together, and we came out together.

90. You know that is not an answer to my question; did he take you, or did you take him into the "Clarence"; I think I understood you to say that before going into the "Anchor," you and your friend had been into the "Clarence"?—Yes.

91. Did he take you, or did you take him?—I paid for a glass for him, and he paid for a glass for me.

92. At the "Clarence"?—At the "Clarence."

93. Then you had two glasses?—Yes.

94. Do you not know whether you, the Conservative, proposed to him, the Liberal, to go into the "Clarence" head-quarters, or whether he proposed it to you?—I do not know whether he asked of me, or whether I asked of him.

95. You found yourself there?—Yes.

96. What time of the day was that?—It must have been a little before two, I should imagine.

97. How long did you stay?—I suppose we stopped there about a quarter of an hour.

98. Then it would be a little past two when you came out?—Yes.

99. Did you go direct to the "Anchor"?—Yes.

100. Who had you seen at the "Clarence" before starting on your mission to the "Anchor"?—There was a crowd of people round the door, but there was no person but me and Mr. Carver in the room where we were. A man of the name of Hawkins was there.

101. Did you go into the room at the "Clarence"?—I sat down to have a glass of beer as we would at any public-house.

102. The "Clarence" is not a public-house; it is the first hotel in the town?—I believe it is.

103. While the "Anchor" is a little, I will not say "low" offensively, a little low beer-shop by the side of the bridge?—That is it.

104. Having had two glasses of beer already at the "Clarence," what could induce you and your

your friend to go straight to the "Anchor"?—He asked me if I would take a walk with him as far as the "Anchor."

105. Perhaps you did not quite mean what you said, when you started off on this story, when you said you took your friend there; you mean he took you there?—To the "Anchor."

106. That will remind you, perhaps, whether you took him to the "Clarence" or he took you?—I would not say whether I asked him to go in or not. We might have gone in together. It is like this; I would not say I did not ask him if I knew I really did. I might have done so. If there was a doubt, I would rather admit I asked him in. I will not be positive whether I did or not.

107. You mean to tell us when you went into the "Anchor" you were a Conservative who had pledged your vote to Mr. Gray and Mr. Westropp?—I had.

108. When Bussell beckoned you out, did you follow him into the cellar?—I did.

109. Did he say, "Come into the cellar"?—I followed him into the cellar.

110. You thought it very funny to go into the cellar?—No; I had not much time to think about it.

111. Is it a light or a dark cellar?—Light.

112. Which of you first spoke when you got into the light cellar?—Bussell told me to vote for Kinglake and Vanderbyl, and he would give me 10 sovereigns, and he placed it in my hands.

113. Am I to understand he held it out in his hand all ready?—He counted it like this; "One, two, three, four, five, six, seven, eight, nine, ten."

114. Did he say those figures?—Yes.

115. You did not tell us all that?—I thought the short answer would be the best.

116. Having made that little speech to you, after counting the money into your hand, what did you say?—"All right."

117. Did you intend that it should be all right, or did you intend to cheat him?—When I went into the house I had no notion that I was going to get the money; I thought that I would go and see whether such a thing was working or not. I said, "Now I shall be able to see whether the thing is working or not."

118. You went down for the purpose of seeing whether the thing was working or not?—That is it.

119. Did you tell Carver that was your object in asking him to go with you to the "Anchor"?—I did not.

120. That was your object?—It was; I have a witness to prove it.

121. Had you told anyone before you went that you intended to go there and see whether the thing was working or not?—As I was coming from the "Clarence" I met a man, who said, "You are not going to vote against us?" I said, I should not vote against Mr. Westropp for 50*l.*; but the others are doing their dirty work, and I will try and get a drop, and I will see you again within 20 minutes.

122. Who did you make that little speech to?—Mr. Hook.

123. Who is he?—A provision dealer.

124. You really went down in the purity of your motives to see whether you could detect anything of this sort going on?—That was the size of it.

125. What you told me about your going by
65.

the invitation of Mr. Carver to have a glass of beer was all a mistake?—He invited me first. I should not have thought of going into the house if it had not been for him; he gave me the invitation to go, and it struck me, "I will see what is up."

126. Did Mr. Hook say anything to you when you told him what your business was?—Nothing at all.

127. Did you go back after 20 minutes?—As soon as I had had the coin I went back to the "Clarence."

128. Did you go to Mr. Hook before you went to the "Clarence"?—No; I never saw him.

129. You did not go to Mr. Hook?—No; I went to Mr. Westropp.

130. Having promised Mr. Hook to see him in 20 minutes, did you break your promise to him?—I did.

131. Having been under a pledge to Messrs. Gray and Westropp for about a fortnight, in making that pledge to them did it happen that you had broken a previous pledge that you had made to Mr. Vanderbyl?—No.

132. Nor to Mr. Kinglake?—Never to either of them; I told Mr. Vanderbyl, "If I vote in the Liberal interest, I shall vote for you and you alone;" but that Kinglake, I would not vote for him on any consideration. That gentleman cannot deny it.

133. As you were so very vehement about Mr. Kinglake, probably you gave a reason for saying why you were so strong in not voting for him?—Perhaps I laboured under a mistake.

134. What do you mean?—I heard, in fact I had been given to understand, that Mr. Kinglake had opposed Mr. Otway's motion for the retention of the lash in the army. I believe that was what I told Mr. Kinglake at the time.

135. You think you told him what?—I understood he supported the lash in the army.

136. Mr. Kinglake did?—Yes.

137. And you, disapproving of it, gave that as your reason for not voting for him?—Yes.

138. What about Mr. Vanderbyl?—I never promised him at all.

139. What about the lash in the army with him?—Mr. Vanderbyl came to me and said, "I am coming down to have a flying shot at you." I said, "Mind you do not miss your mark."

140. Was nothing said about flogging in the army?—Not then; Mr. Vanderbyl never made answer to me to what I said respecting Mr. Kinglake; and there was nothing more said about it; but the next day Mr. Kinglake sent a "Parliamentary Record" for me to look at.

141. You have told us that Mr. Searle, the builder, was the gentleman in whose employment you were at this time?—Yes.

142. Did you not, as early as the month of October or the beginning of November, promise Mr. Vanderbyl your vote?—I never did.

143. On your master's premises, on the ground that he supported the abolition of flogging, and at the same time refused to promise Mr. Kinglake because you understood he took opposite views?—I never promised either, never; and Mr. Vanderbyl said, "Well, I have not met with a man during my canvass that has spoken more straightforward than you have; give me your hand, whether you promise or not."

144. It might be straightforwardness about Mr. Kinglake; did not Mr. Kinglake tell you you were quite under a mistake as to his vote,
and

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and he would send you a book to show that he took the same view as you did?—He did.

145. And did he not send the book?—He sent the book the next day.

146. Did not you then promise to vote for them both?—Never.

147. About what time was this; was it the end of October?—I cannot tell; I should think it was about that.

148. That would be before you had promised your vote to Mr. Westropp and Mr. Gray, at any rate?—In my conversation with my shopmates I had always said I should support Mr. Westropp.

149. That was before you had promised absolutely to vote for Mr. Westropp and Mr. Gray?—I cannot hardly tell; I do not know whether it was or not.

150. Do not you know whether you had become a Conservative by that time or not; you told me you were always a Liberal?—I cannot tell; I would not be positive whether it was, but it was very near the time; both parties were canvassing the town at the time, but I believe I saw Mr. Westropp and Mr. Gray after.

151. Did you take much money with you when you went to Bussell's little tavern by the river side?—No, not a penny; I went in the morning and borrowed a shilling of Mr. Searle, because I had not money in my pocket to get a glass of beer.

152. Mr. Searle being your employer?—Yes.

153. I think we made out that it was about a quarter past two when you had this interview with Mr. Bussell?—Something about that.

154. At what time did you vote?—After I had given the money to Mr. Westropp I went and polled for Mr. Westropp and Mr. Gray; it may be half-an-hour or an hour; I never left the "Clarence" till I polled.

155. Do you remember meeting Mr. Searle about two o'clock on the polling-day?—I remember meeting him when I was going to poll.

156. Did he remind you that you had promised to go and record your vote?—Not that I am aware of; Mr. Searle held up his hand like this (*shaking his fist*); I do not know that he uttered a word.

157. Did you utter a word to him?—No; I never spoke a word to him on that occasion.

158. Did not you say to him, "All right, governor, I shall not poll till after I have seen you"?—No, it is not very likely; no, I did not.

159. Did he say to you, "Go and poll, James, like a man"?—I never heard the words.

160. Did you say to him, "You know my circumstances; I want money; money is more to me than politics"?—Never, I deny it, never; he has called me into the office at different times and asked me whether I would vote for Kinglake and Vanderbyl, and I have said, "Wait till the day of trial comes; I will never promise you nor any man"; repeatedly he has called me and asked me, and he said I should have whatever was going in the market if I voted for Kinglake and Vanderbyl.

161. Did Mr. Searle say to you, "If that is your mind, you will have no money from me"?—Nothing of the sort.

162. I am talking of the polling-day?—Nothing of the sort.

163. Did you say to him, "I shall go with the stream"?—Mr. Kinglake and Mr. Vanderbyl; the last time I saw Mr. Searle—

164. Did you say to him, "I shall go with the stream"?—Allow me a moment.

165. Mr. Justice *Blackburn*.] You are asked whether, on the polling-day, as you were going to the poll, this took place?—

166. Mr. Serjeant *Sargood*.] Did you say to Mr. Searle, "I shall go with the stream"?—I did, meaning Westropp and Gray. They were in the majority.

167. Mr. Justice *Blackburn*.] When did you say this?—I suppose about 11 o'clock on the polling-day.

168. Mr. Serjeant *Sargood*.] You have been asked about what happened after you had been to the "Anchor"; am I to understand that you now swear that what you said about going with the stream was before you went to the "Anchor"?—Before.

169. At 11 in the day?—I cannot tell exactly; I had no watch; I suppose about 11. I am on my oath; as near as I can speak to the time, that would be it.

170. You met Mr. Searle twice during the polling-day, and had a little conversation with him?—I was at work the early part of the day.

171. You met him twice on the polling-day?—I was at work.

172. Do you mean you were doing the carpenter's work at the booth?—Yes.

173. Was it at 11 that you were doing the carpenter's work at the booth?—No; I went to Mr. Searle to borrow a shilling about then.

174. You were not doing carpenter's work then?—No.

175. And you were not doing carpenter's work about two, when you recorded your vote?—No.

176. You met Mr. Searle twice on the polling-day; once at 11 o'clock, when you talked about going with the stream, and again in the afternoon, when he held up his hand in the manner you have described?—Yes; he stood at the booth as I was going to poll; he held his hand up like that.

177. You saw him then?—Yes.

178. Are you quite certain what time it was when you went to poll?—It was after I left Bussell's and gave the money up to Mr. Westropp that I polled. I might have stopped there half-an-hour.

179. Did anybody go with you up to poll?—Mr. Harwood, the timber merchant.

180. Mr. Harwood, the timber merchant, took you to the poll?—He walked with me.

181. Is that James Harwood?—Yes.

182. Do you know William King, the smith?—I do.

183. Did you see him on the day of the poll?—I did not.

184. Is he Liberal, or of your views?—I do not know.

185. Try and remind yourself whether, about 10 o'clock on the day of the poll, you did not meet King on the bridge?—I am positive I did not; I never saw him, not to speak to him; I might have seen him, but not to speak.

186. Do you remember meeting him near that time on the bridge?—I do not remember seeing him or meeting him at all.

187. I must refresh your memory about it; do you remember saying to Mr. King, "Can you do anything for me"?—Never; I never remember seeing him during the day; I never spoke to him if I saw him.

188. I mean that or any day just before?—

Not

Not that day, or any day; I never spoke to him on the matter on any occasion whatever.

189. What do you mean by "on the matter;" what matter?—Touching the election; I never saw him to speak to him; in fact, I do not think I have spoken to King this twelvemonths.

190. Did you say to him, "Can you do anything for me?"—I am positive I never did.

191. Did he say to you, "What do you mean?"—Never; I never had any conversation with the man.

192. Did not he say, "How is it possible for me to know what you mean? if you speak plainly, I will give you an answer?"—I never saw him or spoke to him.

193. Did you say, "The fact is, some one is pressing me for a little bill of 10 L, and I am bound to get the money to-day by some means or other?"—If that man says that, it is a fabrication and lies; I never saw him, and he is a —

194. You were going to say he is something?—He tells a falsehood.

195. Did you say if you did not get money your wife and family —?—I never spoke to him; I never saw him during the day or the days previous.

196. Did you say to him, "If I do not get the money my wife and family —"?—I have told you once for all that I never spoke to him.

197. Mr. Justice *Blackburn*.] Listen to the question put to you, and see whether the particular words were said to you?—

198. Mr. Serjeant *Sargood*.] I may bring it back to your mind; did you say, "If I do not get the money, my wife and family will be turned into the streets, and my things sold, and nothing but the union before me"?—I did not; I never saw him.

199. Did you say, "I am certain to get 10 L. before I go to the poll"?—I did not; I never anticipated such a thing until, as I told you just now, between the hours of two and three; as near as I can judge, it was just after two that I went into the "Anchor;" that is the only time it entered my thoughts about money.

200. Do you know John Harwood, a master mariner?—I do.

201. Did you see him between two and three on the day of the poll, on the weighbridge close by?—Yes.

202. You did see him?—Yes, I did.

203. Did you ask him to have a glass of something?—I did.

204. What did he say?—He said he would not; not then.

205. Did he say he was a teetotaler?—I do not know whether he said that; sometimes I know he is a teetotaler. Sometimes we have taken a glass together. I asked him then, not knowing he was a teetotaler, if he was.

206. This was between two and three, you know?—I cannot tell what time it was. I saw Captain Harwood several times during the day.

207. I am speaking of between two and three; not several times?—Yes.

208. Mr. Justice *Blackburn*.] Was it before or after you went to the "Anchor"?—I saw him before I went to the "Anchor"; before I received anything at the "Anchor."

209. When did you have this conversation with him; was it before you went to the "Anchor"?—It must have been, because I did not see him afterwards.

65.

210. Did you ask him to go to the "Anchor"?—No. *J. Palmer.*

211. Or to the "Fountain"?—I asked him to go to the "Fountain," or into Mr. Merson's. I asked him whether he would take a glass of beer or anything else with me. He said he would not; not then.

212. How much of the shilling that you had borrowed early in the morning, because you had not a penny, was left at two or three o'clock?—I do not know. I cannot tell how much I had left; a shilling does not go very far after you have had two or three glasses of beer.

213. But you were going to treat him; how much of the shilling had you left?—I do not know. I had a shilling, and if I had a glass at the "Clarence," and a glass there, that would only be threepence.

214. Did you say to John Harwood, "Are there any paunches knocking about"?—I did not.

215. Or "pouches"?—I did not.

216. Nothing of the sort?—No.

217. Did he say he had nothing of the sort on their side?—I never put the question to him, and I did not hear him say anything about the matter.

218. Did you say you wanted some money for your vote, and you meant to have it before you voted?—No.

219. Nothing of the sort?—Nothing of the sort.

220. It is quite a mistake?—It is a mistake, or a falsehood.

221. How soon after the polling-day did you communicate with any of the gentlemen on the other side about giving evidence in this matter?—Not the next day. I do not think it was the next day, and not the day after, but one day passed before I went; then I went to Mr. Brice's office.

222. About the Thursday; what happened on the Thursday; who did you go to?—I went to Mr. Brice's office and made a statement.

223. What did you say?—I told him where I had the money, and when I had it—

224. Had you then told them all that at the "Clarence"?—Yes, of course I had.

225. What did you want to go and tell it all over again for?—I am sure I do not know. I did not go in for any particular purpose. I merely went in to tell them I had the money.

226. You did go?—Yes, I went to make a clear statement, to tell them where I had the money, and how I had it.

227. You had not been very clear, probably, about it on the polling-day?—Yes, as clear as I am now.

228. What did they want with a clear statement afterwards?—I did not say they wanted it. I merely went in to tell them I had the money. I was not sent for. I went in to tell them I had the money.

229. That is, on the Thursday, you went and told them all over again what you had told them on the Tuesday?—Yes.

230. How many times have you been there since?—Not once.

231. You cleared it all out and had it written down then and there?—It was taken down.

232. Perhaps they asked you to put your name to it?—They did.

233. May I venture to ask whether your expenses as a witness have been considered at all?—

Never

J. Palmer. Never a penny. I have never received any, nor a promise, neither do I anticipate it.

24 February 1869. 234. It is all done in furtherance of the good cause?—I did it, and I do not expect anything for so doing in no shape or form.

235. My learned friend has asked you twice, and you did not condescend upon an answer; I will ask you what was it that you got in exchange for the 10 sovereigns you handed over at the "Clarence"?—I took in the 10 sovereigns and put it down on a table.

236. That is not an answer to my question?—I was not going to leave the 10 sovereigns there without I had 10 pounds in the place of them, because I did not know what this affair—

237. Mr. Justice *Blackburn.*] Then you did get 10 l. in exchange?—I had 10 l. in exchange, and I have the 10 sovereigns now.

238. There were 10 sovereigns given to Mr. Westropp, and Mr. Westropp sealed them up; did he or anybody else give you other 10 sovereigns instead of them?—Mr. Westropp had not sufficient money, I believe, in his pocket, and Mr. Hennett placed 2 l. with 8 l. of Mr. Westropp's, because I said I considered it to be my money, because I had not fulfilled the contract.

239. Mr. Serjeant *Sargood* (to the *Witness*).] You see I do not affect quite to understand your policy, as you call it; you told me you went down to the "Anchor" to discover those sort of things for the good of the cause; if that was your only object when you had trapped them into giving you the 10 sovereigns and given them to the other side, why did you want the sovereigns back in exchange?—As to the reason why I must take time to consider to answer that question. It is rather—

240. I will give you time to consider?—I had the money, and of course I placed the money on the table; and if I had placed that 10 sovereigns there, and if they had taken the 10 sovereigns up, of course I should have been nothing the better for it, and they would have had the money, and I should have been out of employment as well, because I knew I should be turned out of my situation after that.

241. Do you mean to say that you went to the "Anchor" inn to carry out this little plot with the consciousness that if you succeeded you would lose your situation?—I knew it.

242. And yet you voluntarily went and did it?—I did.

243. Are you a family man?—I am.

244. Have you any children?—Five.

245. Can you tell me what was your object in going and doing this, with the consciousness that you would lose your situation and leave your family destitute?—This was the size of it, you know: they professed to be such Puritans on the opposite side, and they had bills stuck up that there would be imprisonment, and all this sort of thing, and they were the very first party that began to "sugar" the people. Do you see that?

246. So that it was your indignation at this impurity which tempted you to sacrifice your family and yourself in the service of virtue?—It was.

247. Subject always to keeping the 10 l., if you could get it?—That is as you like to construe it.

248. How much of the 10 l. is left?—I have got it all, if you require it.

249. But I thought you said you took it because you required it for your family?—I did not say so; I did not require it for my family.

250. Then why did you take the 10 l. from them?—Suppose this affair had not been brought up, they would have had the 10 l., and I should not have been any the better for it.

251. If this affair had not been brought up, they would have got the money and not you?—That is it.

252. So that you thought, whether the affair came to light or not, you had better pocket the money?—Keep the 10 l.

253. Then, as to whether those 10 sovereigns which you handed them ever came from Bussell at all, you are the only person who are able to state, and no one else knows anything about it, as between you and Bussell?—No person but Mr. Bussell was present.

254. What have you been doing ever since you lost your situation; I suppose you have lost it?—I have.

255. What have you been doing ever since?—At work.

256. For whom are you at work?—Some part of the time, five or six weeks, I was working for Thomas Skinner.

257. Who is he?—He is a builder in the town.

258. That is your trade; there is no harm in that; have you done any other work with somebody else?—I have been doing bits of jobs on my own account.

259. Have you been in any other person's employment?—Working for Mr. Humber.

260. Whose employment are you in now?—Mr. Humber's.

261. Is he a gentleman who takes your peculiar political views, such as they are, Gray and Westropp we will call them?—I cannot tell you, I am sure; I believe he is a Conservative.

262. Do you not know that he is the gentleman who objects to vote on their behalf?—I do not know anything about objections, but I believe he is a Conservative.

263. And the other gentleman, the builder, is he also a Conservative?—No, he is a Liberal.

264. However, you have left him and gone to the Conservative builders, and here you are?—Here I am.

265. And you have the 10 l. still?—I have the 10 l. still.

Re-examined by Mr. Serjeant *Parry*.

266. You say you have got this 10 l. now; have you the same 10 sovereigns, or have you got 10 l. by you?—I have got the same 10 sovereigns.

267. You have not changed them?—I have not changed them.

268. Have you them about you now?—I have not, but I can go and get them, and any person can go to the house with me and get them.

269. You have kept those 10 sovereigns actually given to you in exchange for what Bussell gave you ever since?—I have.

270. What wages do you earn upon an average?—At the time I was at Mr. Searle's I think I might have averaged about 24 s. a-week.

271. And what wages do you earn now?—About 23 s.

272. Are those your average wages?—They are.

273. And are you able upon those wages to support yourself and your family?—I am.

274. Had

274. Had you ever any thought of going to the workhouse or anything of that kind?—I had not.

275. Did you ever say anything to anybody about that?—Never in my life.

276. At that time were you under pressure for 10*l.* for any particular debt?—Never in my life was I pressed for 10*l.*, nor yet half the money.

277. Were you at that time?—Never in my life, nor yet half the money.

278. You always paid your way?—I always paid my way.

279. With regard to Mr. Searle, was he a supporter of Kinglake and Vanderbyl?—He was.

280. How many men had he in his employment at the time of the election?—Well, I suppose there were about 10 there, carpenters and joiners.

281. You say he spoke to you about your vote; do you mean that he asked you to vote for Vanderbyl and Kinglake?—He did.

282. How many times did he do that?—He has invited me at different times to come to meetings, and I told him at the time, "Wait till the day of trial comes; I will not promise."

283. He asked you half-a-dozen times?—Yes.

284. Do you know whether he canvassed any other men?—I do not think there was any other man.

285. Do you know of Mr. Sarle of your own knowledge canvassing at all for Messrs. Vanderbyl and Kinglake?—I do.

286. Have you seen him?—I have.

287. Have you seen Mr. Sarle in company with Mr. Vanderbyl and Mr. Kinglake?—I have.

288. Canvassing?—I have.

289. How often?—Only once.

290. Can you state where that was?—At Pooles-court.

291. Is that a court near Mr. Sarle's shop?—It is near Mr. Sarle's shop.

292. Are the people who live in Pooles-court tenants of Mr. Sarle, or anything of that kind?—No.

293. How many persons did he canvass at all?—I do not think he went but to that one court.

294. About how many voters or persons were there to canvass in that court?—I cannot tell you.

295. About how many?—About half-a-dozen, I suppose.

296. And that is the only occasion that you knew of his canvassing?—I suppose you call it canvassing if you see a person walking with the candidates; I do not know anything more; I merely saw him enter the court with them, but not to go into a house, you understand.

297. And that is all you know of his doings at the election?—Yes.

298. Have you seen him at public meetings with Mr. Vanderbyl and Mr. Kinglake?—No.

299. Did you go to public meetings?—I went to every Conservative meeting, but the Liberal meetings I never attended at all.

300. That is all you know, of your own knowledge, about Mr. Sarle?—It is.

301. You used an expression, that you would go with the stream, about 11 o'clock; I think the Conservatives were about 150 ahead at that time?—They were, or more, I think; the reason that I said that was this: I had been hesitating; I thought to myself, well, if I vote for them, which I felt inclined to do, I shall lose my situation, and I hesitated; but at last I said, well, I will go with the stream.

302. Were you at work that day?—A part of the day.

303. Do you know, or not, that the yards, or whatever you may call them, were closed on that day, or a good part of the day?—They were.

304. Are the Messrs. Brown brickmakers?—They are.

305. There are a great many men there who are voters, are there not?—There are.

306. Do you know whether that yard was closed on that day?—I do not know; I saw a great quantity of men on the Cornhill.

307. Did you see a great many working men whom you knew to be voters lounging about the streets on that day and not at work?—I did.

[The Witness withdrew.]

JAMES PHELPS, sworn; Examined by Mr. Collins.

308. WHAT are you?—A corn merchant.

309. Living in Bridgwater?—Yes.

310. Do you remember Tuesday, the polling day?—I do.

311. On the afternoon of that day were you at the "Clarence"?—I was.

312. Do you remember the last witness, James Palmer, coming to the "Clarence"?—I do.

313. Mr. Justice Blackburn.] Can you fix the hour at all?—I cannot.

314. Mr. Collins.] Can you fix about the hour?—I should think it was about three o'clock.

315. Was Mr. Westropp present, and several other gentlemen in the room?—They were.

316. You say James Palmer came into the room; did you see him give anybody anything?—I saw him give Mr. Westropp 10 sovereigns.

317. What did he say when he gave them?—He said he was paid 10 sovereigns by Bussell to vote for Messrs. Kinglake and Vanderbyl.

318. Did he produce the 10 sovereigns?—He did produce the 10 sovereigns. J. Phelps.

319. We hear that he had 10 sovereigns given in exchange for them?—He had.

320. Did you seal up those 10 sovereigns?—I did.

321. Is that your seal (*handing a packet to the Witness*)?—That is the packet.

[The Witness withdrew.]

Mr. Serjeant Parry proposed to hand in the packet of sovereigns.

Mr. Justice Blackburn directed that the packet should be opened by the Registrar of the Court, and it was found to contain 10 sovereigns.

WILLIAM CROCKER, sworn; Examined by Mr. Serjeant Parry.

W. Crocker.
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322. ARE you a master mariner?—I am an invalid now, but late a master mariner.

323. Do you know Mr. Henry Chapman Bussell?—I was into his house about half-past one.

324. Do you know him?—I know him.

325. On the day of the last election were you at his public-house, the "Anchor"?—I was in there about half-past one in the afternoon.

326. Did you see James Palmer there?—I saw him there.

327. Did you see any one with him?—Francis Carver; he was with him.

328. Did you see him or not speaking to Mr. Bussell?—I did not see him; I saw him go out of the room, but not return again.

329. What did you see or notice next?—I was in there about half-an-hour.

330. Could you tell at all how long Bussell was out of the room before he returned, if he did return?—Half-an-hour.

331. With Palmer?—He did not come in at all; Palmer did not come in at all.

332. In about half-an-hour Mr. Bussell came back?—He came back and he winked his eye, and he nodded his head to me.

333. Then what did you do?—I went out into the cellar along with him.

334. Now tell us what happened?—He axed me who I was going to vote for. I told him for Mr. Westropp and Mr. Vanderbyl; and he says, "No, no, no, no, we don't want Mr. Westropp, but you must vote for our old friend Mr. Kinglake." I says, "He is no friend of mine, but he may be of yours." He says, "I will give you 10 l. for to vote for Mr. Kinglake and Mr. Vanderbyl," and he counted 10 sovereigns in my hand.

335. What else did he do or say, or what did you do?—I went over to the Salmon Parade Booth and voted for Kinglake and Vanderbyl.

336. What did you do with the money when he had counted it into your hand?—I put it in my pocket, and went away over to the Salmon Parade Booth and voted for Kinglake and Vanderbyl.

337. About what time in the day was that?—Two o'clock in the afternoon.

338. Did you go direct from the "Anchor" to the poll?—From the house; they drove me in a chaise to the Salmon Parade to my booth, and I voted for Kinglake and Vanderbyl.

339. Do you know the name of the driver who drove you?—I do not.

340. Do you know whose fly it was that drove you?—I think it was Hodge's.

341. Hodge's, of where?—Of the "Railway" hotel.

342. You know Bussell?—I knew him over 30 years ago.

343. Has he always been an active——?—Always on the Liberal side.

344. And an active man?—A very active man.

345. Can you say of your own knowledge whether he canvassed for Kinglake and Vanderbyl?—I cannot; I never saw him.

346. Did you ever see him in their company?—I never did.

347. Did you see him at any time at public meetings?—I have saw him up in this here hall.

348. Was he on the platform with them, or

what?—He was over just there (*pointing to a part of the Court*).

349. Was that on the day of the nomination, or was it at a meeting?—At several meetings.

350. Then, what I ask you is, and what I want to know is, whether you have seen him at several meetings when Messrs. Kinglake and Vanderbyl have been present?—I have.

351. Addressing the electors?—I have.

352. Has he taken any active part in those meetings that you have noticed?—I believe he has.

353. Did he ever speak at meetings?—I never heard him speak.

354. You say you have known him for 30 years; have you seen him at all since the election, or missed him, or what?—I have not.

355. Have you seen him or not since the election?—I have not.

356. You mean to say that you have not seen him since the day of the election?—I think I saw him about a fortnight afterwards, and then I heard that he was going down to Cork.

357. You have not, however, seen him since a fortnight after the election?—I have not.

358. Have you been to his house since?—I have been there several times.

359. Have you never seen him?—I have never seen him.

360. Is his wife there now?—Oh, yes.

361. She has been there ever since?—She is there to attend to the house.

362. You say that on the day you received this 10 l. from Bussell in the cellar you saw Palmer there; did you see a man of the name of Hugh Pearce there?—I did.

363. Was that about the same time that you were there?—That was about half-past one o'clock in the afternoon.

364. Did you see a person of the name of George Bond, a shoemaker, there?—I did.

365. Pearce was a voter?—Yes.

366. Was Bond a voter?—I believe so.

367. Did you see anybody else there on that day besides those you have named?—I saw 13 or 14 people there, but I cannot recognise them now.

368. You cannot tell us the names?—No.

369. What were they doing?—Oh, they were singing out—"We shall lose it! we shall lose it! we shall lose it!"

370. Was there any drinking going on there that you saw?—None as I saw. I had a glass of beer there, but who paid for it I do not know.

371. Did you pay for it?—I did not.

372. What did you do with those 10 sovereigns?—I gave it to my wife.

373. And she is here?—She is here.

Cross-examined by Mr. Henry James.

374. You have had an attack of illness, have you not?—I have.

375. When was that?—Six years ago, the first of June.

376. But you have had none lately, have you?—No.

377. I don't want to ask you unnecessarily about that, but is your memory as good as it was?—Just as good. What for? Why?

378. For

378. For bribery. You ask me good for what. Is your memory as good as it was?—Yes, it is.

379. You had rather a painful illness, had you not?—I had; I had a stroke.

380. You are not as strong as you were?—No.

381. Have you been able to go to sea?—I have not been to sea these six years now.

382. What have you been doing for your living?—We live on my income.

383. You mean that you have saved money enough to live upon?—No, but I have money enough to keep me.

384. From what source do you get it?—I get some from the Odd Fellows society, and 3 s. a week I let my house for, and my wife takes in washing, and that is enough for to keep me, and I don't pay any house-rent.

385. I presume you have not had a vote before?—No.

386. You were not a 10 l. householder?—No.

387. This is the first time you have had a vote?—It is.

388. Probably you were silent on your political opinions, but had you not before the election promised both Vanderbyl and Kinglake?—Vanderbyl and Westropp.

389. Did you not promise Mr. Kinglake?—No, I did not; I shook my head at him. I shook my head at Mr. Kinglake and Mr. Gray, and I promised Mr. Westropp and Mr. Vanderbyl.

390. Did Mr. Kinglake canvass you?—He did.

391. Did you give him no answer?—I gave him no answer at all, but I promised Mr. Vanderbyl.

392. Had you not spoken to him when he asked you to vote for him?—Well, I believe he did.

393. Did you not tell him that you would vote for him?—Well, I believe not.

394. But you must know; I ask you in the presence of persons that canvassed; upon your oath, did you not promise to vote for Mr. Kinglake?—I believe not.

395. Do you not recollect?—No.

396. Why did you say, "I believe not"?—I promised Mr. Vanderbyl and Mr. Westropp.

397. That is perfectly possible, but did you also promise Mr. Kinglake, or not?—I believe not.

398. Why do you say, "I believe;" have you forgotten?—I may perhaps have promised him.

399. And also have shaken your head at him?—Yes.

400. Did you intend him to understand that you were going to vote for him, or not?—I don't know about that.

401. If you promised, as you say you may have done, did you intend him to understand that you would vote for him?—I promised Mr. Vanderbyl and Mr. Westropp, and that is all I know about it.

402. You do yourself an injustice. You have told me that you may have promised Mr. Kinglake; now, if you may have promised him, when you did promise him, did you intend him to believe that you were going to vote for him?—That was his own mind about it.

403. Did you expect him to rely upon what you said, that you would vote for him?—I do not know what he might rely about, I cannot say that.

404. But we wish to know how far we may rely on you. When you told Mr. Kinglake you

65.

would vote for him, did you intend to do so, or not?—Well, I believe I did.

405. Did you intend to vote for him?—It was in at the "Queen's Head."

406. Now you see your memory is better?—We had Mr. Sully and Mr. Rigg there.

407. When you gave Mr. Kinglake that promise?—Mr. James Sully gave me a pint of half-and-half.

408. That seems a pleasant memory to you, but do answer my question. At the time you promised Mr. Kinglake to vote for him, had you promised Vanderbyl and Westropp?—I had not.

409. Did you intend to vote for Mr. Kinglake when you promised him?—I did not.

410. So you gave him that promise intending to break it?—I did break it.

411. I know you did, and you intended to do so at the time you made it?—I did; I intended all throughout to vote for Mr. Westropp and Mr. Vanderbyl.

412. It is but justice to a gentleman in your position that you should have an opportunity of explaining why you promised Mr. Kinglake to vote for him, intending to break your promise at the time?—Oh, that is very often done.

413. By you?—No.

414. Why did you do so?—Well, I do not know.

415. Why did you promise Mr. Kinglake to vote for him, not intending to fulfil your promise?—I cannot answer that.

416. But you are quite sure that you did intend to break it at the time you made it?—Well; I know'd I was going to vote for Mr. Vanderbyl and Mr. Westropp, one and one, because I know'd nothing at all about Mr. Kinglake; but I always heard that Mr. Vanderbyl was a very good sort of a man, but as for Mr. Kinglake he wasn't no good here.

417. I was only repeating my question; with those very decided views, why did you tell Mr. Kinglake you would vote for him, for a man who was "no good here"?—As a matter of form, I suppose; that was all.

418. You state that a promise, which you did not intend to perform, is a matter of form?—Yes.

419. Is that your habit?—My habit? I don't know that it is a matter of habit.

420. If it is a matter of form, it would almost be a custom or habit, would it not?—I do not know what you may call it, you may call it what you like.

421. I will, by-and-bye; you have known Bussell for some time?—Thirty years.

422. Is he a man pretty well to do?—I believe he is.

423. He keeps this public-house, and he has kept it for some time?—He has kept it now for upwards of 13 or 14 years to my knowledge.

424. There has been a good deal of custom there, has there not?—I do not know what there is.

425. Have you been in the habit of going there?—Once a month, perhaps.

426. Have you seen a good many people there?—Well, pretty brisk sometimes.

427. Did you also know that he was a part owner in some ships?—I believe he was.

428. Of several?—No, never several; he had got one.

429. And more than one?—I do not believe he had.

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430. Was

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W. Crocker. 430. Was he part owner of more ships than one?—No; the packet and the “Elizabeth.”

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Mr. Serjeant *Parry* objected to the reception of this evidence.

Mr. Justice *Blackburn* ruled that it was admissible, as showing the status in life of Bussell.

431. Mr. *Henry James* (to the *Witness*).] He was a man that used to talk to you about his ships?—Very seldom.

432. I gather from that, that he did sometimes; you have always known Bussell always taking a very great deal of interest in politics on the Liberal side?—I did.

433. Did you ever know of his making bets at all?—I never did.

434. All that you knew was, that for years he had been an active Liberal politician?—An active man.

435. May I ask was your visit to that place merely for the purpose of taking beer that morning?—He called me in there; the man himself.

436. Who did?—Mr. Henry Bussell called me into his house.

437. What time was that?—About half-past one o'clock.

438. Had you seen him before that morning?—I had; I was in there about half-past 11 o'clock.

439. There was nothing said about money at half-past 11 o'clock?—Not a word.

440. And then, as you tell me, it was about half-past one o'clock that he called you in?—About half-past one o'clock.

441. It was about two, when you went with him into the cellar?—Thereabouts.

442. Did you see whether he took the money from his pocket, or where he took it from?—Out of his right hand pocket. “Hold up your hand,” he says, and he counted them in one by one.

443. You held it out soon enough?—It was very handy to me too.

444. The money?—I should like to have it every day like that.

445. For your vote?—I would not care whether it was for my vote, or for anything else.

446. You kept the money and gave it to your wife?—I kept the money and gave it to my wife.

447. And, as far as you know, it has been spent on your household?—As far as I know.

448. When did your views cause you to give information about this to any one?—About a week or a fortnight after the election.

449. You can give me no nearer date than that?—I cannot.

450. To whom did you give it?—To Mr. James Palmer, here.

451. The gentleman who was examined first this morning?—Yes.

452. Did he ask you about it, or did you go to him?—I went to him.

453. What caused you to go to him, your conscience?—Perhaps it was.

454. Then if it was your conscience that took you to Mr. James Palmer to tell him you had received 10*l*., you felt that you had done wrong?—Felt that I had done wrong? I don't

know that there is anything wrong in having the money.

455. Was it conscience that prompted you to go to James Palmer?—I believe it was.

456. Did you think you had done wrong?—I cannot see very much wrong about it.

457. Then, if it is not a privileged communication, what was it that your conscience told you that prompted you to go to James Palmer, was it that you had done right?—Right or wrong, I do not know, but I went there to him.

458. With what object did you go to him?—For to make a confession of it.

459. Then surely if you made confession, you confess your wrongs; you went to confess you had done wrong?—Well, I suppose I did do wrong.

460. Will you tell me what you meant by telling me just now that you should like every day to have 10*l*. for your vote?—Not for the vote at all.

461. You said you did not care whether it was for your vote or not?—For anything else.

462. But, inclusive of anything else, right or wrong, you would have taken 10*l*. for your vote, or for anything else; what a lot of confessions you would have to make, you know?—Well, a lot of confessions; it was only one confession after all.

463. But you have said you would like to have 10*l*. every day for your vote, or anything else; you would be going to Palmer every day, if that was so?—Well, on a visit, I suppose.

464. Now, as your conscience did thus trouble you, why did you go to James Palmer?—In the evening.

465. But why did you pick him out as your confessor; you could not have thought him a holy Palmer; why did you pick him out as your confessor?—I never confessed to him.

466. Mr. Justice *Blackburn*.] Why did you go to Mr. James Palmer to tell this story, instead of telling anybody else?—Because I heard he had had 10*l*. from Mr. Bussell too.

467. Mr. *Henry James*.] Then you thought Palmer had done wrong, so you went to tell him you had done wrong too?—If he was into a mess, why I should be in the very same mess with him.

468. But nobody at that time, except your wife, knew that you were in a mess?—Oh, yes, they did.

469. Who did?—There was hundreds knowed I had the money.

470. How?—Because everybody that axed me I never concealed it; not from one.

471. But had people been saying that you had had money?—Yes.

472. Then why did you go and tell James Palmer, if hundreds knew it?—Palmer went up to Mr. Brice's office along with me.

473. Where did you meet him before you went to the office?—Out here, by the “Clarence Hotel.”

474. By accident, or by appointment?—By accident.

475. Then did you go and speak to him?—I did.

476. Did he ask you to go with him to Mr. Brice's office?—No, I wished to go.

477. Then it was to Mr. Brice that you wished to tell the tale?—It was.

478. Did you ask Palmer to take you?—I did.

479. Did

479. Did Palmer go with you to Mr. Brice's office?—He did.

480. And you and Palmer saw Mr. Brice together?—I did not see Mr. Brice.

481. Whom did you see?—Mr. Jones.

482. Is he a clerk or what?—A clerk.

483. Palmer was with you?—He was with me.

484. A fortnight after the election?—A week or a fortnight, or thereabouts.

485. Are you quite sure this was not the Thursday after the election?—I will not say that.

486. Did you know at that time that Palmer had given information?—I did.

487. And he was first?—So I heard.

488. You had heard that?—Yes.

489. How long have you known Palmer?—Twenty-one years.

490. You have been on pretty intimate terms with him, have you not?—Well, no.

491. Had you met him at Bussell's?—I had.

492. At the time you mentioned this circumstance to Palmer, was Bussell in the town or out of it?—I do not believe he was.

493. You think he was gone?—I think he was.

494. So long as Bussell was here, you never mentioned it to any one but your wife, did you?—I did.

495. To whom?—To several people.

496. Tell me the persons to whom you mentioned it whilst Bussell was in the town?—To Mrs. James.

497. I do not know that lady, and to whom else?—To Henry James.

498. Well, I do not know that gentleman; there shall be no doubt about the identity; he is dead, is he not?—He won't tell no tales, he won't.

499. But when did he die?—Why, three weeks ago.

500. Tell me any living person to whom you mentioned it while Bussell was in the town?—William Baker, a boot and shoemaker.

501. Was that before you went to Mr. Brice's?—Yes.

502. And you told him that you had had 10 l.?—I had 10 l. to vote for Kinglake and Vanderbyl.

503. That you told me before, because you thought you had done wrong I suppose?—I don't know about doing wrong or right; I cannot tell about that; I cannot see very much wrong in it.

504. You have had no money from any one for this evidence of course?—I have not.

505. Nor a promise of money?—I have not.

506. How many times have you seen Palmer about it?—Once since that.

507. When was that?—On Saturday week.

508. Did he come to you?—No.

509. Did you go to him?—I was walking down, and I met with him.

510. Did Palmer ever tell you that he had 10 l.?—He did.

511. Did he tell you that the money was counted out in his hand?—He did.

512. It so happened that the money was counted out in yours too?—It was.

513. Did Palmer tell you that the money had

65.

been counted over in his hand before you went to Mr. Brice's office or after?—In the office.

514. At the same time?—At the same time.

515. Did he tell that to you or the clerk?—To me and the clerk.

516. Who spoke about the counting out in the hand first, you or Palmer?—Palmer, I think, it was.

517. Palmer said first that he had had it counted out, and then you told this tale that it was counted out in your hand too?—Yes.

518. In the cellar, and the same sum?—Yes.

519. The meetings that you spoke of when Bussell was present were open meetings, so that anyone could come to them?—I think they were meetings for all hands; any person could come in that liked.

520. The whole constituency or the whole populace, of whatever side in politics, could come in?—Yes.

521. You told the gentleman who examined you that Bussell was very active at those meetings; what did you mean by that?—He was always in the Liberal interest.

522. But the question was put as to these Liberal meetings in this room, and you said he was very active in them; what did you mean by that?—He was always hopping about and jumping about after people.

523. It was a very full meeting was it not, so probably he could not jump about much, but what did you mean by his being very active?—Out in the street he was very active.

524. But never mind out in the street, in the meeting do you mean that he was very active in the meetings?—I do.

525. How was he active?—He was always hurrahing.

526. I suppose other people hurrahed, did they not?—I suppose so, I did not, I know.

527. You did not hurrah for Mr. Vanderbyl even, for whom you intended to vote?—No, I am not in the habit of hurrahing.

528. You know Mr. James Sully, do you not?—I do very well.

529. On the 2nd of January, or at the beginning of the year, did you meet him upon the bridge?—Not that I know of.

530. Did you meet John Sully on the bridge?—I knows him very well.

531. I ask, did you meet him on the bridge on the 2nd of January?—I cannot tell about the date.

532. Do you recollect meeting him, and talking to him about the beginning of the year?—I do not.

533. Do you recollect his saying to you, "Captain Crocker, is this true what I hear, that you took money of the Liberals"?—He has been to me about that there statement.

534. Then I gather from you that something of that kind was said to you?—Yes; he said, "I have overheard that you gave the money up." I says, "No such thing, I have not; I have got the money at home yet."

535. Did you not reply to him when he asked, "Was it true that you have taken money from the Liberals"? "I never saw the sight of it, and I never had it"?—No, I never said such a word.

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536. Upon

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536. Upon your oath did you not say so?—Upon my oath I never said such a word, because Mr. John Sully knewed that I had the money the very same afternoon.

537. Did you tell him the same afternoon?—I told him of it in the hall in the front room.

538. You gave me just now the name of a dead man as the only person to whom you have told it; you must have forgotten Mr. John Sully's name?—I told he of it, I know.

539. Why did you not tell me so when I asked you for the name just now?—I did not think of his name then.

540. You forgot it?—It slipped my memory.

541. If you told Mr. John Sully the same afternoon, and relieved your conscience by telling him, what could have taken you to James Palmer the same afternoon to get this off your mind?—I went for to make a regular open confession of it.

542. But you did go to Mr. John Sully, and you told me you went to Palmer to make an open confession of it?—Aye, but that was not Mr. Brice.

543. That is quite true; now let me ask about another man; do you know James Harrington?—I do; a basket maker.

544. I have given you now the names of two persons; did you not in Harrington's presence tell Mr. John Sully, "No, I never had a penny; I never saw any money"?—I never did, on my oath.

545. I have given you two witnesses?—I never did, on my oath.

546. Do you know a woman of the name of Sarah Cooze?—Yes.

547. Does she keep a beer-house at Bridgewater?—She do.

548. On Sunday, the 24th January, were you in her house, in the afternoon, about five o'clock?—I was, and had a quart of beer there.

549. When she spoke to you, did she say to you, "I shall have nothing to say to an informer"?—She did.

550. Did she not tell you that she had heard you had taken money from the Liberals, and given information to the Blues?—She did; I said—

551. I will ask you the words you said, if you please; was not this your reply, "So help me God, it is a lie; I never had a farthing more than you had, but I expect I shall be subpœnaed"?—I never said such a word, on my oath.

552. Nor anything like that?—Nor anything like that, on my solemn oath.

553. Mr. Justice Blackburn.] Let us hear what you did say?—I told her I had the money, and I made an open confession over in Mr. Brice's office, and I expect I shall be subpœnaed for it.

554. Mr. Henry James.] Then your statement is, that you told her you had had the money?—I did.

555. When you gave the answer that you had not had it, did she reply to you, "I am sure that you must have had the money;" and did you not say, "No, it is because I joined the Conservative Association and then voted Liberal," referring to the fact of your being subpœnaed?—I told her that I had the money, and I made an open confession of it in Mr. Price's office, and I expected, as I belonged to the Con-

servative Association, I should be subpœnaed for it.

556. You did say, that because you belonged to the Conservative Association you would be subpœnaed for it?—I did.

557. Did it not occur to you that if you had been to Mr. Brice's office and told this tale truly about having the 10*l.*, you were certain to be subpœnaed whether you belonged to the Conservative Association or not?—So I should.

558. Then what was the use of telling her that you would be subpœnaed because you did belong to the Conservative Association?—I had overheard that I was going to be subpœnaed.

559. Of course you had given information for the very purpose of being subpœnaed, had you not?—*The Witness hesitated.*)

560. Why did you tell Mr. Cooze that you should be subpœnaed because you belonged to the Conservative Association and had voted for the Liberals, if you had been giving information to Mr. Brice for the purpose of being subpœnaed and proving this statement?—I cannot answer that question; I do not know about that.

561. Did she not also say to you, "I suppose you have done that for the money;" and did you not reply, "So help me God, Sally, I never had a penny"?—I never said such a word, upon my oath; I could not say such a word about never having had the money.

562. On the 10th of January did you meet her again opposite the "King's Arms"?—I did.

563. Did you ask her to give you a glass of beer?—I did.

564. Did she say to you, "No informer shall ever drink with me"?—She did.

565. Did you not say to her again, using this expression, "So help me God, I am not one"?—She went away.

566. Of course she went away, but before she went away did she not say, "No informer shall ever drink with me;" and did you not reply, "So help me God, I am not one"?—I never said such a word in all my life.

567. "But I was subpœnaed last night all about joining the Association, and that is all I know about the thing," using coarse language in it?—I never said such a word as "So help me God."

568. Then there is no truth in any of those conversations?—I don't believe there is.

569. You are the best person to judge, you must know?—I don't believe there is one half a word.

570. Are you prepared to swear that there is no truth in them?—No.

Re-examined by Mr. Serjeant Parry.

571. What do you mean by saying to my learned friend, "I am not prepared to swear that there is no truth in this;" did you understand that question?—I never said "So help me God," that I never had the money, because I had the money, and therefore I could not go from that.

572. You say you never used the words that have been put to you?—I never did.

573. What did you mean by saying, "I am not prepared to swear that those were untrue;" did

did you understand the question that was put to you?—I did not.

574. Do you, or do you not, mean to swear that those conversations with Sarah Cooze are true or false?—They are very false.

575. She spoke to you about being an informer?—She did.

576. Who is Sarah Cooze; is she a married or a single lady?—She is a widow now.

577. What does she do; she keeps this beer-shop or public-house?—Yes; the “North Pole Inn,” and I went in there on Sunday afternoon.

578. When you first spoke to her, you were asked these questions, whether you did not say, “So help me God, I never touched the money,” or something of that kind; had you been to Mr. Brice’s office?—I had then.

579. Is Mr. Brice, the gentleman by my side who is one of the solicitors, acting on this petition?—This is the clerk, here (*pointing to a person in Court*).

580. You have seen his clerk?—Yes.

581. Mr. Brice is one of the solicitors for this petition, is he not?—I believe he is.

582. You said also, in answer to my learned friend, “I wish to make a clean breast of it”?—I did.

583. Why did you wish to make a clean breast of it?—I was not happy within myself.

584. Have you heard or seen anything about certificates, or anything of that kind, about the power of the judge to give you a certificate if you stated what was true?—I never know’d nothing; not half a word about the law.

585. But you say you were troubled in your mind, and I will leave you there; you have been asked about promising for Mr. Kinglake; do I understand you to say that you did at one time absolutely promise to vote for Mr. Kinglake?—I did, and Mr. Vanderbyl, at the “Queen’s Head.”

586. How long was it before the polling day that you promised Mr. Kinglake?—I cannot say that; a fortnight, I suppose.

587. Who was with you then?—Mr. James Sully, and Mr. Rigg, and Mr. Jones.

588. Is that Stephen Collin Jones?—That is the man.

589. Were they canvassing you at the time?—They was.

590. Who was present besides; was Mr. Vanderbyl there?—He was.

591. And Mr. Kinglake?—They was both there.

592. And Mr. Sully and Mr. Jones?—Mr. James Sully and Mr. Rigg, and Mr. Stephen Collin Jones.

593. You say they gave you a pint of half-and-half?—They gave me a pint of half-and-half; Mr. Sully did, and he had hisself a glass of beer too.

594. Who is Mr. James Sully?—That is Mr. James Sully (*pointing to a person in Court*).

595. But what is he?—I believe he is a ship-owner. W. Crocker.

596. Is he a large shipowner here?—A very large shipowner here. 24 February
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597. And he was with Mr. Kinglake and Mr. Vanderbyl at this time?—He was.

598. Had you seen him at all before canvassing with Mr. Kinglake and Mr. Vanderbyl, or not?—I had, with Mr. Sully and Mr. Jones.

599. How often had you seen them together?—Once or twice, or two or three times perhaps.

600. Before the election?—Yes; I did not take any notice of them.

601. Were they together?—They was.

602. Were they apparently calling at the houses?—They were calling from house to house.

603. Were you at any time in the employment of Mr. Sully?—I never was; I never earned a halfpenny from him as I know of.

604. You have told my learned friend, what I was not aware of, that you were in Bussell’s house at half-past 11 o’clock before you received the money?—I was.

605. Had Bussell canvassed you for your vote at any time before that?—Not at all.

606. Did he then at half-past 11 o’clock speak to you about your vote?—He did not, but at half-past one o’clock I was, out on the quay and he called me in.

607. Had you been loitering about there from half-past 11 o’clock to half-past one o’clock?—I had.

608. Were there other voters up there?—I went into my brothers, into the “Fountain’s Inn.”

609. Is that close by?—Next door.

610. Did you see other voters about?—More than 40 of them were knocking about.

611. Outside the “Anchor”?—Outside the “Anchor,” and at the foot of the bridge too.

612. For how long had they been knocking about together, as far as you could judge?—All the morning.

613. And you were with them?—I was with them there off and on.

614. You say that Bussell took the sovereigns out of his right hand pocket?—Out of his right hand pocket, and put them into my hand.

615. Did you, or did you not, observe whether he had more sovereigns in his pocket than those which he gave to you?—I could not tell that, you know, but I heard a rattle there.

616. You say he took out and counted 10*l*?—In my hand.

617. Did he take out exactly 10*l*., or did he take out more than 10*l*?—I think there must have been over 15*l* there.

618. I ought to have asked you who John Sully is?—He is a tailor by trade.

619. He is a relation of the other Sully?—He is a relation to Mr. James Sully; he is his brother.

620. Is he his brother?—That is right.

[The Witness withdrew.]

ELIZA CROCKER, sworn; Examined by Mr. Serjeant *Parry*.

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621. ARE you the wife of the last witness?—
Yes.

622. Do you remember the day of the last election, the 17th of November?—Yes.

623. Did your husband give you any money on that day?—In the evening he gave me 10*l*.

624. Was it in notes or gold?—In gold.

625. What did you do with it?—I put it in my pocket.

626. Did you at all ask him anything about it?—I asked him where he got it.

Mr. *Henry James* objected to the reception of this evidence.

Mr. Justice *Blachburn* overruled the objection.

627. Mr. Serjeant *Parry* (to the *Witness*).] Did he, or did he not, tell you?—Yes, he did.

628. What did he say to you?—He told me Mr. Bussell gave it to him to vote for Mr. Kinglake and Mr. Vanderbyl.

Cross-examined by Mr. *Henry James*.

629. Did you keep the money?—I did.

630. And you spent it?—Yes.

631. Did you accompany your husband to Mr. Brice's?—No.

632. When did you give your evidence?—I have not given any evidence at all.

633. You have made a statement to some gentleman, and you have been somewhere and had your statement taken down?—I have not been nowhere out of my house.

634. Has anybody been to you?—Yes, they brought me a subpoena.

635. Has nobody else been to see you?—Yes, two gentlemen came to me.

636. Who were they?—I believe it was that gentleman there (*pointing to Mr. Smith*).

637. When was that?—On Monday afternoon.

638. That was the first time you had given any statement to have it taken down?—Yes.

639. You recollected at once that it was on Tuesday, the 17th, that you had the money?—It must have been; it was on the polling day.

640. You knew that your husband had been to give information with Mr. James Palmer?—I do not know.

641. When did he tell you then?—I do not know that he told me at all.

642. Did you learn from your husband that he had made a statement to some one that he had been bribed with 10*l*?—Yes, I heard that he had been.

643. Where did you hear it?—At several places.

644. Did you hear it from him?—Yes, he told me he had.

645. Did he consult you before he did it, or tell you afterwards?—He done it, and told me after.

646. When did he tell you that he had done it?—May be a day or two after.

647. Would that be about a fortnight after the election?—I cannot say.

648. When he told you that, he reminded you, I suppose, that he had given you the 10*l*?—Yes, of course he did.

649. And then you recollected that you had it?—Yes, I know I had it.

Re-examined by Mr. Serjeant *Parry*.

650. But you knew that you had it all along, and it required no effort of memory?—Yes, I knew I had it.

651. Those gentlemen that came to you were from Mr. Brice's office?—I did not know them; I knew one of them.

[The *Witness* withdrew.]

HUGH PEARCE, sworn; Examined by Mr. Serjeant *Parry*.

H. Pearce.
—

652. WHAT are you by calling?—A mariner.

653. Are you a voter?—Yes.

654. For whom did you vote at the last election?—Mr. Vanderbyl and Mr. Kinglake.

655. Do you know Mr. Henry Chapman Bussell, the landlord of the "Anchor"?—Yes.

656. Were you at his house at all on the day of the election?—Yes.

657. At what time were you there?—I was there in the morning, and I drank one glass of beer.

658. At what time in the morning?—Well, I cannot say exactly, it might be ten o'clock.

659. Do you remember seeing Palmer there?—I saw him there in the morning.

660. Do you know him?—I knows him.

661. Do you know William Crocker?—Yes.

662. Do you remember seeing them there?—No, I never saw William Carver there.

663. But you did see Palmer there?—I saw Palmer there in the morning.

664. Do I understand from you that you merely went in in the morning and had a glass of beer

about ten o'clock, and that was all?—Yes, that was all.

665. Did you stay long in the bar?—I may have stayed in the bar.

666. How long were you there?—I might have been there five or ten minutes.

667. Not more?—No, I should not think I was.

668. Were you then only there for five or ten minutes, about ten minutes during the whole of the day of polling; do you swear that?—I was there in the afternoon, I just went inside the door.

669. You mean you popped your head in and popped it out again?—I went in to make water.

670. Inside the public-house?—Yes, at the watering-place.

671. Do I understand that that is all?—That is all.

672. You did nothing but the two things you have described, drinking a drop of beer and the other thing in the afternoon?—That is all.

673. Are you sure of that?—Yes.

674. Did

674. Did you see Mr. Bussell in private that day?—I saw him once in Fore-street and in his house.

675. Fore-street; where is that?—Close by the "Clarence."

676. Did you have any conversation with him then?—I did not.

677. Did you have any conversation in private with Mr. Bussell that day in his own house or elsewhere?—I did not.

678. Nothing of the kind?—Nothing of the kind.

679. You did not go into his cellar at all with him?—I did not.

680. Do you know the cellar?—No, I was never in his cellar.

681. You did not go into any room in his house with him?—I did not.

682. Did you not receive 10*l.* from him on that day to vote for Mr. Kinglake and Mr. Vanderbyl?—I did not.

683. Nor any other day?—Nor any other day.

684. Have you been asked to make a statement about this matter, and refused to do it?—No.

685. Have you been asked to give information about this, and refused to do it?—No.

686. You swear that?—Not that I am aware of.

687. Did any one apply to you to know whether you had received money from Mr. Bussell?—No one, without it was Mr. What's-his-name asked me.

688. Who is What's-his-name?—Mr. Hayward, the shoemaker, asked me whether I had seen Mr. Bussell, or had had any money from him.

689. When was that?—When he brought me the subpoena.

690. Did you refuse to give him any information?—Not in the least.

691. What did you say to him?—I said I saw him once or twice.

692. Saw whom once or twice?—Mr. Bussell.

693. Where?—In Fore-street.

694. Not once or twice; only once?—I saw him when I was at his house.

695. Was that what you said to Mr. Hayward, that you saw him once or twice that day?—Yes.

696. Do you know William Parker, a porter, at Messrs. Poole's?—No, not to my recollection; I might know him by sight, but I do not know him by name.

William Parker was directed to stand forward.

697. Do you know him?—I do not.

698. You never saw him?—I might have seen him.

699. You never spoke to him?—Not to my recollection.

700. Will you swear you never spoke to him?—Not to my recollection; I will swear I never spoke to him, not to my recollection.

701. Do you know anybody who is a porter at Messrs. Poole's?—No.

702. Do you know Messrs. Poole's, the provision dealers?—I do not; I know Mr. Poole the bread-maker, or whatever he is.

703. You know him?—Yes.

65.

704. Do you know any of his servants or porters?—Not that I know of.

705. Will you swear you never spoke to that young man about the election?—Yes, to my recollection.

706. Will you positively swear it?—Yes, I will.

707. I ask you upon your oath did you tell William Parker that you had got 10*l.* from Mr. Bussell?—I did not; I never had it, and I do not know William Parker.

708. That young man (*pointing to William Parker*)?—I do not know him.

709. I understand you to swear that you never had 10*l.* from Mr. Bussell, and that you never told any one that you had it?—I did not.

710. Nor any other sum?—I did not; no sum.

711. You had no money whatever for your vote?—No, no money whatsoever.

712. And you never said that you had any money to any one?—Not to any one; I might have for a joke, when they have been chaffing me.

713. Mr. Justice *Blackburn*.] Do you say you have said so to people who have been chaffing you about it?—No, not more than people have chaffed and wanted to say that I had had it, and I have said, "Yes, certainly;" that is all.

714. Mr. Serjeant *Parry*.] You said, "Yes, certainly," you had; you did not mean what you said?—No.

715. You said it in a jocular way?—Yes; there was electioneering on the bridge every night.

716. If there was electioneering on the bridge every night, when you might have said that you had 10*l.*, might you have said you had 10*l.* from Bussell?—I did not.

717. Did you say you had it?—I do think so, but I did not have it.

718. Did you say when you were electioneering on the bridge, by way of chaff or joke, that you had got 10*l.* from Mr. Bussell?—I did not.

719. What did you say; you say you said something about getting money?—They would be chaffing and going on.

720. What would they say to you?—"Then you are right enough; you have a jeivey," and the like of that. I said, "Right enough, yes, certainly."

721. That you had had it?—I did not have it.

722. Did you say you had?—I did not.

723. Not by way of a joke?—No.

724. Not when they said, "You had money as well;" did not you say, "All right, certainly"?—No, I did not.

725. You have just said you did; what do you mean to tell his Lordship; be careful?—I will tell you the truth. Do you want to see that I shall say that I did have it, whether I did or not; excuse me saying so?

726. You did say that you might, whilst electioneering on the bridge, have said by way of chaff or joke to some people that you had had this money?—I had not had it.

727. That I distinctly understand, but did you ever say by way of joke that you had?—I did not.

728. Did you not tell my Lord just now that you did?—I cannot say what I might have said in a joke.

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729. What

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729. What did you say in a joke?—I cannot say what I did say in a joke; I tell you the fact of the matter is you want to baffle me.

730. I think you are baffling me?—I tell you I hadn't it; I never had anything from either side.

731. You are well known in this town, and you were on the bridge electioneering at the election time; how long were you on the bridge?—I cannot say how long.

732. How long were you there on the day of the election?—I was to and fro.

733. How many hours?—I was to and fro all day.

734. To and fro on the bridge, electioneering all day like other men?—Yes.

735. Is this bridge close by the "Anchor"?—Yes.

736. And Mr. Bussell's house?—Yes, close by.

737. What time did you vote?—I cannot say exactly; three o'clock I think it was.

738. Had you promised all along to support Mr. Kinglake and Mr. Vanderbyl?—I had made no promise.

739. Had you made no promise?—No, not to no one else but my wife.

740. We tell our wives everything; had you ever promised Mr. Kinglake, or Mr. Vanderbyl, or Mr. Westropp, or Mr. Gray, to vote for them?—I did not.

741. You never did promise any one?—On my oath I do not know that I ever spoke to the gentleman only once.

742. Were you ever canvassed?—No.

743. No one asked you for your vote?—No.

744. Do you mean that no one asked you for your vote before the election?—No one asked me for my vote; they were telling me to go and vote.

745. Who was telling you to go and vote?—A great many.

746. Did Mr. Bussell tell you to go and vote?—No.

747. Had you no conversation about your vote?—He asked me which side I was going.

748. What did you tell him?—I told him I was going my own side.

749. That was what you said to Mr. Bussell?—Yes.

750. Which side was that?—The Liberal, and the cheap loaf.

751. We are now about the 17th of November 1868. When did Mr. Bussell ask you for your vote, and which side you were going; was it the day of the election?—Yes.

752. You told him what?—I said I was going my own side.

753. What time was that?—I cannot say what time.

754. What time in the day?—It might be 10 o'clock, for what I know.

755. You said you went into the house at 10 o'clock, and came out in five minutes?—He never asked me in his house. I never said five minutes; I said it might be five minutes, or 10 minutes, or 20 minutes.

756. You say that he might have asked you how you were going to vote at 10 o'clock on the day of the poll?—Yes.

757. Did not you say you never saw him, except in Fore-street in the afternoon?—No, I said I saw him in his house.

758. Did he ask you in the house for your vote?—He did not.

759. Where did he ask you, at 10 o'clock, for your vote?—I cannot say; he never asked me for the vote.

760. Which side you were going; when did he ask you, on the day of the election, which side you were going?—I cannot say what day.

761. What hour of the election day was it?—I believe it was about 10.

762. Where?—I believe it was on the Quay.

763. Have not you sworn to my Lord, that you only saw Mr. Bussell twice; at 10 o'clock in his house, and in the afternoon in Fore-street; have not you sworn that, upon your solemn oath, in the hearing of every one here; have you not sworn that you only saw him twice, when you went in for a drop of beer at 10 o'clock, and afterwards in Fore-street, when you did not speak to him?—I never said I did not speak to him.

764. You now say he asked you, on the Quay, which side you were going; is that true?—Yes.

765. Did you pay for that drop of beer yourself?—No, Captain John Harwood paid for it.

766. I understand you to say, that you kept your counsel till three o'clock in the day; you never told any one, except your wife, how you were going to vote; did you tell your wife that you were going to vote for Mr. Kinglake and Mr. Vanderbyl?—Yes.

767. When did you tell her that?—That that was my inclination.

768. When did you tell your wife that?—I might have told her that at different times.

769. You mean to swear that you never told any one else?—No.

770. Why did not you tell people that you were going to vote for Mr. Kinglake and Mr. Vanderbyl?—I might have told other people.

771. Have you not sworn that you never did?—No.

772. Can you look me in the face and tell me that?—I said I never told any one as I know of.

773. Did not you tell me, "I never told anybody but my wife how I was going to vote," and do not you remember my saying, "We tell our wives everything"?—Yes.

774. Have you a sister of the name of Mrs. Harwood?—I have.

775. Did you ever tell her you were going to vote for Mr. Westropp and Mr. Gray?—I did not; not to the best of my remembrance; not to the best of my knowledge, I did not.

776. Your sister is alive and well?—Yes.

777. And able to give her evidence?—Yes.

778. On your solemn oath, did not you tell your sister, Mrs. Harwood, that you would vote for Mr. Westropp and Mr. Gray?—I did not.

779. Will you swear that?—I will.

780. On the morning of the election?—I did not.

781. Will you give us any reason for keeping back your vote till three o'clock that day; any honest reason?—I will give you the reason; the reason I held back was, because I did not think our side would win. I said I should go and drown myself.

782. Mr. Justice *Blackburn.*] Say again what it was?—I said I should not go to the poll at all.

783. You are asked why you did not go to the poll till the late hour you did go to poll?—Because

Because I did not think our side would win, and I said I would not go at all, and that if our side would not win, I intended to drown myself. A great many might have heard me say so.

784. You did not mean literally to drown yourself, did you?—I said it merely in a joke; I do not suppose I should have done such a thing.

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ELIZABETH JANE LANGDON, sworn; Examined by Mr. *Collins*.

785. I BELIEVE you are a servant?—Yes.
786. And you live at Baker's-court, in East-over?—Yes.
787. Do you remember the 17th of November, the polling day?—Yes.
788. Do you remember on that day seeing a man named James Honeyball?—Yes.
789. What time of the day?—After three and before four.
790. Between three and four?—Yes.
791. Is James Honeyball servant to Mr. John Brown, of Bridgwater?—Yes.
792. A large brick merchant?—Yes.
793. Where did you see Honeyball?—He came out of the "Anchor Inn."
794. Mr. Bussell's?—Yes.
795. Where were you standing?—By the "Fountain."
796. Is that next door to Bussell's?—Yes.
797. At that time were there a good many men standing about round the "Anchor"?—Not that I am aware of; I did not see any.
798. Did you see Honeyball come out of the inn?—Yes.
799. How near was this man standing to Mr. Bussell's?—By the door.
800. The door of Mr. Bussell's?—Yes.
801. What did he say to the man?—He asked him who he was going to vote for.
802. Did he say "Who are you going to vote for"?—Yes.
803. What did the man say?—He had not made up his mind who he should vote for.
804. Did Mr. Honeyball say anything to him upon that?—Yes.
805. What did he say?—He would give him 5*l.* to vote for Mr. Kinglake and Mr. Vanderbyl.
806. What did the man say to that?—He said he would.
807. When the man said he would, what did Honeyball do?—He gave him something wrapped in a small piece of white paper, which I believe was 5*l.*
808. When he gave the piece of white paper to this man, did he say anything at the time?—He said, "It be 5*l.*;" and told him to put it into his pocket, and go and vote.
809. Did he say anything else about being quiet?—Yes.
810. What did he say?—He says, "Keep it quiet;" and told him to say nothing about it.
811. Do you know the man's name?—No.
812. Can you give a description of the man?—A dark-complexioned man; he had a brown bowler on.

Mr. Serjeant *Sargood*.] This is the man who received the money?—

813. Mr. *Collins*.] Yes. (To the *Witness*.) What became of Honeyball?—He went back to Bussell's house.

814. And what became of the man who received the 5*l.*?—He went towards the town, I believe to poll.

815. Were you in court yesterday?—Yes.

65.

816. Did you see James Honeyball yesterday?—Yes, over there.

817. Was he in court too?—Yes.

818. Did he say anything to you yesterday?—Yes.

819. What did he say?—He says, "Mind the 5*l.*, miss."

820. Can you tell me whether that was after this gentleman had spoken (Mr. Serjeant Parry)?—Yes.

821. It was after that gentleman had spoken?—Yes, when we were going out; Mr. Harwood was behind me, and heard him say it.

822. What else did he say?—He said he would have my top-knot off.

823. Mr. Serjeant *Parry*.] That is the chignon?—Yes; he says top-knot.

824. Mr. *Collins*.] He rudely called it a top-knot?—Yes.

825. Did you see him again that same day?—Yes, outside; he said the same words again.

826. Did he say anything else to you outside?—He said something about Mr. Rooker, I believe that is the name.

827. What did he say about Mr. Rooker?—He says, "Mind;" Rooker I believe was the name.

828. Was it Oakley?—I know it began with an R.

829. How did he say this,—loud?—Yes; Mr. Harward, behind me, heard it.

830. Has Rooker something to do with the gaol?—Yes, at Taunton.

831. Mr. Serjeant *Parry*.] Is it Oakley?—I know it began with an R.

832. Mr. *Collins*.] Was anything else said or done?—Not by Mr. Honeyball.

833. Has any one else threatened you, or said anything to you?—Mr. John Harwood, the captain, said I should have my ears cut off.

834. When did he say that?—He said that on Sunday morning; he said it before last week, several times.

835. Is that John Harwood, the captain?—Yes.

836. The captain of the "Fame"?—Yes.

837. What time last Sunday did he say that?—Last Sunday, about seven.

838. Where were you?—Passing over the bridge.

839. Did he call out after you?—Yes, as I was going past, that I would have my ears cut off. He says, "Here is the one coming that is going to swear against Honeyball; she shall have her ears cut off, she will have none by next Sunday."

840. Did anybody else say anything to you?—Yes.

841. Who?—Mr. Henry Jarman wanted me, last Sunday, to go into Smith's shop, to tell him what I was subpoenaed for.

After a suggestion from his Lordship,—

Mr. Serjeant *Parry* said that he would not pursue this further.

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Cross-examined

E. J. Langdon.

*E. J.
Langdon.*

Cross-examined by Mr. Serjeant *Sargood*.

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842. You have told us what a good many people said, but you have not told us what you said in answer to all of them?—I did not speak to them.

843. You are a quiet young lady, you do not answer when people say things to you?—I only speak when I am spoken to.

844. When they spoke to you about your ears being cut off, what did you say?—The first time I said, "Mind you do not have your head cut off;" that was the first time.

845. That would be ears, and top-knot, and everything else into the bargain; I thought you would go a little further than he did. When the gentleman spoke to you going out of court yesterday, what did you say to him?—I did not speak to him till I got out; when I got out I said if he wanted to do dirty work he should not take so many sly glasses.

846. Do you mean drinking so much?—Yes.

847. It seems you are quite able to take care of yourself, in answer, at any rate; I did not catch what occupation you said you were?—A servant.

848. Whose servant?—Nobody's servant.

849. You are your own mistress, you think?—My mother is my mistress.

850. How long have you been your own mistress?—I am not my own mistress; my mother is mistress over me.

851. Where do you live?—In Baker's-court, Eastover.

852. With your father and mother?—I have no father; I have a mother.

853. How long have you been living with your mother?—A great many months; she is not able to do anything for herself; I live with her.

854. How many months have you been so occupied?—For a great many months.

855. How many?—I have not been out, not since June last.

856. I was right in assuming that you were pretty well your own mistress; you go in and out when and where you like?—I cannot go in and out when I like.

857. You ask leave?—Yes.

858. Baker's-court is a good way off from the "Anchor Inn"?—Not so very far, not many minutes' walk.

859. A quarter of an hour's walk?—No, you can go in five minutes.

860. What time in the day was it you were standing next to the "Anchor Inn" to see this little business of the 5*l*.?—After three and before four.

861. You had asked your mother to let you out?—Yes, I was out seeing the election.

862. Were you merely standing about in the crowd like others?—I came down the town with a friend of mine.

863. Another young lady who is of no occupation?—No, she was running out; she had to go to Castle-street for her mistress.

864. You and she came down together?—Yes, she told me to stand by the "Fountain" till she returned, which I did.

865. You were waiting at the "Fountain" till she came back?—Yes; and then I saw Mr. James Honeyball come out of the "Anchor," Mr. Bus-sell's house, and meet the man.

866. Where was the dark-looking man standing before he came out?—He was walking up and down.

867. On the road?—On the pavement.

868. Were there many people about then?—No.

869. Was he coming towards you?—Yes, coming towards the bridge.

870. You were between the bridge and the "Anchor" door?—Yes, by the corner of the "Fountain."

871. The "Anchor" is beside the bridge, on the left hand side going towards the sea?—Yes.

872. You were between the "Anchor" and the bridge; and this gentleman, the dark-faced man, was coming towards the bridge?—Yes.

873. He was on the other side of the "Anchor"?—Yes.

874. Did Mr. Honeyball come out of the "Anchor" before the dark man had arrived, or did he come out after he passed, and follow him?—He came out and met him.

875. Just as the other was coming up?—Yes.

876. The other man happened to be accidentally coming up at the moment Honeyball walked out of the house?—Yes.

877. How many people were there about?—I did not take notice.

878. Somebody else has thought there were a great many people standing about this public-house?—There were not when I was there.

879. Not half-a-dozen people?—No.

880. Very likely there were not any at all, except Honeyball and the dark man?—I did not see any one.

881. When Honeyball came out, did he turn to the left to go away from the bridge, so as to meet the man?—No, he came out; the man came straight along with him.

882. They happened to run against each other?—They did not run against each other, but they nearly did.

883. He got up to the door just as Honeyball came out?—Yes.

884. Did they walk together up towards the bridge?—Yes, a few paces.

885. And then stood still?—Yes.

886. How far from the house where you were standing?—The next door, the "Fountain."

887. You were about as far off as my learned friend, Mr. Serjeant Parry, is from me?—Not quite so far.

888. The length of a house?—Yes.

889. Which of them spoke first?—Mr. James Honeyball.

890. You knew him, of course, perfectly well?—Yes.

891. How long have you known him?—A long time.

892. Have you known him in the town?—Yes.

893. The other man was a stranger?—Yes, quite strange to me.

894. And Honeyball, just alighting on this man as he passed the door, began to ask him about his vote?—Yes.

895. What did he say?—He asked him who he was going to vote for, and the man made answer and said, he had not made up his mind who he was going to vote for; and Mr. Honeyball says he would give him 5*l*. to vote for King-lake and Vanderbyl; and the dark man said, "I will."

896. And then what passed?—Honeyball handed

handed him something wrapped in a small piece of white paper.

897. Already wrapped up in paper?—Yes.

898. All you saw was, he gave a piece of paper?—Which he says, “That is the 5 l.”

899. You heard him say that?—Yes; and he told him to put it into his pocket and say nothing about it, and to go and vote.

900. You thought they intended to keep it a very great secret?—Yes.

901. Do you know why he said it out so loud in the open street for you to hear it?—No.

902. Did not you think it very foolish of him, if he meant it to be secret?—Yes.

903. You got the idea that that piece of paper contained 5 l., because you heard that 5 l. had been talked about?—He mentioned it.

904. He took the trouble to say, “here is 5 l.”?—Yes.

905. Having that assurance, he did not open it to see that it was all right?—No; he put it in his pocket.

906. Where did Honeyball take it from?—He took it out of his pocket.

907. The exact sum all ready screwed up in paper?—Yes.

908. It did not take them long to make the bargain?—No.

909. Did the man with the 5 l. walk off by himself?—He went towards the town.

910. What became of Honeyball?—He went back into Bussell’s; he went in the passage; I could not say whether he went into the house.

911. However, he went into the house, and the other man went away with what you supposed to be the 5 l.?—Yes.

912. Your woman’s curiosity did not tempt you to follow him to see what he did with the 5 l.?—No.

913. You do not know whether he went to vote or not?—No.

914. Honeyball did not watch him to see whether he went to vote or not?—No.

915. You have no idea who the dark man was?—No.

916. You have never seen him since?—No, I have not seen him, that I remember.

917. Have you been anxious to look for him?—Not very anxious.

918. I thought, in case anybody doubted your story, you might have tried to look out for the man, and point him out; you have not done so?—No, I have not.

919. Where was it you told my learned friends this story that induced them to ask you to come here and tell his Lordship all about it?—They did not ask me to come and tell the Lord about it. On Wednesday there was a meeting by the “Clarence,” and I told Mr. Haywood, the gardener, first.

920. Do you mean last Wednesday?—No, Wednesday, the 18th of November, the day after the polling-day.

921. The day after the polling-day, there was a meeting where?—I do not know where it were. I believe it was a speech, or something, given in Gloucester-place, or somewhere about there.

922. Did you go to listen to it?—No, because I was not out that evening.

923. I do not understand what the meeting or the speech has got to do with your telling anybody; I want to know who you first told about this thing that you saw with Honeyball?—Haywood, he is a gardener.

924. You went and told him?—Yes.

925. Where?—By the “Clarence.”

926. In the street?—Yes.

927. You met him there by chance?—Yes.

928. The day after the poll?—Yes.

929. What did he say?—I told him I saw Honeyball give 5 l.

930. What did Haywood say?—He said I had better go and tell of it. I went into the “Clarence.”

931. Who was it you saw there?—That gentleman who is there writing (*pointing to Mr. Boyle*).

932. You saw him?—Yes, I did.

933. And you told him about it?—Yes.

934. Did he take it down in writing?—No, he did not. He told me to go to Mr. Trevor’s office the next morning.

935. Did you go to Mr. Trevor’s office the next morning?—Yes.

936. Did they put it down in writing?—Yes.

937. Did you sign it?—Yes.

938. What happened after?—I never heard anything more about it till I was subpoenaed.

939. How much money did you get with the subpoena?—Not any.

940. Nothing at all?—No.

941. Did you go and ask what it meant?—No.

942. What did you do with it?—I kept it in my pocket, which I should have it there now.

943. You did not go back to their office to know anything about it?—No.

944. Is that the only time you went to the office?—Yes.

945. Did they tell you to look out for the dark-faced man?—They told me to keep my eye about.

946. And have you kept your eye about?—Not particularly.

947. Why not?—Because I have not seen him since.

948. Perhaps you have not tried, or perhaps you know it is of no use to look for him?—Yes; if I had seen him I should have gone and told.

949. This is your one experience of the election; you know nothing else about it?—No.

Re-examined by Mr. Serjeant Parry.

950. Are you still living with your mother?—Yes.

951. You say last June you were in service?—Yes.

952. In whose service were you?—My aunt, Mrs. Quibbs, baker, Eastover.

953. How long had you been with her?—Three months; I went there till she could get another servant.

954. How long, altogether, have you been in service?—Not long; not above two years and six months altogether.

955. In whose service were you before you went to help your aunt?—Mrs. Bolswell’s; I stayed three weeks there.

956. You go out occasionally to service?—Yes, I go out to work; before that, I was 12 months at Weston-super-Mare.

957. You are only 16?—Sixteen.

[The court adjourned for the usual period.]

E. J.
Langdon.

24 February
1869.

CHARLES LONGLEY, sworn; Examined by Mr. Collins.

C. Longley.

24 February
1869.

958. ARE you a Master Mariner?—Yes.
 959. Do you live at Devonshire-street, Bridgewater?—Yes.
 960. Do you remember the day of the election, Tuesday?—Yes.
 961. Were you at the “Anchor,” at Bussell’s?—Yes.
 962. What time did you go there?—Between 12 and 1.
 963. In the afternoon?—In the afternoon.
 964. Do you know a man named Honeyball?—Yes.
 965. What is Honeyball?—I believe he is something under Messrs. Brown & Co.
 966. Was Honeyball at Bussell’s, when you came there?—I seen him there, while I was there.
 967. Did he say anything to Mrs. Bolswell?—He asked her for a pin; I do not know that he asked Mrs. Bolswell.
 968. Let us hear what he said?—He came in, and asked Mrs. Bolswell; asked the company if they had got a pin they could give him.
 969. Did he say what he wanted the pin for?—He said he wanted to pin his colours up, he was not ashamed of his colours.
 970. What were his colours?—I believe purple and orange colours.
 971. Did he say why he wanted a pin to stick his colours up?—No.
 972. Was anything said about going in to win, or anything of that sort?—Not that I am aware of.
 973. What did he do with the pin?—He pinned his colours up, and he went out.
 974. How many people were there when he came in?—I should say from 15 to 20.
 975. Were they in the house?—In the front parlour.
 976. Who were those 15 or 20 people?—I could not say.
 977. Did you know any of them?—I knew some of them.
 978. Let us have the names of some of them?—There were a few captains there, masters of vessels.
 979. Let us have their names?—I do not remember them.
 980. You are a Bridgewater man?—No.
 981. Do you know the Bridgewater people?—Some of them.
 982. Give my Lord a few of the names of the people who were at Bussell’s, if you remember any?—I do not remember any; I know what vessels they go in; there was the captain of the “Rosaline,” and I believe the captain of the “Queen;” I cannot call their names to my memory now.
 983. What were they doing?—They sat down.
 984. Drinking?—They were not drinking, particularly.
 985. Were they waiting?—I do not know what they were there for; they were there when I went, and when I left.
 986. Did you see Mr. Bussell?—I saw him there once or twice, coming in and out again.
 987. Did he go out with anybody each time?—Not that I am aware of.
 988. What did he do; how came he to come into this parlour?—I do not know what his business was in the parlour.
 989. How long did he stay?—I could not say how long he stopped; he came in, and looked in, and went out again.

990. What did you have to drink?—I believe it was a glass of gin-and-water.
 991. Did you pay for it?—Yes.
 992. How long did Honeyball stay in, while you were there?—He was not in many minutes, perhaps two minutes; as soon as he had a pipe he went out.
 993. Was anything said about the state of the poll by Honeyball?—Not that I am aware of.
 994. Did you hear anything?—Not that I am aware of.
 995. Do you know a man named Henry Hobbs, of Eastover?—Yes.
 996. Was he there?—No, I did not see him.
 997. When did you see Hobbs?—I went into Bussell’s between 12 and 1, and came out, and went home to dinner, about one o’clock.
 998. You saw him there?—No, I met him on the bridge.
 999. The same day?—Yes.
 1000. Did you meet Hobbs as you were coming from Bussell’s?—Yes, as I was going home to dinner.
 1001. Did you say something to Hobbs, at the time?—Yes, I remember saying something to him.
 1002. Remembering you said something to Hobbs, will you venture to say that Honeyball said nothing about the state of the poll, and what the Liberals were going to do?—Not that I can bring to mind, I did not hear him say anything of the sort.
 1003. Was this said?—
 Mr. Serjeant Sargood.] No.
 Mr. Justice Blackburn.] I think you can ask the question now.
 1004. Mr. Collins.] Was this said; did Honeyball say to Mrs. Bussell, “Come along, missus, let us have a pin to stick my colours up again, for we are going in to win”?—He might have said something of that sort, I could not say the words exactly.
 1005. You have no doubt he said something to that effect?—Yes.
 Mr. Serjeant Sargood.] Do not tell him that.
 Mr. Collins.] This is an adverse Witness; I am cross-examining him.
 Mr. Justice Blackburn.] We must hear what the Witness said, and we can get at that better without interruption.
 1006. (To the Witness.) Did he say anything of that sort?—Not that I am aware of.
 1007. Mr. Collins.] Will you say that he did not say something to that effect?—I do not know exactly what words he did say; but he came and asked for a pin, that he was not going to be ashamed of his colours.
 1008. Did he say anything about going in to win?—He might have said so.
 1009. Did he say that they were going in to win, meaning the Liberals; you say there were a good many people there waiting in the parlour; did he say, “Now every mother’s son of you can get a man”?—He said something to that effect.
 1010. He then left?—He went out; he said something to that effect.
 1011. And you went over the bridge and saw Hobbs?—Not at the same time.
 1012. A few minutes afterwards?—It might be a quarter of an hour afterwards.

JOHN VEARNCOMBE, sworn; examined by Mr. Serjeant Parry.

John
Vearncombe.
—
24 February
1869.

1013. WHAT are you?—A boot and shoe maker.

1014. Are you a voter of this borough?—Yes.

1015. For whom did you vote at the last election?—For Mr. Kinglake and Mr. Vanderbyl.

1016. Were you paid for it?—No.

1017. That you swear?—I swear it.

1018. Have you ever said that you were paid for it?—No.

1019. That you swear?—That I swear.

1020. Do you know Mr. Allway?—Yes.

1021. What is his Christian name?—James.

1022. Where does he live?—In the Cattle Market, close by myself.

1023. What is he?—He keeps a grocer's shop.

1024. Was he a supporter of Mr. Vanderbyl and Mr. Kinglake?—Yes.

1025. Did he canvas you for your vote?—No.

1026. Did you know of his canvassing any one for his vote?—No.

1027. Did you ever speak to him about your vote?—No.

1028. Nor he to you?—Nor he to me.

1029. You are well known in Bridgwater?—Yes, I was born and bred in Bridgwater.

1030. A great many people know you?—Yes.

1031. There are about 12,000 or 13,000 persons in Bridgwater?—I dare say half of them know me.

1032. In your own circle you have scores or hundreds who know you?—Yes.

1033. You never said that you had got some money from Allway?—Yes, I said I had 30 s.

1034. Was that true or false?—I give it to him first, I put it on his counter and said, "That is right, you will find."

1035. You say you have said that you got 30 s. from Allway?—I do not say I said I had it from Allway; I had 30 s. and I put it on Allway's counter, and he gave it to me again.

1036. That is not what you answered me just now; I ask you these questions, point blank; my meaning is this, were you not bribed to vote at the last election?—I was not.

1037. That you swear?—That I swear.

1038. Upon your solemn oath?—Upon my solemn oath.

1039. Did not you tell me this moment, that you had said to somebody you got 30 s. from Allway?—Yes; but I gave it to him first.

1040. Did you say to any one that you had got 30 s. from Allway?—I said I had 30 s.

1041. To whom?—To Mr. Harwood.

1042. You know William Harwood?—Yes.

1043. Where does he live?—In Friar-street.

1044. What is he?—A baker.

1045. He is a friend of yours?—Yes.

1046. You have always been on good terms?—Yes, and am now.

1047. You told him you had received 30 s. from Allway, but you now tell me that you put it on the counter first; be kind enough to explain that?—Friday week after the election I was at the "Duke of Wellington" in the bar; I went in to treat a person to a glass of beer.

1048. Was Mr. Harwood there?—Mr. Harwood came up after, and he put out very bad expressions to me.

1049. What were they?—He called me a bloody fool.

1050. I do not want to hear that?—You axed me what it was.

1051. This was your own personal friend in whom you trusted?—I had no trust of him.

1052. You were on good terms with him?—Yes, and am now.

1053. Why did he call you that epithet?—I cannot tell; he is a man about in public-houses, betting upon one thing and another; he is a betting man.

1054. You are disparaging your friend?

Mr. Justice Blackburn.] You had better learn what he did say.

1055. Mr. Serjeant Parry.] What did he say; he began with the expression you have used; what did he say?—He said I was a fool to let Allway best me out of 3 l.; I did not take any notice of it, I seen he was in drink, and he said, "So help me God, he best you out of 3 l.; he had 10 l. to give you, and he never gave you but 7 l." I said, "If I thought Allway had 3 l. to give me I would certainly fetch it." He repeated the same word again.

1056. Allway had 3 l. to give you, and he had not given it to you; now I interpose the question, had you any claim upon Allway for 3 l.?—Not at all.

1057. What made you say, if you thought Allway had 3 l. to give you, you would go and fetch it?—Because he said he had cheated me out of 3 l.

1058. But he had not; what made you say you would go and fetch it?—Just to carry on the game.

1059. It was nothing but a game?—That was all.

1060. Go on?—I went from the "Duke of Wellington" to Allway's, I lived between both; as I was going along I saw Rookley at his door, a door from me, I told him what had happened; I said, "I would go to Allway."

1061. What did you tell Rookley?—I told him the very same words I have repeated.

1062. What words?—What Allway had told me, and about cheating me; giving me 7 l., and cheating me out of 3 l.

1063. You told Rookley this?—Yes; then I went to Allway, and told Allway the same.

1064. Do not say the same, tell us the whole; what did you say to Allway?—I told him what Harwood said, that he had 10 l. to give me, and he only gave me 7 l., which I knew to be an untruth.

1065. Knowing it to be an untruth, you took the trouble to go to Allway and tell him that?—

1066. This was to carry out the game?—This was to carry out the game.

1067. How did you carry out the game with Allway?—I told Mr. Allway of it what he had said about him, and Mr. Allway said, "It was only a game, we will keep up the joke;" those were the very words. I said, "I will go into my house and get some money and go down, and we will keep up the joke." I goes into my own house, and I takes out about, it may be, three or four and thirty shillings.

1068. Was any one present when you took those

John Vearncombe. those 33 s.?—There was a person trying on a pair of boots in my house, when I went through.

1069. Have you a wife and family?—Yes.

1070. Did either your wife or any of your family see you take those 33 s. out?—My wife was in the shop with a young lady that was trying on a pair of boots.

1071. Did any one see you take out the 33 s.?—My wife can tell if she did, she can be called as a witness.

1072. Did not you tell your wife that you were acting a game with Harwood?—No.

1073. You did not say a single word about it?—Not a single word.

1074. Did she see you take out the 33 s.?—No, she did not, but I must have passed her to go in.

1075. She did not know what you went in for?—No.

1076. Your passing her to go in was of no consequence?—No, I had to pass by her.

1077. Tell us how you carried out the game; you came home and took this 33 s.; what did you do with it?—I went to the "Duke of Wellington" again; I had not been there above two minutes before Harwood said, "You have not got pluck to go up for that other 3 l., have you?" I said, "I will go if you will go with me."

1078. You had been up to Allway, and you had agreed upon the game you were to play?—Yes.

1079. Did not you say something about putting the 30 s. on the counter?—That was afterwards; we shall come to that by-and-by.

1080. Go on, then?—I went back to the "Duke of Wellington," and Harwood said I had not pluck to go up for the other 3 l.; I said, "If you will go with me, I will go up."

1081. Was this on the same day?—Not many minutes after.

1082. What day was it?—The Friday week after the election.

1083. Go on?—Harwood said, "Well, I will go up," and he rose up, and I rose up with him; Harwood came up, and I followed, and we went up as far as Rookley's, and he bided talking to Rookley; Rookley knew what was up before; he said, "You go on; I will be up in a moment."

1084. Who said that; Rookley?—No, William Harwood.

1085. You went out with him?—Yes, he stopped talking to Rookley.

1086. Was this part of the game?—Yes, he said, "You go on, I will be there directly." I goes up, and instead of putting 30 s., I do not know but what it might have been 29 s.

1087. Did you count them?—No, because I had three or four and thirty shillings, and I kept back three or four shillings; I hear since it was 29 s.; half-a-sovereign, and 19 s., and Mr. Allway took it up, and gave it me in my hands.

1088. Before Harwood?—No, Harwood did not come up; he promised to come up.

1089. Then why did you and Allway play this little game by yourselves; this was your little game and Allway's; why did you put 30 s. for Allway to take up, or 29 s., if it was a little game; you know what the sanctity of an oath is; you say you put this 29 s. or 30 s. upon the counter, and Allway took it up?—Allway took it up, and gave it to me.

1090. Was this all a sham?—Certainly.

1091. Why did you two play it together by yourselves?—Why did the other begin it?

1092. He was not there?—If he had not begun it with me, it would not have been done.

1093. Will you tell us why it was that, Harwood not being there, you took this 29 s. out of your pocket, put it on the counter, and that Allway took it up, and handed it to you?—To keep the game up after we had begun it.

1094. Then did you continue to keep the game up?—Going back to the "Duke of Wellington," I saw Harwood by Mr. Rookley's again; he said, "Have you got the money?" I said, "I have got 30 s.," and back we went to the "Duke of Wellington."

1095. Harwood never saw you at all at Allway's?—Yes, he saw me go there.

1096. Not at Allway's?—Yes.

1097. Was Harwood with you at Allway's?—No, I told you he stopped back.

1098. You told me he went with you to Allway's?—He could see me go to Allway's.

1099. He did not go with you; he never saw the 29 s. pass?—No.

1100. You transacted this with Allway, and you went back to Mr. Harwood; where did you find him?—Talking to Rookley.

1101. What did he say?—He said, "Have you got the money?" I said, "I have got 30 s.," I had above that in my pocket.

1102. Was that all; was the game finished then?—We went to the "Duke of Wellington." He asked me what I would have to drink; I said, "On this game we had better have a little gin-and-water."

1103. Out of the 30 s.?—No.

1104. Why not?—Because he paid for it.

1105. You having this little game on, and you having brought this 29 s., you said, "On this little game we had better have a little gin-and-water"?—He asked me what I would have to drink, and I said, "On this game, I suppose, you will be a glass of gin-and-water." He done so; there were a great many glasses; he treated all the company.

1106. That is not a part of the little game; that is a sort of interlude?—There is ever so much more after that; he asked me if I would go to the "Golden Ball."

1107. Has this little game finished, or are you continuing your narrative of it; when do you consider the game was played out?—I do not know; perhaps it may not be finished yet.

1108. Do you say it is or is not?—You may go on as far as you like.

1109. Is that all about the 30 s.; did anything else occur more about the 30 s.?—We went to the "Golden Ball."

1110. Is your game finished yet?—We went to the "Golden Ball." He asked me if I would go to the "Golden Ball;" I said, "Yes, or anywhere else." Mrs. Cole said, "Do not you go out."

1111. Who is Mrs. Cole?—The landlady at the "Duke of Wellington."

1112. Is Walter Cole the landlord?—Yes; it is Mr. Harwood's house.

1113. Go on about the "Golden Ball;" if the game is played out, tell me?—It is not.

1114. Go on with it, then?—Mrs. Cole said to me, "I would not go down." I said, "I will go; I will go anywhere; I know nothing, and nothing can be made of nothing."

1115. Nothing

1115. Nothing about what?—About the election.

1116. You knew something about the election; you knew Mr. Kinglake was a candidate?—I knew nothing about bribery.

1117. That is what you said to Mrs. Cole?—Yes.

1118. What made you say that?—I told Harwood the same then, and I went for a walk with Harwood the Sunday, and told him the same. They have subpoenaed people more than they had any occasion to.

1119. Have you done now; is that all that passed between you and Mr. Harwood?—Yes; we will say, let it go so.

1120. Did you go anywhere after the “Golden Ball”?—No.

1121. Did you go back to Allway’s?—No; I went home.

1122. Did any human being see you take this 33 s.?—No; my wife could not see me take it.

1123. Nobody saw you take it?—No person saw me take it.

1124. That was part of the game; that nobody should see you take it?—No.

1125. Is that all between you and Allway; does anybody else know about your taking this money out of your house, and putting it on the counter, and Allway giving it back to you; does anybody know it except you and Allway?—I do not know whether any of my youngsters saw me take it out; I have five children.

1126. Does anybody, whom you can vouch as a witness, know of this transaction, about this 29 s., but you and Allway?—No.

1127. Nor of the game?—No.

1128. Did you ever play a game of that sort before, in your life?—No.

1129. Have you ever played it since?—No.

1130. Have you ever said to anyone, besides Harwood, that you had received 7 l. for your vote?—Never in my life.

1131. Do you know James Palmer?—I have never spoken to him in my life.

1132. Do you know him?—I have seen him here.

1133. Have you seen him before?—I have seen him before; but I never spoke to him.

1134. Did you say in his presence, or anybody’s presence, that you had received 7 l. for your vote?—No; if I said so, I should tell a lie.

1135. Did you ever say so?—I never did say so.

1136. And you never received 7 l.?—No, nor yet one penny; nor yet a promise.

1137. Do you know Robert Bussell?—Yes, I do.

1138. Did you ever say, in his presence, that you had received 7 l. for your vote?—Never in my life.

1139. You never did say it to anyone; did Harwood say to you that he understood you had received 7 l. for your vote, or ask you if you had?—He told me I had done so.

1140. Did not you tell him you had?—No.

1141. Did not he tell you 10 l. was the price, and the man who had given you the 7 l. had robbed you?—Yes; but I never had received the 7 l.

1142. Did he say, “Go up and get the other 3 l.”?—I said, if he had 3 l. to give me, I should like to have it.

1143. Do you mean to represent that your saying that, if he had 3 l. to give you, you should like to have it, was the beginning of this little game?—No; how could it be the beginning.

1144. When the man told you that you had received 7 l., and you ought to have received 10 l., you said, “If I have another 3 l. to receive, I should like to have it”?—No; I said, “If I thought Allway would give me the 3 l., I would fetch it.”

1145. You went, as you have told us, and played out this little game?—Yes.

1146. Did not you say you had got 30 s., and that was all you could get?—No; I did not say that was all I could get.

1147. If you were playing a little game, why should you not have taken 3 l. out of your till, instead of 30 s.?—I had not got it in the house; I took all there was there; that was 33 s. or 34 s.

1148. Your wife did not know anything about it?—No; she knows nothing about it.

1149. Did you afterwards meet Harwood, at any time, with Allway?—Yes.

1150. Did he again challenge you about this matter?—No; I was going across to make inquiry about some work, and I saw Allway and Monsop together; he said, “If you will come along further you will see Billy Harwood.” I looked a little way down and saw him. He came back when he saw me. There was a little conversation; I could not say what it was, because I had to go about some work.

1151. Did Harwood say, when you and Allway were present, that Allway had given you 30 s., and asked him why he did not give you the other 30 s., having received 10 l. to give you?—No.

1152. Nothing of that kind?—Nothing of that kind.

1153. Did not Allway turn round to you and say, “Why, Vearncombe, you know that I gave you that for your work”; was it not for work?—That word was mentioned.

1154. How came that word to be mentioned?—He said that, and laughed to Harwood.

1155. Did not you say, “I will let you know what it is for”; and then did Allway swear at you?—No.

1156. Allway made use of no bad language?—I left in a moment; I had some business; I was not there a moment.

1157. Did not Allway say, “Damn your eyes, what do you mean”?—No.

1158. You swear he did not say anything of that kind in Harwood’s presence?—I swear he did not.

1159. Do you know Geoffrey Denman, who keeps the “White Lion Inn”?—Yes.

1160. Did you tell him that you had received 7 l., and 30 s., and could not get the 30 s. from Allway?—No; nor any other man.

1161. I am asking about him?—No.

1162. In the presence of a great many people?—No; I knew all about it.

1163. I am told I am wrong about Palmer being the man who was examined here; do you know James Palmer, the mason; do you know a person of the name of James Palmer?—Yes, if it is the one on the Quay; I knows that man; I don’t know whether his name is James or John.

1164. You know a Palmer?—Yes.

1165. Is he a mason on the Quay?—Yes.

D

1166. Did

John
Vearncombe.

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*John
Vearncombe.*
—
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1166. Did you tell him that you had had 7*l.*; that you could not get the other 3*l.*?—I did not speak to the man more than once in my life.

1167. Did you say that?—No, never.

1168. When did you speak to him?—It may have been once.

1169. When?—Lately; there is a man that works with him who lives behind me; I think I met him at the door, and said "Good morning." I do not think I have spoken to the man since or before.

1170. Have you not told him that you had had 7*l.*, and could not get more than 30*s.* of the other 3*l.*?—No.

1171. Over and over again have you not complained of that?—No.

1172. You swear you never complained of that?—I swear I never complained of that.

1173. Do you know a man of the name of William Baker, a bootmaker?—Yes.

1174. Did you see him on the poll day standing upon the bridge?—No.

1175. Anywhere?—No.

1176. You never did see him?—No.

1177. Do you know him?—Yes.

1178. Did you show him a sovereign, and tell him that was part of what you got for your vote?—No; I have not spoken to him for 12 months.

1179. My question is, did you or did you not?—No.

1180. When have you seen him?—I very often pass him in the town.

1181. When did you see him last?—I cannot tell you.

1182. Did you see him on the day of the election?—No.

1183. Did you see him the day before?—No.

1184. How often have you seen him within the last 12 months?—I very often pass him in the town.

1185. And you have never spoken to him?—I have never spoken to him.

1186. Did you tell Baker this on the day after the election, "There was a great procession"?—I have not spoken to him these 12 months; we are not good friends; he is in the same line of business with me; we do not speak.

1187. Because of shoemaking?—No; I do not speak to him.

1188. Do you know the young man; do you know young Baker?—Yes.

1189. Have you spoken to him?—No.

1190. Are you equally unfriendly with him?—No, he is a lad; I do not mind talking to him.

1191. Neither to him nor his father, did you show the sovereign?—No.

1192. Nor to anyone?—Nor to anyone.

1193. You never showed a sovereign to anyone?—No.

1194. Are you sure?—Yes.

1195. You never showed a sovereign to anyone and said, "This is what I got for my vote"?—No.

1196. Did you tell Jeffrey Denman that you had had 7*l.* for your vote, and that your wife took it out of your pocket?—No; I have told Jeffrey Denman several times that I never had a farthing for my vote.

1197. How came you to tell him that?—I works for him; I very often go there with work; we were talking about the election one day.

1198. You say you told him several times that you never had a farthing?—I say I have never had a farthing.

1199. Why did you tell Jeffrey Denman that you never had a farthing?—We were talking about this little bit of a joke.

1200. Did not he believe you at first?—Yes.

1201. You never told him what I have said?—I never told him so in my life.

1202. What time did you poll?—Ten in the morning.

1203. For Mr. Kinglake and Mr. Vanderbyl?—Yes; I do not think it was two minutes after ten.

1204. Do I understand from you that you had always promised them your vote?—When Mr. Westropp called upon me, I told him I had been asked to promise Mr. Kinglake and Mr. Vanderbyl to vote, and would not.

1205. Did you promise them your vote?—When they came to me I promised them.

1206. When did they come?—I think it was almost the last day they was about canvassing.

1207. Who came with them?—Mr. Barham.

1208. Anybody else?—No one else.

1209. And then you promised them the last day of the canvassing?—I think it was the last day. I saw them about canvassing the last day.

1210. Had you promised anyone that you would vote for Mr. Vanderbyl and Mr. Kinglake before that?—Not that I know of.

1211. Had you kept it secret?—I generally was on that side.

1212. Will you swear that you voted at 10?—I think it was about 10; I think it was somewhere about 10.

1213. Was it between 12 and 1 that you voted?—No.

1214. Be careful, we have the poll-books?—I do not care about the poll-books.

1215. Is there another John Vearncombe?—Not in this town.

1216. Will you pledge your oath that you voted at 10 o'clock?—I pledge my oath it was not far from 10.

1217. Was it not between 12 and 1?—No.

1218. Will you swear it was before 11?—It was not far from 10.

1219. Do you swear it was not before 11; people saw you vote, and the time when you voted can be ascertained?—It could not be much past 10 when I voted.

1220. Was it before 11?—Yes.

1221. Are you certain it was before 11?—Yes.

1222. That you swear?—I say it was before 11 that I polled.

1223. You swear it was before 11?—I swear it was before 11.

1224. Who went with you to poll?—No one; nobody ever axed me to poll; I had my breakfast and washed.

1225. Will you swear that it was before 12; was it not between 12 and 1?—No; no such time.

1226. Did you ever say you had received 7*l.* in fun, and wanted the other 3*l.*?—I never said that I received 7*l.*, either in fun or in earnest; I said, when they said about 30*s.*, I had got 30*s.*; I never said I received it from Allway.

Cross-examined by Mr. Serjeant *Sargood.*

1227. You are a master tradesman, having a shop in the High-street?—In the Cattle Market.

1228. And you have had one there for some few years?—Yes.

1229. Is there any pretence for anybody saying

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saying that you received money on account of your vote?—No; none sumever.

1230. Is Harwood, with whom you had what my learned friend calls a little game, well known as a Conservative?—Yes.

1231. You say he was rather fresh that night?—He was rather drinky.

1232. Was it the first time you had overheard anyone suggest the idea of your having money?—Yes, the first time.

1233. He said this man Allway had had done out of 3 l.?—He said Allway had done me out of 3 l.

1234. That is he had 10 l., and had only given you 7 l.?—Yes, I knew it to be wrong at the time.

1235. He said that Allway had only given you 7 l.?—Yes.

1236. You never pretended that you had received 10 l. from anybody?—No.

1237. This man being rather drunk, and saying Allway had done you out of 3 l., you thought if Allway had got 3 l. to give you, you would go and fetch it?—Yes.

1238. Then, in order to carry out your joke, wanting Allway to give you some money, you took it out of your till, in order that you might truthfully say that he had given you 30 s.?—Yes.

1239. And you explained to Allway what this man had been talking to you about?—Yes.

1240. Allway handed over to you the money, and left you to carry out the joke?—Yes.

1241. When you went back the man said that you had not the pluck to go and get it, and you went and got it?—Yes.

1242. There is no pretence for saying that you had any money?—Not a halfpenny, or a glass of beer.

1243. Who was in "The Duke of Wellington" when Harwood made this observation?—Me; I went in to treat a man, and then Harwood came in.

1244. And used that foul language?—Yes.

1245. Having said what you did, you thought you would carry out the joke, and did it?—Yes.

1246. And there really is nothing more than that?—Nothing more.

Mr. Serjeant *Parry* stated that he proposed to call William Harwood and Jeffrey Denman, to prove what this Witness said to them, submitting that the Witness was a man who he alleged had been bribed, but upon whose evidence he could not rely; and he was therefore in the same position as a Witness called by the Respondents, to prove that he was not bribed.

Mr. Justice *Blackburn* intimated that he thought that Mr. Serjeant *Parry* could not call William Harwood and Jeffrey Denman for the purpose indicated by him.

Mr. Serjeant *Parry* stated that he proposed to call Baker to show that this Witness did show a sovereign to Baker, and accompanied it with an observation.

After some observations by Mr. Justice *Blackburn*, Mr. Serjeant *Parry* stated that he would not press it.

Witness.] I will speak to you about the sovereign, if you please; you say I showed a sovereign to Baker, after the polling day; I did show him a sovereign down by the bridge.

1247. Mr. Serjeant *Parry.*] I thought you said you did not?—Not on the polling day.

1248. It was after the polling day?—Yes, it was not my sovereign, but Harwood's brother's sovereign.

1249. Mr. Justice *Blackburn.*] Tell us what you did say about it?—I had a sovereign of Harwood's brother. We were coming along in a procession, and Mr. Smith's son, I suppose it was, at the grocer's shop down by the bridge, put up half-a-sovereign and showed me it, and I took a sovereign out of my pocket, and showed it; it was not my sovereign, but Harwood's sovereign; but if it had been my own it was no reason that it should have been one I had been bribed with.

1250. Why did he show you the half-sovereign?—He held up half-a-sovereign, and he said, "That is what you have bought Brown's bricks with," he said to me; I said, "I was not bought with the like of that," I said, though I had got one and I put it up. It was not my own; but if it had been it was no difference; I was never bribed by a sovereign, and never had a halfpenny to get a glass of beer.

1251. What then?—Then I said I was not bought with the like of that; though I got one, it was not my own, but if it had been it would make no difference. I was not bribed with the sovereign, and I never had a halfpenny to get a glass of beer.

1252. How came you to have the sovereign from Harwood's brother?—I went into a public-house, and Harwood came in and he put the sovereign down on the table, and we got larking there together, and he was going to make a bet or something—

1253. Who was going to make a bet?—Not the same Harwood; a brother of his. I took up the sovereign to give it to him and he turned off affronted, and he said he would not have it without the bet was made; he said he would make a bet. We were talking about making a bet or something like that. He said, "I will not have it unless you take the bet" I took up the sovereign to give to him outside. I did not give him the sovereign; we came up together. I gave the sovereign to him afterwards, to his brother for him. It was not my sovereign that I showed, and Harwood will tell you the same. I daresay he is here in court.

[The Witness withdrew.

JAMES HAYWARD, sworn; Examined by Mr. Serjeant *Parry*.

1254. You are a master mariner?—I am.

1255. You are a voter, are you not?—I am.

1256. Did you vote for Vanderbyl and Kinglake?—I did.

1257. Did you happen always before the last election to have voted on the Conservative side?—I never had a vote before.

65.

1258. Are you quite sure of that?—Quite sure. *J. Hayward.*

1259. This was your first vote?—This was my first vote.

1260. Were you a Conservative in politics (if you had any) before that?—I don't know what I was.

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1261. You

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1261. You are sure of that?—I am sure of it.
1262. Quite sure?—Quite sure.
1263. Would you allow me to ask you this; were you at Cardiff at the time of the election or just before?—I was not.
1264. I am ignorant of Welsh geography; was it at Swansea?—Swansea.
1265. You are certainly superior to me there; did you offer to vote for the Conservatives before the election?—No.
1266. Never?—Never.
1267. That you swear?—I swear it.
1268. Neither personally or in writing?—Not by personally.
1269. What do you mean by “by personally”?—Not by the candidates.
1270. You never promised the candidates to vote?—No.
1271. You never promised Westropp and Gray to vote for them?—Never.
1272. Did you promise anyone to vote for them?—No.
1273. Now you were going to make some distinction between a verbal and a written promise; did you promise verbally to vote for Westropp and Gray before the last election?—I never promised Mr. Westropp nor Mr. Gray personally.
1274. Mr. Justice *Blackburn.*] From the terms of your explanation, you seem to have promised not those gentlemen themselves, but somebody for them; was there anyone to whom you did promise or offer to vote for them?—I sent a letter.
1275. Mr. Serjeant *Parry.*] You did promise some one then to vote for the Conservatives?—Only by a letter.
1276. I will come to the letter presently. When did you come from Swansea to vote?—The day before the polling.
1277. That was the 16th, was it not; was that a Monday or a Tuesday?—Well, I cannot rightly say what day of the month it was.
1278. Did you arrive on the day before the polling?—On the Monday evening; I suppose it was the day before the polling. I arrived the night before the polling day were.
1279. You did not keep a copy of your letter, did you?—No.
1280. I will relieve your mind from any anxiety about it. Do you know Mr. William Humber, of King-street, Bridgwater?—I know a person named Henry Humber.
1281. This is more like a V than a W or an H, therefore I have called it a W. Is that (*handing a letter to the Witness*) your writing?—That is my writing.
1282. It is very like a V, is it not?—I don't mind what you may call it.
1283. Is that your writing (*handing a letter to the Witness*)?—That is my writing.
1284. Mr. Henry Humber is a Conservative, I think?—He may be for all I know.
1285. But did you not know it, on your oath, when you wrote this letter?—On my oath, he was working for the Conservative party.
1286. “November 15th, 1868, Swansea. Mr. H. Humber—If you like to send for me I will come home and vote for Mr. Westropp and Gray; you must telegraph as soon as you get this letter, for me to catch the train from Swansea. My wife will give you my address; you can send to me if you want me. Remain yours truly, Captain James Hayward, Pig Cross.” That is your letter?—That is mine.
1287. At that time you had made up your mind to vote for Westropp and Gray?—Yes.

1288. As a good Conservative. This is dated the 15th. It was on the Sunday that this was written?—I suppose so; I cannot tell what day of the month it was.
1289. After you had been to church I daresay?—I had not been to any church that day.
1290. You got no answer to this letter; did you want your expenses paid when you wrote this letter?—Mr. Westropp told my wife that I should be sent for—
1291. That is not really evidence. Will you answer my question; although you may say anything you like about Mr. Westropp and Mr. Gray, as far as I care. Did you expect to be paid your expenses when you wrote this letter?—I did.
1292. That is a very fair answer, and that is all I ask you. When you came over here, did you see a Mr. Charles Badger?—I may see him.
1293. Do you know him?—I know him.
1294. Who is he?—I believe he is a clerk in Brown and Company's office.
1295. Brown and Company are gentlemen who are well known as very large brickmakers, I suppose, and they are carrying on other business here?—I believe so.
1296. Did you see Mr. Charles Badger on the day of the election at all?—I did.
1297. You got no answer to this letter?—No; no answer at all.
1298. Did you get a telegram or message from anyone?—No one at all.
1299. You came over of your own accord?—Of my own accord.
1300. On speculation?—Well, I came over of my own accord.
1301. What time of the day was it, that you saw Mr. Charles Badger?—I could not particularly say that.
1302. Was it about three o'clock in the afternoon?—I cannot say that.
1303. Mr. Justice *Blackburn.*] On what day was this?—On the polling day.
1304. Mr. Serjeant *Parry.*] Was it in the afternoon, from two o'clock to three o'clock?—I cannot say.
1305. But you can tell us about the time, can you not?—I cannot; I had no watch.
1306. Is your mind a perfect blank upon that point?—I cannot say that.
1307. Was it before 12 o'clock, or after 12 o'clock?—I cannot say.
1308. What time did you get here?—The night before the poll.
1309. And you got up in the morning at your usual hour?—Yes; I got up in the morning.
1310. At what time?—I cannot say.
1311. I will give you from eight o'clock till four o'clock, the polling hours; can you tell me or not, upon your oath, at about what time in the day on the day of the polling, you saw this gentleman, Mr. Badger?—I cannot.
1312. Then you do not know whether it was at eight o'clock in the morning or four o'clock in the afternoon?—I cannot say what hour.
1313. Do you mean to swear that you do not know whether it was at eight o'clock in the morning, or four o'clock in the afternoon?—I will swear that it was not at eight o'clock in the morning.
1314. Was it nine o'clock?—I cannot say after that time.
1315. I do not want to go through this rigmale about eight, nine, or 10 o'clock, with a person like you; was it before four o'clock?—
1316. Mr.

1316. Mr. Justice *Blackburn*.] Was it before or after your dinner; I suppose you dined in the middle of the day; when do you dine?—Well, I never had no dinner at all that day.

1317. Mr. Serjeant *Parry*.] If I tell you the time at which you polled, would that be any assistance to you; did you have any breakfast on that day?—I did.

1318. Then you had nothing till after the poll closed?—I never had no dinner that day.

1319. Had you any refreshment, that includes a little drink?—I had no dinner that day; I had a cup of cider.

1320. Where?—In a public-house.

1321. But what public-house?—I went in the "Fountain."

1322. Was that near the "Anchor"?—Close by.

1323. About when did you have that cup of cider?—It might be in the forenoon.

1324. Before 12 o'clock, do you mean?—It may be.

1325. But was it?—Well, I cannot say. I had no watch in my hand to see what time it was.

1326. You do not know at what time you saw Mr. Badger, but you do know at what time you had the cup of cider; was it after the cup of cider that you saw Mr. Badger?—I cannot say.

1327. You cannot say, and you will not say; is that so?—I cannot say.

1328. You saw Mr. Badger?—During the day.

1329. Where did you see him?—Somewhere about the bridge, I believe it was.

1330. What bridge?—At Bridgwater Bridge.

1331. There is only one bridge, is there?—That is all.

1332. That is close by the "Anchor"; is it not?—Yes.

1333. Were there a lot of voters together there?—I do not know whether they were voters or not.

1334. There were a lot of men about?—There generally is about our quays and bridge.

1335. More than usual at election times?—I never observed it.

1336. Were there a number of men, upon your oath, waiting about near the bridge, towards the "Anchor"?—I cannot say that.

1337. You were there, and you saw Badger on the bridge?—I saw Badger close to the bridge.

1338. Is Charles Badger a clerk to Brown and Company?—I believe so.

1339. You have known him before, I think?—Oh, yes.

1340. You know him very well, do you not?—Yes.

1341. Then you know that he is a clerk to Brown and Company?—Yes.

1342. It is not a matter of mere belief; did he say anything to you about your vote?—Not that I am aware of.

1343. Your maiden vote, you know; just reflect, the first vote you ever gave; did not Badger say something to you about it?—Not to my recollection.

1344. You know nothing about that, then?—Not to my recollection.

1345. Are you aware that you ought to answer these questions fully here upon your oath, and not to tamper with the oath?—A man cannot answer a question if he does not know it.

1346. And you mean to swear and tell my Lord that you do not know whether Badger spoke to you about this maiden vote of yours?—I cannot recollect that any words passed.

1347. Do you think he did?—I cannot say.

1348. What did he speak to you about?—He may not have said anything.

1349. Did he speak to you?—Not on the bridge.

1350. Where?—Nowhere.

1351. Where did he speak to you?—Nowhere.

1352. Where did he speak to you?—Nowhere.

1353. Then, do I understand you to say that you saw Badger on the bridge in the course of the day, and that he, being a friend of yours, never said a word to you?—There might not be no conversation with him.

1354. But was there?—No.

1355. That you swear?—Yes.

1356. Then you did not speak to Badger?—No.

1357. You did not speak to Badger?—I seen Badger, but not to speak to him.

1358. Have you seen Badger to-day?—I have seen him in court here.

1359. Have you spoken to him?—Not to-day.

1360. Yesterday?—No.

1361. A day or two ago?—No.

1362. Did you speak to Badger at any time about the evidence you were to give here to-day, upon your solemn oath?—No.

1363. You never did?—No.

1364. Then nobody spoke to you about your vote that day?—No one at all.

1365. Then, what time did you vote?—It may be between two and three o'clock.

1366. We have the poll-book here with the exact time at which you did vote; suppose I tell you that you voted after three o'clock?—I cannot tell; it might be after three o'clock, or between two o'clock and three o'clock; I cannot say.

1367. No one at all had spoken to you about your vote up to that time?—They had not.

1368. You voted for Kinglake and Vanderbyl; and how came you, after having written this letter on the 15th, that you would vote for Westropp and Gray if you were sent for from Swansea, to vote for Kinglake and Vanderbyl?—A man can use his own mind.

1369. A man can change his mind as many times as there are minutes or hours in the day, but how came you to change your mind?—I had my own mind to use.

1370. What made you offer to vote for Westropp and Gray on the 15th?—By Mr. Westropp calling at my house, and Mr. Gray says that I should be sent for to come home and vote for them.

1371. That was the reason that you were going to vote for Westropp and Gray?—If they paid my expenses.

1372. It was to your wife, I suppose, that they said this?—Not to me.

1373. You intended to get your expenses before you voted?—Certainly.

1374. Did you get your expenses from Kinglake and Vanderbyl?—Oh, no.

1375. Mr. Justice *Blackburn*.] Did you get your expenses from any one?—No one at all.

1376. Mr. Serjeant *Parry*.] What do you mean by swearing that you intended to get your expenses if you voted for Westropp and Gray, and then that you voted for Kinglake and Vanderbyl without any expenses at all?—They promised to send for me.

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1377. Who promised to send for you?—Messrs. Westropp and Gray.

1378. But they did not send for you; nobody appears to have sent for you?—No one at all.

1379. Upon your oath, did you not receive your expenses?—I did not.

1380. Nor a promise of them?—Nor a promise of them.

1381. Not a penny from anyone?—Not a penny from anyone.

1382. Nobody asked you for your vote?—No one at all.

1383. You never conversed with anyone about your vote?—I never conversed with anybody about my vote.

1384. Not even with your wife; you may not call her anybody, but I ask you, did you converse with your wife about your vote?—A man does not tell all his business to his wife I should not think; I never tells all my business to my wife; many men tells their wives too much.

1385. I want to know what sort of a man you are; did you ever tell your wife that you were going to vote for Kinglake and Vanderbyl?—I cannot say.

1386. Do you mean solemnly to swear that?—I cannot say.

1387. Do you solemnly swear that you do not know whether you told your wife or not that you were going to vote for Kinglake and Vanderbyl?—I cannot recollect any such words.

1388. And you never told anyone?—I never told anyone.

1389. That you swear?—That I swear.

1390. Why did you not vote before three o'clock?—I believe the hours for polling are from eight to four o'clock.

1391. Why did you not vote before three o'clock; now you are doing yourself no credit here, I assure you; why did you not vote before three o'clock?—I think a man might use his mind when he does vote.

1392. How came it that you used your own mind, as you have the folly to call it, and did not vote before three o'clock?—The time is not before four o'clock.

1393. Give me your reason why you did not vote before three o'clock?—I cannot tell that.

1394. Did you see anyone on the bridge that you knew, or near the bridge?—There were several there, but I did not take particular notice of who was there.

1395. How many hours had you been waiting about: you know there is such a thing as an indictment for perjury in this country; how many hours had you been waiting about near the "Fountain"?—I may have been an hour perhaps.

1396. Were you not several hours there; were you not there loitering about three or four hours before you voted?—I was about the town.

1397. About the bridge and the neighbourhood?—My business lies about that neighbourhood.

1398. Did you do any business on that day?—Not on that day.

1399. Did you do one atom of business on that day?—No.

1400. What do you mean by telling me that your business lies about the bridge?—Because we are watermen, and we generally lie about the bridge.

1401. But you did no business upon that day; were you loitering about there for three or four hours?—I may have been about the town.

1402. Did you go into any public-houses; did you go into the "Anchor"?—I went into the "Anchor."

1403. That is Bussell's place, is it not?—I believe it is.

1404. When did you go into Bussell's?—Between breakfast and dinner.

1405. That is between breakfast time and dinner time, I suppose; are you sure you did not have any dinner that day?—I know I did not.

1406. Are you quite certain?—Quite.

1407. What is your usual dinner time?—Any time when we can catch it.

1408. What is your usual time when you are at leisure?—One o'clock.

1409. What time were you at Bussell's?—Between breakfast and dinner time.

1410. Did you see Bussell?—I seen him.

1411. Mr. Henry Chapman Bussell?—I did.

1412. Did you speak to him?—I cannot say whether I did or not.

1413. You are not dealing fairly with me; you are too bad; you will not answer me any question?—I can answer to you that I did speak to him; I cannot say.

1414. You would not like to pledge yourself?—I could not answer.

1415. Had you anything to drink there?—I had.

1416. How long were you there?—I may be there 20 minutes perhaps.

1417. Were you so uncivil as not to speak to Bussell?—If I had nothing to talk about I had nothing at all to speak to him.

1418. Had you nothing to talk about the election?—Not a word with Bussell.

1419. With whom?—With no one.

1420. You want my Lord to believe that, though you voted for Kinglake and Vanderbyl, having promised to vote for Westropp and Gray, if your expenses were paid from Swansea, you never spoke to a human being about the election, not even your wife?—I never did.

1421. Then we understand each other; just allow me to ask you one or two questions further; did you go aside with Bussell at all into any private room?—No.

1422. Did you see anybody that you knew at Bussell's?—I see'd several there.

4423. Who were they?—I see'd Captain Pitman, of the "Rosavine."

1424. Whom else did you see that you knew?—Several others, but I cannot recollect their names.

1425. There were several others there when you were there, and Bussell was there?—I see'd him once.

1426. Was he coming in and going out every minute?—He was coming in from his bar into the front room.

1427. You were there about 20 minutes; it was after you were at Bussell's that you voted?—It may be.

1428. That is the way in which you answer; have you consulted anybody as to how you should answer questions here this morning?—No.

1429. Have you been told never to answer a single question, directly or honestly?—I have answered as far as I knows.

1430. Allow me to ask you this; did you pay for what you had at Bussell's?—I did.

1431. Do you remember what it was?—A pint of cider.

1432. You

1432. You had a cup at the "Fountain"?—I had a cup at the "Fountain."

1433. And a pint at Bussell's?—And a pint at Bussell's.

1434. Anything more; did you have any cider that day instead of dinner?—I had no dinner.

1435. I know you had no dinner, or at least I know you said you had none; had you any more cider at all?—Oh, yes.

1436. How much more had you?—One more pint before that.

1437. Before you voted?—Before I voted.

1438. You swear you do not know when you saw Badger, but you say you did see him on that day somewhere?—I did see him at the bridge.

1439. You say you did not talk to Badger at all about your vote?—Not to my recollection.

1440. You have sworn positively that you never talked to anybody about it; are you quite sure whether you talked to Badger about it?—Not to my recollection.

1441. May you have talked to him about it and forgotten it?—Not to my recollection.

1442. Do you think that you are answering my questions fairly?—If I cannot recollect a thing I cannot recollect it; I cannot recollect talking to Badger.

1443. Your state of mind at this moment is that you cannot recollect whether you have forgotten talking to Badger?—I cannot recollect whether I have forgotten talking to Badger.

1444. Did you say to Badger, in the course of your conversation about your expenses, "I am not going for my expenses; I can afford to pay my own"?—Not to recollect those words.

1445. Will you swear that you did not use those words?—I cannot recollect.

1446. Those are remarkable expressions; you could not have forgotten them if you used them; upon your oath, when you saw Badger on the bridge, did you not, in the course of conversation upon the bridge, say, "Damn your expenses; I don't mind your expenses; I can afford to pay my own"?—I cannot remember any such words.

1447. Have you forgotten them?—I cannot recollect that I spoke them.

1448. Can you recollect whether you have forgotten them?—I cannot recollect that I spoke them.

1449. Can you recollect whether you may have used the words and have forgotten them?—I cannot recollect that I spoke them.

1450. Was a person of the name of Henry Hobbs present upon that occasion?—I did not see him to the best of my knowledge.

1451. Was Henry Hobbs present upon that occasion?—Not to the best of my knowledge; I seen Henry Hobbs on the bridge.

1452. At the time you talked to Badger?—I was not talking to Badger about no election.

1453. Did you talk to him about anything?—About nothing at all.

1454. Do you know whether Henry Hobbs was a supporter of Westropp and Gray?—I could not say.

1455. Do you know it or not?—I believe he was a Conservative.

1456. When you said this, did you not say what I have put to you, "Damn your expenses; I am not going for my expenses; I can afford to pay my own"; did you not turn round to Henry

Hobbs and say, "Come on, Henry, I will go to poll with you"?—Not to my recollection.

1457. Will you swear that you did not?—I will swear I did not, not to my recollection.

1458. Mr. Justice *Blackburn*.] It is a very mistaken idea that you can avoid the consequences of a falsehood by saying not to your recollection; such a matter as that cannot be forgotten?—I cannot recollect that I did say so; I did not say that.

1459. It will come entirely to the same thing, for if there is sufficient evidence to show that you did say such a thing, and there is an indictment for perjury, no jury would for a moment accept your statement that you had forgotten it?—

1460. Mr. Serjeant *Parry* (to the *Witness*).] Will you swear that you did not say to Henry Hobbs, "Come along, Henry, I will go and vote with you"?—I cannot recollect any such words.

1461. Will you swear that you did not use them?—I cannot recollect any such words.

1462. Although my Lord tells you to answer straight yes or no, you will not do it?—I cannot recollect any such words.

1463. Mr. Justice *Blackburn*.] Will you venture to swear that you do recollect that you did not use any words to that effect?—I believe I did not.

1464. Mr. Serjeant *Parry*.] Will you swear positively, upon your oath, that you did not; yes or no; now answer that question?—I cannot recollect that any such words passed.

1465. Though I believe we have got quite enough, just attend to me; I have not quite done with you yet: did Henry Chapman Bussell come up about the time of this conversation?—What conversation?

1466. At the time of this conversation that you do not venture to swear did not pass, and that you say you do not recollect, did Bussell, the landlord of the "Anchor" come up?—Up where?

1467. Up to you, and Badger, and Hobbs; all three of you together?—Bussell did not.

1468. You swear that Bussell did not?—He did not.

1469. Did Bussell come to you, and call you away?—No, not there.

1470. Where?—I met Bussell coming down the town.

1471. When?—Before I went to poll.

1472. Dear me; you met Mr. Bussell coming down the town before you went to poll; that was a lucky meeting, was it not?—I cannot say about that.

1473. Did he speak to you; did he tell you to go along with him?—Yes.

1474. Did you go along with him?—I did.

1475. Do speak out; did you go into his house first?—I went to his house,

1476. Just before you polled?—Before I went to poll.

1477. Did you come out again?—I came out again.

1478. Did he come out with you?—No.

1479. You went to the poll by yourself?—By myself.

1480. About what time was this?—It might be between two and three o'clock, I cannot say exactly.

1481. What did he give you?—Nothing at all.

1482. Not even your expenses?—No.

1483. Nor promise anything?—No.

1484. And you mean to swear upon your oath

J. Hayward.

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J. Hayward. that you voted for Kinglake and Vanderbyl without receiving one farthing?—I did.

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1485. And you expect everybody to believe that oath?—I can swear that.

1486. You expect to be believed?—I swear that; that I never had my expenses nor a promise of anything.

1487. After this election, did you say to any one that you would take good care if you were away at another election that you would never come to vote, because you had been promised your expenses and had not been paid them?—Never.

1488. You went, you say, with Bussell into his house; he saw you up the town or somewhere, and took you to his house; how long were you with him before you went out again to vote?—I may be in the house 20 minutes.

1489. You know a person of the name of Collett?—Yes.

1490. Were you with him on that day?—I was.

1491. The whole of the afternoon?—Not the whole of the afternoon.

1492. Was he with you a good many hours?—No.

1493. Was he with you for some time?—No.

1494. How long?—Long enough to treat me with a glass of port wine.

1494.* Cyder and port wine and no dinner?—No dinner.

1495. How long was he with you altogether?—I cannot say.

1496. Was he an hour or a couple of hours?—I cannot say.

1497. You will not say?—I cannot say how long it was.

1498. Did you tell him that you had made up your mind not to vote unless you got your expenses and something handsome?—I cannot say.

1499. You cannot say whether you told Collett that?—No.

1500. Is Collett a friend of yours?—Not a particular friend as I know of.

1501. Do you know him?—I know him.

1502. Did you know him before the election?—I did.

1503. How long have you known him?—Two or three years.

1504. What is he?—I cannot say what he is.

1505. Where does he live?—I cannot say.

1506. Is he a mariner?—No, he is not.

1507. What is he?—I cannot say what he is.

[The Witness withdrew.]

HENRY HUMBER, sworn.

H. Humber.

Mr. Collins stated that this Witness was not required at present, as he only produced

the letter which had been already identified.

[The Witness withdrew.]

HENRY HOBBS, sworn; Examined by Mr. Serjeant Parry.

H. Hobbs.

1508. WHAT are you?—A Boot and Shoemaker.

1509. Where do you reside?—In Eastover.

1510. And you are a voter?—I am.

1511. And for whom did you vote?—For Mr. Westropp and Gray.

1512. Do you know a person of the name of Charles Badger?—I do.

1513. Do you know the last witness?—I do; I knowed him from being children together.

1514. Did you see Badger and the last witness, Hayward, together on the day of the election?—I seen Hayward coming from Badger; they was all of a heap, a lot of them.

1515. How many other persons were there?—There was a heap of them there together, but I cannot mention who there were.

1516. How many?—Nearly a dozen I should think.

1517. Were they voters, to the best of your belief?—Really I cannot tell whether they were all voters or not.

1518. Did you hear Badger say anything to Haywood, or Haywood to Badger?—I did not hear Badger say anything.

1519. Did you hear Haywood say anything to Badger?—Yes, I heard—

1520. Just answer my questions, yes or no; you did hear Hayward say something to Badger?—I heard Hayward say something.

1521. Did you afterwards see a man of the name of Bussell, the landlord of the "Anchor"?—Yes.

1522. Where was that?—Over the bridge just opposite the gaol.

Mr. Justice Blackburn said that if this evidence went to show anything in the nature of a bargain, the whole or a part of which was overheard, it might be accepted, but not if it was a mere contradiction of evidence already given.

1523. Mr. Serjeant Parry (to the Witness).] I may ask you this, did you hear Hayward make use of any expression to Badger?—Yes.

Mr. Sergeant Sargood objected to evidence on this point.

Mr. Justice Blackburn ruled that anything which could prove a bargain might be taken as evidence.

1524. Mr. Serjeant Parry (to the Witness).] You did hear Hayward say something to Badger; what was it?—Would you like for me to pronounce the words that he said?

1525. Do not be too particular; tell us what he said?—He said, "Damn your expenses; I could always pay my own, could not I, Harry?" and he said, "I will go with you." He went with me over the bridge.

1526. Mr. Justice Blackburn.] Did Badger make any answer when he said that?—He did not; there was some there said "Hush" when he was speaking so loud, but who they were I could not say; we went over the bridge together, as it was his place to poll at this end of the town, and I went with him over the bridge, and just as we were opposite the gaol we met Mr. Bussell and he said "Captain Hayward, I want you," and he said,

said, "Oh, there is another," he says, "Harry" (that was Winsley, a voter). He said, "We have been humbugged long enough." Just as we got to the jail he says, "There is another Winsley."
1527. Who said this?—Haywood, when Bus-

sell called him away from me; and he went away from me; and after he got away from me he went towards the "Anchor"; I did not see him after he went into the "Anchor."
[The Witness withdrew.

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SAMUEL WARREN, sworn; Examined by Mr. *Collins*.

1528. You live in St. John-street, Bridgwater?—I do.

1529. What are you?—A cordwinder.

1530. At the last election, had you a vote?—I had.

1531. Was that for the first time?—No.

1532. You had a vote before?—Yes.

1533. For whom did you vote?—For Mr. Kinglake and Mr. Vanderbyl.

1534. At other elections, for whom had you voted generally as a rule?—I never had but one vote before.

1535. For whom did you vote at that time?—Am I bound to answer that question?

1536. I think you are: for whom did you vote?—Well, I do not know whether I am bound to answer that question.

1537. Mr. Justice *Blackburn*.] Yes, you are?—Thank you, my Lord; well, I voted for Mr. Westropp.

1538. Mr. *Collins*.] At what time did you vote this time?—Well, half-past three, as I should have anticipated.

1539. That was rather late?—Yes; rather late.

1540. Had you before promised to vote for Kinglake and Vanderbyl?—I had.

1541. Before the polling day?—I had.

1542. Were you at work that day?—I were.

1543. And you left off to vote?—I had a job in hand, and I was bound to finish it, or else I should have lost the job.

1544. And you voted?—I did.

1545. Do you know a man named Marrels?—I do, perfectly well.

1546. Did he ask you at any time to vote for Westropp and Gray?—He did.

1547. Did you tell Marrels that you would, if there was "anything going" or "doing"?—I did not.

1548. Will you swear that you did not?—Well, I was so excited through that day, that I do not really know what I did say.

1549. But you could not have been excited when you were at work; what day was it when Marrels spoke to you?—Upon the morning of the polling day.

1550. What were you excited with?—Why, because people kept worriting of me and I could not finish my work.

1551. And that excited you?—That excited me.

1552. You may have said that you would vote for Westropp and Gray, if there was "anything doing"?—I do not believe I did say so.

1553. Will you swear that you did not?—I would not like to swear I did or did not.

1554. Do you know Mr. William Hurman?—I know one Mr. Hurman; I do not know whether his name is William or not.

1555. The gentleman that proposed Mr. Vanderbyl?—There was ever so many proposed him.

65.

1556. I mean proposed him at the hustings?—I misunderstood you.

1557. Were you there on the nomination day?—I was not.

1558. Do you know the gentleman who proposed Mr. Vanderbyl?—I know Mr. Hurman, the draper.

1559. On the nomination day, did you see Mr. Hurman and Mr. Edwin Babbage, a draper, also?—I would not say that I did not see them, and I would not say that I did; not at that time exactly.

1560. But you saw them at some time on that day?—I saw them at some time on that day.

1561. Before you polled?—Before I polled.

1562. Did they come into your house?—They did.

1563. Do you know a man named William Dyke?—I do; a butcher, opposite.

1564. Do you remember when those two gentlemen, Hurman and Babbage, came in, that William Dyke followed them?—Well; the door was open, both to the Liberal party and to the Conservatives, whoever chose to come in.

1565. Whoever chose "to do anything"?—To come in; I did not say "do anything"; the doors were open for all comers.

1566. You were waiting there at home?—I was at work, I was not waiting for them.

1567. You were excited, and left the door open for them; when those two gentlemen came in, did Mr. Dyke follow them?—Well, I really cannot say.

1568. Did you see Mr. William Dyke on that day?—I did.

1569. Did you see Mr. William Dyke about the same time that Hurman and Babbage came in?—No, that I cannot swear.

1570. You cannot swear that you did not?—I will not swear that I did not.

1571. Mr. Dyke is a Conservative, is he not?—Well, they say so.

1572. And the other two gentlemen are Liberals?—They do say so.

1573. Did those two gentlemen, Hurman and Babbage, try to come into your back room?—My back room?

1574. Yes?—Into my back kitchen; we have a front room, and a kitchen where I work.

1575. Where were you working?—In the back kitchen.

1576. Were those two gentlemen coming into the back kitchen at first, when they came into the open door?—Well, that I cannot swear.

1577. Did some one say, when those gentlemen came in, Dyke following them, "Go upstairs"?—No, upon my honour.

1578. Upon your oath; do not trouble yourself about your honour?—Upon my oath.

1579. Did Hurman and you go upstairs?—No.

1580. Now, be careful; did you go into the back room together?—They came in where I was working.

E

1581. Did

S. Warren.

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1581. Did you and Hurman go into any room together?—If you come into the front room, you must go through it to get to the back room.

1582. Were you and Hurman in any front room together without Marrels and Dyke?—The door was then open.

1583. That is not the question; were you and Hurman alone together in any room in the house?—No, we was not.

1584. Where did you see Hurman?—I saw him as he went down through the street.

1585. You say he came into your house; in what part of the house did you see him?—I saw him both in the front and in the back room.

1586. When Hurman was in the front room, besides yourself, who was with you?—My wife.

1587. Anybody else?—Yes, both Liberals and Conservatives.

1588. Did you leave the front room, and go into the back room, you and Hurman?—By myself?

1589. By yourself?—No.

1590. Were you and Hurman ever, at any time during that day, together alone?—No.

1591. You swear that?—I will.

1592. Did you and Hurman leave the room together?—I would not swear I did, or I would not swear I did not.

1593. You would not swear that you and Hurman did not leave the room together, leaving the rest of the people there?—I will swear we were not in the room together by ourselves.

1594. Perhaps you were in the passage?—No, we was not.

1595. Did you and Hurman leave the room together?—That question I cannot answer you.

1596. Mr. *Justice Blackburn.*] Were you and Hurman and your wife alone together, with no one else present?—No, certainly not; the room was full.

1597. You have made answers which lead me to think that you mean to say that there was

some time when you and Hurman were not quite alone together, but you seem to have been nearly so; was there any time, when there were people in the room, when you and Hurman went out of it, so that you and your wife and Hurman were only present?—There was not.

1598. Mr. *Collins.*] What did Hurman go to you for?—The same as the Conservatives did, to ask me to go to poll.

1599. Where did you go to when Hurman left the room?—The room where I worked, but we were not by ourselves.

1600. The moment you left Hurman, did you poll?—I finished my work, and went to poll.

1601. Before you polled, did you go to the "New Inn"?—I did not.

1602. Did you go there afterwards?—I did.

1603. With whom did you go there?—With my brother.

1604. And Hurman?—No.

1605. Did you have anything to drink there?—I did.

1606. At the "New Inn"?—I did.

1607. What did you have to drink?—I think it was a pint of beer I paid for.

1608. But what had you to drink?—A pint of beer.

1609. Had you nothing else?—Nothing else.

1610. Nothing else at all?—No.

1611. And you got nothing, or no promise for your vote?—I never had.

1612. No money and no promise?—No money and no promise.

1613. Then there was nothing "doing"?—I do not know what you mean by "doing."

1614. Those are your own words; you will not swear that you did not say to Marrels that you would vote for Mr. Gray if there was "anything doing"?—I will not swear, but a man may often use words that he does not remember when he is excited.

[The Witness withdrew.]

WILLIAM MARRELS, sworn; Examined by Mr. *Collins.*

W. Marrels.

1615. You live in St. John-street?—I do.

1616. Do you know the last witness, Samuel Warren?—I do, perfectly well.

1617. Did you canvass on the part of Messrs. Westropp and Gray?—I did not.

1618. Did you ask him whether he would vote for Westropp and Gray?—Yes; I did ask him, but I was not authorised so to do.

1619. But you asked him?—I asked him.

1620. When was that?—Well, he had spoken to me several times about it before ever the election came off, that he had voted for Mr. Westropp before, and he should vote for Mr. Westropp again; on the Saturday night previous to the election, I dropped into the "Forester's Arms" with him and had a glass of beer, and he told me then that he was going to vote for Mr. Westropp, but he should not vote as he did before. The last time he voted he said he was promised, but he never had anything, and therefore he said he should not go this time without he had something before he went to the poll.

1621. Did you see him on the polling day?—I did.

1622. In the middle of the day, about two o'clock?—Between two o'clock and three o'clock.

1623. Did you see any gentlemen go into his

house?—I seed ever so many going in backwards and forwards.

1624. Did you see Mr. Hurman going in there?—I did; and I was in there at the same time he came in.

1625. And Mr. Edwin Babbage?—Mr. Babbage came in, but he did not stop long.

1626. When Mr. Hurman went in, did you and Mr. Dyke follow him?—We did.

1627. Into what room did they go, or try to go, first?—Well, we went into the house first, and into the front room.

1628. Into what room did you go?—Into the front room.

1629. Was Warren there at that time?—Warren was there at the same time.

1630. Did you and Dyke come into the same room?—We did.

1631. What became of Hurman and the other man Babbage?—Mr. Babbage went away; I believe he left the house.

1632. What became of Hurman?—Mr. Hurman was there, and there were several others of the same party with him.

1633. What took place?—I do not know, for they could not have their say out in the front room, and they wanted to go in the back room.

1634. Who

1634. Who did?—Mr. Warren, Mr. Hurman and a lot that was there; there was several others besides, however, me and William Dyke.

1635. Do you know the other "lot," as you call them?—I do not; there was such confusion that I did not know who there was.

1636. You say they went out of the room, did they try to go into the back room?—They tried to go into the back room, and me and William Dyke followed them.

1637. Did they go into the back room when you followed them?—They did not.

1638. Into what room did they go?—I did not see them go anywhere, only into the front room at the bottom of the stairs. On going towards the back room, some one, when we prevented them going into the back room, said, "Go up stairs." So Warren went up stairs, and one or two others, but who they was I could not swear.

1639. Could you say whether or not Hurman went up stairs?—I could not swear whether he did or not.

1640. You left the house, and remained outside?—Me and William Dyke left the house, and remained outside.

1641. How long after that did Hurman come out?—May be five or six minutes, or may be more.

1642. Who came out with him?—He came out by himself.

1643. When did Warren come out?—Warren came out about ten minutes or so after.

1644. Did Warren come out alone?—No; he and his brother came out, and one or two others came out with him, but who they was I cannot say.

JOHN ALFRED BUTTLE, junior, sworn; Examined by Mr. Serjeant Parry.

1657. WHAT are you?—A farrier.

1658. Residing in Bridgwater?—Yes.

1659. You are a voter; for whom did you vote?—Kinglake and Vanderbyl.

1660. Have you sons who work with you, or sons in the town who are voters?—No; I have a father and two brothers.

1661. I thought you might be the senior, although you are rather young-looking, I must confess. You have a father a voter, of the same name as yourself?—I believe so.

1662. And a brother who is a voter?—I believe so.

1663. Have you a brother named Alfred Buttle, who is not a voter?—I do not know whether he is a voter.

1664. You take so little interest in your family that you cannot say whether he is a voter?—I am sure I cannot say whether he is or not.

1665. I am sure I would not if I could not. Is Edward J. Buttle a brother of yours?—He is.

1666. Is Alfred Buttle a brother of yours?—He is.

1667. And you are not sure whether all of them have votes or not?—I am not.

1668. Do you know whether any of them have?—I am not sure of it; I cannot say.

1669. Are you a new voter, or one of the old ones?—A new one.

1670. Under the new Act?—Yes.

1671. How much did you receive for your vote?—Nothing at all.

1672. Are you sure?—Quite sure.

1673. Do you know Mr. Henry Andrew Allan?—I do.

1645. Where did they go to?—They went up John-street, in the direction of going to poll.

1646. When Warren came out, did he say anything to you?—No; he made no observations to me. I said, "Oh fie, Sammy." That was all I said.

1647. And Sammy went off at that time?—He went off.

Cross-examined by Mr. Henry James.

1648. You canvassed or asked for this vote for Westropp and Gray, and you voted for those two gentlemen, did you not?—I did.

1649. And you were anxious, if you could, to get the vote of this man Warren for them?—I did.

1650. And you went there, of course, to ask for this vote, without intending to bribe the man?—Most decidedly.

1651. And other gentlemen were there, asking him to vote for the Liberal side?—Yes.

1652. And doing the same as you were doing, I suppose?—Yes, I suppose so.

1653. And they did no wrong, as you did no wrong?—I did no wrong.

1654. Did two or three people go up stairs?—There was two or three went up; Samuel Warren, and one or two else.

1655. You know there were two?—I do not know, indeed.

1656. What is your belief; how many went up?—I believe there was one or two went up besides Warren; that is all I say.

[The Witness withdrew.

1674. Is he a draper in this town?—I do not believe he is.

1675. I am mistaken, perhaps; then what is he?—I cannot tell you what he is.

1676. I am told he is not a draper; he is a Chinaman?—He may be that, and I believe he is.

1677. I have not the pleasure of knowing him, and you have; do you live next door to him?—No.

1678. Are you far from him?—Not very far.

1679. Does he keep a china shop in this town?—I believe he does.

1680. I notice you use the word "believe" in every matter?—I say, he do.

1681. Is it not much better to say, "I know he does," than "I believe he does"?—It may be better.

1682. Have you seen him lately?—No.

1683. He took an active part in the election, did he not?—I cannot say; I never seen him.

1684. You never saw him during the election?—I do not believe I did; in fact, I know I did not.

1685. You did not see him somewhere before the polling-day?—I seen him shortly before.

1686. He is a Liberal, is he not?—I cannot say.

1687. Do you not know that?—No; I do not.

1688. Is he a Conservative?—I cannot say.

1689. I suppose he cannot be anything else?—I don't know what he is.

1690. You never saw him, either before or after the election?—I saw him before the election.

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1691. Did

W. Marrels.

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J. A.
Buttle, jun.
—

J. A.

Buttle, jun.

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1691. Did you see him taking an active part in the election?—I did not.

1692. Did you ever see him taking an active part in the election, either before or on the nomination or the polling days, on behalf of Kinglake and Vanderbyl?—I never did.

1693. Have you met him at all since the election in this town?—Well, it is not very often that I see him; he used to go away for a month at a time.

1694. When did you last see him?—I cannot say.

1695. Have you seen him since Christmas?—I cannot say, I am sure; I have not noticed him.

1696. Did you notice him at all before Christmas and after the election?—Well, I am sure I do not bear such things in my mind as that; and I cannot say.

1697. I am afraid we shall not get on very well together?—Perhaps not.

1698. Did not this gentleman absolutely give you 10*l.* to vote for Kinglake and Vanderbyl?—No.

1699. Do you know whether he gave your father 10*l.*?—I cannot say.

1700. Your father never told you so?—No.

1701. You never heard of that till this morning?—No; I have heard rumours.

1702. What rumours?—That he did give us 10*l.*; but I say it is no such thing.

1703. Do you know a place called the "New Inn"?—Yes.

1704. Do you know Mr. Jeffry Denman?—Yes, I do.

1705. Did he canvass you for Westropp and Gray; did he ask you for your vote?—Yes.

1706. But you had not made up your mind?—Well, I had.

1707. You always had?—I always had.

1708. You always intended to vote?—?—Liberal; that is my principles.

1709. Did you tell Mr. Denman, with an oath or two, or some strong language which I do not want to repeat, that you were not going to poll without money or being paid for it?—No, I never told him so.

1710. Nor your brother, nor your father, in your presence?—I cannot answer for them.

1711. In your presence?—No.

1712. You can answer for it in your presence?—I did not see them in my presence.

1713. You say they never did?—I say they never did.

1714. At what time did you poll?—I cannot say to half-an-hour.

1715. Did you ever say, on the day after the poll, that you had received 10*l.* to vote?—Never.

1716. Did you say that your brother Alfred had received it, and that he had not a vote?—Never.

1717. You do not know whether he has a vote or not, I believe?—I do not.

1718. At what time did you poll?—Well, I think it was about three o'clock.

1719. That is a critical time?—Between two and three o'clock, I believe it was.

1720. No doubt; did your father poll with you?—No.

1721. Did any one poll with you?—Not that I am aware of.

1722. You polled by yourself?—I did.

1723. Who went with you?—No one.

1724. Do you remember at all being at the "New Inn," on the day of the election?—I do.

1725. Was Mr. Allan there?—No, I never seen him.

1726. On the polling day?—No.

1727. Did you see him taking down names at all outside the door of the "New Inn," or by the "New Inn"?—No, I never saw him that day.

1728. Did you see him calling on the men to vote, and saying, "We have it all right," tapping his pockets at the time?—I did not.

1729. Did you go to the "Mansion House Inn" on that day?—No.

1730. Do you know a man of the name of Calliford?—I do.

1731. Did you see him on that day?—I did.

1732. Was he at the "New Inn"?—No.

1733. Where did you see him?—I cannot say; close to his own house.

1734. You did not see him at the "New Inn," with Allan?—I did not.

1735. I am speaking of the election day, you know?—I understand.

1736. Was Robert Blackmore in your service?—Charles Blackmore is in my service, or in my brother's.

1737. Do you carry on business together?—No.

1738. Do you know whether he has been dismissed from that service?—Yes; he was an apprentice, and he is out of his time.

1739. We do not call that dismissed; did you see him at the "New Inn" at all upon that day? I did not.

1740. Did you ever show him or tell him that you had got money for your vote on that day, or your father or brother in your presence?—No, I never did.

1741. Did you give him any money?—I did not.

1742. To your knowledge, did your father or brother give him any money?—Never, as I am aware of.

1743. Did you ever promise to give him any?—Never.

1744. And you know nothing of his having received 5*s.* or 2*s.* 6*d.* from your father or brother, on the polling day?—I do not.

1745. Do you know Frederick Harden?—I do.

1746. Did you tell him that you had been paid for your vote, and that you had seen more than one man or two paid to vote for Kinglake and Vanderbyl?—I did not.

1747. Did you see anyone paid to vote for Kinglake and Vanderbyl?—No; I never seen any money pass at all.

1748. Do you know Mr. Morrish?—I do.

1749. Did you ever call upon him after the election?—I have been in his house a good many times.

1750. What is Mr. Morrish?—They keep an inn, a public house.

1751. Where?—On the Quay.

1752. You are John Buttle the younger?—I am.

1753. Did you go, in company with Blackmore, about a week after the election, to Morrish's house?—I cannot say that; I cannot say whether I did or not; I have been there; I do Morrish's work.

1754. You might have gone perfectly innocently, but you did not say whether you did go?—I cannot say whether I did or not.

1755. Did you ask Morrish this question, "What sum of money will you guarantee if I tell

tell you the names of persons whom I saw bribed at the "New Inn"?—I never did.

1756. Remember, this is serious; there were two persons present?—All right.

1757. Perhaps you do not understand the meaning of that?—Oh, yes; I do understand the meaning of it; the meaning or signification of it is that if I do wrong I shall be punished for it.

1758. Did you say that you knew more than anyone else, having been doorkeeper?—I never did.

1759. Were you ever doorkeeper at the "New Inn"?—Never.

1760. You never kept the door there in any way whatever?—No, I did not.

1761. That you swear?—I do.

1762. Did Morrish, in answer to this offer of yours, say that he would see next evening and let you know?—No.

1763. Did you go to him again at any time?—I did not.

1764. Not the next evening at his shop?—No.

1765. Did you tell Morrish that you knew more than 30 who were "sugar'd" by "Johnny Fortnight"?—I did not.

1766. Do you know "Johnny Fortnight"?—I do not know the meaning of it.

1767. Do you not know a man that goes by the name of "Johnny Fortnight"?—I do not.

1768. You never heard of him?—No.

1769. This is the first time that you ever heard of such a person?—It is.

1770. Do you not know that Allan goes by the name of "Johnny Fornight"?—I do not.

1771. You never heard it?—I never heard it.

1772. And you swear that in the presence of those who know you in Bridgwater?—I do.

1773. Did you say that the first person "sugar'd" was "Ted" your brother?—Never.

1774. You are quite sure you never said that?—I am quite sure of that.

1775. Did you say that you were the next person and then "the old man," meaning your father?—No.

1776. Nothing of that kind?—Nothing of that kind passed.

1777. Then I suppose you never said that Walters, the butcher, with another butcher, were "sugar'd"?—I never did.

1778. And they were not "sugar'd," or anything else, to your knowledge?—I cannot answer.

1779. To the best of your knowledge?—To my knowledge they never was.

1780. Did you say then that they got "Alf." your brother, and that he had it?—I never did.

1781. Did you say that one of your brothers had 10 l. who had no vote?—I never did.

1782. Did you not tell Morrish afterwards that the "duffer" (meaning Mr. Allan) brought in 300 l. and threw it on the bed, and paid them in hard cash?—I never did.

1783. Do you know Mr. Allan as the "duffer"?—I cannot say what he is.

1784. Now be careful. Do you know Mr. Allan as the "duffer"?—I do not know whether he is a "duffer;" what do you mean? make dough?

1785. You are too innocent for me, Buttle; but just attend to me, never mind the meaning of the word. Did you ever hear Mr. Allan called "duffer," or "the duffer"?—I never did.

1786. Did you ever speak of Mr. Allan as the "duffer"?—Never.

1787. Never in your life?—Never.

1788. And you never heard him so spoken of?—I never heard him so spoken of.

1789. Did you say to Morrish that "Ted" owed Allan some rent for potato ground that he rented, and that he wanted a receipt for that besides the "sugar"?—I never heard the words before.

1790. But that the b—— Scotchman would not do it?—No.

1791. Nothing of that kind?—No.

1792. Did you again ask him to try and get you some money to give evidence?—I never did.

1793. Do you know Golding, an assistant of Allan's?—No.

1794. You never heard of him until now?—Never.

1795. Do you know that gentleman (*pointing to Golding*)?—I do not.

1796. Have you never seen him before?—Not to the best of my knowledge.

1797. Does not he live next door to you?—Not that I am aware of; I never seen him before in my life that I am aware of.

1798. You point-blank answer me in so clear and emphatic a manner that I suppose it is quite useless to ask you this question: do you know Henry Hayward?—No, I do not.

1799. Do you know Mr. Hayward?—I know Hayward the shoemaker: I know that gentleman there (*pointing to a person in court*).

1800. Did you tell him on the morning of the poll (I am almost sure you did not, but I must ask you) that you should not vote without being paid for it?—I did not.

1801. Without the "stuff," or anything of that kind?—I did not.

[The Witness withdrew.]

JOHN ALFRED BUTTLE, senior, sworn; Examined by Mr. Serjeant Parry.

1802. ARE you the father of the last witness?—I have not heard who was here; I was not in court.

1803. Are you a voter for the borough, and for whom did you vote at the last election?—What, before this time?

1804. No, this last election in November?—For Vanderbyl and Kinglake.

1805. At what time in the day did you vote?—Late.

1806. Do you remember with whom you went up to the poll?—I went by myself.

1807. Do you know who was with you?—I ben't aware that there was anyone.

65.

1808. I do not want to entrap you into anything; you are pretty sure there was no one?—I am pretty sure there was no one with me, not to lead me there, nor to persuade me to go there.

1809. You would not require leading, as a free and independent voter?—I mean a person to walk by my side and persuade me to go there.

1810. Was it at three o'clock that you voted?—I should think it was after that time.

1811. Did you get anything for your vote?—Get what? I am rather thick of hearing.

1812. I will try to speak loud enough, I thought I did; did you get anything for your vote?—No.

Q 3

1813. You

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Buttle, sen.

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1813. You heard that in a much lower key ; you see you do not hear quite so badly as you thought. You are quite sure that you did not get 10*l.* for your vote?—I am quite sure of that.

1814. From Mr. Andrew Allan ; do you know him?—Yes.

1815. Was he a supporter of Mr. Kinglake and Mr. Vanderbyl?—I do not know.

1816. You really do not know?—I do not.

1817. Did you see him at the time of the election?—No.

1818. Do you live next door to Allan?—I am a renter under him.

1819. Do you live next door to him?—My forge is next door to his premises.

1820. I made a blunder about him : can you tell us what Mr. Andrew Allan is, or was, if he is not now in the land of the living?—He keeps a shop with a lot of “clomb” in one, and he travels with tea or something.

1821. Do you mean by “clomb” earthenware, pie dishes, and so forth?—Yes ; his store-room is next to my forge.

1822. Did you speak to him at all about your vote at this election?—Never.

1823. Never?—I never did.

1824. Nor he to you?—He never mentioned nothing to me.

1825. Did you never speak to anyone about your vote?—No.

1826. Nor anyone to you?—Nor no person ever asked me.

1827. Not on the polling day or the election day?—Not on the election day nor not on the polling day ; neither of them.

1828. Did you at all speak to anyone upon the polling day, or just before, about your vote, or anyone to you?—No ; neither on that day, no person did.

1829. Not at any time on the polling day?—When they were canvassing, Mr. Westropp came to the door and said, “Come out here, old fellow.”

1830. Mr. Westropp is a very good-natured man, is he not?—I do not know that he is ; I do not know that he is a bad-natured man.

1831. Did Geoffrey Denman ask you for your vote?—No.

1832. For Westropp and Gray?—No.

1833. Did you tell Denman that you would not vote unless you were paid for it?—No.

1834. Nothing of that kind?—Never.

1835. In the presence of your son?—Never ; I have not been in his company.

1836. I ask you about it, and you deny it?—I do.

1837. If you will attend to me we shall get on very well ; were you at the “New Inn” on the day of the polling?—Yes.

1838. Did you see Mr. Allan there?—No.

1839. Then Mr. Allan never said to you or anybody in your presence, “Come on, it is all right” ; just slapping his pocket, which I am afraid was much fuller than mine is now?—I never heard anything of the sort, and I did not see Mr. Allan that day.

1840. You do not know whether Mr. Allan even canvassed or took a part in the election?—I did not see him.

1841. As far as you know he took no part in the election?—I do not know that he did.

1842. Will you swear that you did not see him at the “New Inn”?—I will swear that I did not.

1843. Do you remember going into the “New Inn”?—Yes.

1844. Do you remember coming out afterwards, and waving some buff ribbons that you had got there?—No, I had not got no buff ribbons.

1845. Had you not got any buff ribbons at all on that day?—No.

1846. You had no buff pocket-handkerchief, had you?—No, I got one in my pocket now.

1847. Had you anything of a buff colour?—I had no buff handkerchief or anything.

1848. What did you go to the “New Inn” for?—To see for John Poole, that owed me 4*l.* these four years. I heard he was in the town, and I knowed the house he visited, because I had been there to drink with him before.

1849. The “New Inn” is a good way from your house, is it not?—Three hundred to 400 yards ; it is a house I visit often.

1850. It is not as much as half a mile, I suppose?—No.

1851. But about a quarter of a mile?—Not a quarter of a mile.

1852. And you went over to see John Poole?—Yes ; who owed me 4*l.* 1*s.*

1853. When had you seen Poole before?—Well, I think I saw him in the town the day before.

1854. That was the day before the election? The day before the polling day.

1855. That is what I understand. Where had you seen the man before ; when had you asked him for your money before?—I put it in Paul Reid’s hands, and he did not serve him with the County Court, as he ought to do.

1856. Who is Paul Reid?—The attorney. He could not find out his address.

1857. So you heard of him on the polling day, and you went there?—Yes.

1858. Were your sons there then?—No.

1859. That you swear?—I swear that ; I swear I did not see them there.

1860. Will you solemnly swear that your sons were not with you in the “New Inn” on the polling day?—I did not see them there.

1861. Were they there in your company?—Not as I see ; I cannot say they was not in the house.

1862. In your company?—They was not with me that I saw ; I did not see them.

1863. Neither of them?—Neither of them.

1864. And they did not have any money, to your knowledge?—Not to my knowledge.

1865. Do you know Robert Charles Blackmore?—I knows Charles Blackmore.

1866. Was he an apprentice of yours?—No.

1867. Of your son’s?—Yes.

1868. Did you ever say in his presence at all that you had got 10*l.*?—No.

1869. Did you ever give him any money?—No.

1870. Did you ever give him 5*s.*?—No.

1871. Nor half-a-crown?—No.

1872. Or either of your sons, to your knowledge?—I do not know what they done.

1873. To your knowledge?—Not to my knowledge ; they never did to my knowledge.

1874. Do you know Mr. Morrish?—I do.

1875. Did you ever tell him that Allan had asked you for your vote?—No.

1876. And had asked you to be good enough to vote for Kinglake and Vanderbyl?—Never.

1877. And you never said that Allan had come to

to see you, and had said that it would be all right if you voted for Kinglake and Vanderbyl?—No, I never mentioned a word to him, and he never asked me.

1878. Had you an execution in your house at the time of the election; I am sure you will pardon my asking you?—Who was in my house?

1879. Do you know what an execution is; your goods seized for debt, or anything; were your goods seized at the time of the election by anybody?—The bailiff might have come in there; I was not in, and I cannot say.

1880. You see I am anxious not to trouble you too much?—There have been executions in there.

1881. Was there an execution at that time, on the day of the poll?—No.

1882. Be careful, because this can be proved so easily; I have treated you with the utmost civility and respect; will you state, upon your oath, that there was not a bailiff in your house on the day of the poll?—No, there was not.

1883. Nor the day before?—Nor the day before.

1884. When was he there?—Well, I cannot tell.

1885. The day after?—No.

1886. Did you pay an execution out, or a bailiff out, about that time, just after the poll?—Well, I might in a week or a fortnight afterwards.

1887. How much did you pay?—£. 6 or 6*l.* 10*s.*; something thereabouts I believe.

1888. I suppose you earned that money?—Certainly I did; I always know where to pitch my hand upon 6*l.*

1889. But not upon 10*l.* at an election time? I did not have no 10*l.*

1890. Had you an execution just before the election, and did you not beg that it might be withdrawn because you could not pay it, and was not it withdrawn, and you simply had to pay the expenses of it; do tell me that; you say you can always lay your hand upon 6*l.*; is what you have stated true?—In how long do you say before the election?

1891. Just before the election?—But how long?

1892. A week or two?—That might have been the case.

1893. Then you could not put your hand upon 6*l.* a week or two before the election?—Yes, I could.

1894. Were any goods sold at any time out of your place because you could not pay the money?—A long time ago.

1895. I will not trouble you about that; just before the election is my question?—A good while before the election.

1896. Then, a good while before the election, you could not lay your hands upon 6*l.*?—It amounted to more than 6*l.* then.

[The Witness withdrew.]

EDWARD JAMES BUTTLE, sworn; Examined by Mr. Serjeant *Parry*.

1897. You live in Back-lane, Bridgwater, do you not?—Yes.

1898. Are you a shoeing smith by trade?—Yes.

1899. Have you heard your father and brother examined?—No, I have not.

1900. Did you vote at the last election for Kinglake and Vanderbyl?—I did.

1901. Was that your first vote?—Yes.

1902. You were enfranchised under the new Act; did you get anything for your vote?—I did not.

1903. Not a farthing?—Not a farthing.

1904. Do you know Mr. Andrew Allan?—Yes, I know him very well.

1905. He left the town, did he not, about Christmas?—Well, I don't know I am sure.

1906. Did he ask you for your vote?—No.

1907. He never canvassed you?—No.

1908. Do you remember going to the "Deer Inn" on the day of the poll?—Yes.

1909. With whom did you go?—No one but myself.

1910. By yourself?—By myself.

1911. What did you go for?—I went to take a glass of beer.

1912. Do you live close by?—No, but I frequently go there.

1913. I do not doubt your word; I am only asking you questions, and you give me answers; how long was it since you were there before?—It may be some few days.

1914. What time in the afternoon was it?—I went there, as near as I can imagine, just after 12 o'clock.

1915. How long did you remain there?—I don't suppose I remained there 10 minutes.

1916. Is that the only time you were there on the polling day?—That is the only time.

65.

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1917. And did you not see Mr. Allan there?—I did not. *E. J. Buttle.*

1918. You did not hear him say anything about its being "all right; we've got the stuff now," or anything of that kind?—I did not hear him say those words.

1919. At what time did you poll?—Between 3 and 4 o'clock.

1920. And you were only in the "New Inn" for 10 minutes; where did you go to?—I went to work in the day just the same as usual; I carry on business in George-street.

1921. Where were you at work?—In George-street.

1922. How far is that from the "New Inn"?—Some 300 or 400 yards.

1923. And you went off there to have a glass of beer and came back; whom did you see there?—I do not know; there was a great many people there, but I cannot say who they were.

1924. Was your brother there at the time?—Not as I am aware of.

1925. Do you know Mr. Hayward, the shoe-maker?—I know him quite well.

1926. Did you ask him the meaning of what was "going"?—I did not.

1927. You did not go the "New Inn" to see what was "going"?—No.

1928. Nothing of that kind?—No.

1929. Do you know Blackmore?—Yes; he was an apprentice of mine.

1930. When was his time up?—The latter part of January; I believe the 22nd of January?—

1931. He has left your service I think?—He has left my service.

1932. Did you dismiss him?—Yes; I didn't want him; he was out of his time.

1933. Did you give him any money at all, at

E. J. Buttle. at the time of the election, on the polling day?—
I did not.
1934. Half-a-crown or five shillings, or any-
thing of that kind?—Not a farthing.
1935. Have you a brother Alfred?—I have.
1936. Do you know whether he is a voter?—
I believe he is not.

1937. Do you know whether he had any money
to vote by accident?—I do not.

1938. You never heard of it?—No.

1939. Nothing of the kind?—Nothing of the
kind.

[The Witness withdrew.]

ROBERT CHARLES BLACKMORE, sworn; Examined by Mr. *Collins*.

R. C. Blackmore.
1940. At present, I believe you live in Salmon-
lane?—I do; I lodge with Mrs. Jones.
1941. And you were formerly an apprentice
with Messrs. Buttle?—I was.
1942. Your indentures expired on the 21st of
January last?—They did.
1943. And then you left their employment?—
I did; but I did not have my indentures.
1944. Do you remember the polling day?—I
do; the 17th of November.
1945. The Tuesday?—Yes.
1946. Were you at the "New Inn" on that
day?—I was.
1947. About what distance is the "New Inn"
from Buttle's forge?—I cannot say exactly; 300
or 400, or may be 500 yards, or may be more;
it may be 1,000 yards for all I know.
1948. At what time were you at the "New
Inn," on the polling day?—At three o'clock, or
it may be five or ten minutes after three.
1949. Do you know a man named Andrew
Allan?—I do.
1950. And Edward Culliford?—Yes.
1951. He is an upholsterer, I believe?—Yes;
in High-street.
1952. Did you see Allan there about that time?
—I came out of the "New Inn," and saw Allan
outside the door.
1953. What was Allan doing when you saw
him?—He was coming down towards the "New
Inn."
1954. How far was he from the "New Inn,"
when you saw him?—Just outside.
1955. Did he make any inquiry of you?—He
did; he asked me where the Buttles was.
1956. Mr. Justice *Blackburn*.] There are
several Buttles, for which of the Buttles did he
ask?—He asked for the Buttles.
1957. Mr. *Collins*.] I believe, from what he
said, you fetched them?—I did.
1958. Did you fetch them one by one, or alto-
gether?—I went to see for the lot; all of them;
three of them. When I came up on the Cornhill,
I seen Edward Buttle there; I said to Edward,
"You must go to the "New Inn," you are wanted
there."
1959. Did Allan, when he said "Where are
the Buttles?" do or say anything to you?—He
did.
1960. What was it?—The first thing he said
was "Charley, where is the Buttles?" I said, "I
left them up in town just now;" he said, "Go and
get them," and tapped his pocket on the left side,
like that (*tapping his side pocket*); and he said,
"It's all right." That is the words he said,
as near as I can speak.
1961. You say you saw Edward Buttle, and
told him he was wanted at the "New Inn," and
you went to look for the others?—I did.
1962. You did not find the others, and you then
returned to the "New Inn"?—I did.
1963. When you got there, how many Buttles
did you find there?—I saw three there; the father
and two sons.

1964. The old man, and the two sons?—I did.
1965. At that time, how many people were
at the "New Inn"?—I cannot exactly say.
1966. About how many?—There might have
been 20 there for what I know, in and out, or
more; I would rather say more.
1967. Did you know any of them?—Not in
particular; I saw Mr. Culliford there, and the
people outside in the yard.
1968. You say there were 20 men there; did
you know whether or not any of them were
voters?—Well, I didn't know whether they were
voters or not.
1969. At that time, when the Buttles were
there, was Culliford there?—Yes, he was out in
the yard outside the "New Inn?"
1970. Was Allan there?—Yes.
1971. Were all the Buttles together?—The
three Buttles were there.
1972. Were they all in this room, or yard, or
place?—In the yard.
1973. What did you observe Allan doing?—
He had a piece of paper, or a book, taking down
names.
1974. Allan seemed to call you Charley?—
Yes; I know him.
1975. His house was next door to the forge?
—Next door to old Mr. Buttle's forge, but
where I worked was at the opposite side of the
road.
1976. Since this election have you seen Allan?
—I have.
1977. When did you see him last?—Not since
Christmas; before Christmas I saw him on a
Saturday night.
1978. You have not seen him since Christ-
mas?—I have not.
1979. What was he doing with the piece of
paper that you say you saw him with?—Taking
down names apparently to me.
1980. At that time were the Buttles there?
—Yes.
1981. How long were the Buttles in this yard,
that you saw?—I stopped there two minutes, and
they was there the whole of the time that I was
there; I might have been there five minutes.
1982. At about what time was this?—Just
after three o'clock; between three and four
o'clock.
1983. Did you hear any beer ordered?—
Yes.
1984. Who ordered the beer?—I heard Mr.
Allan order the beer.
1985. How much?—I believe it was a gallon.
1986. Did he go anywhere after he ordered
the beer?—I saw him go to the stairs.
1987. Did he say anything then?—He said,
"All right my boys, come with me," or some-
thing to that effect; I would not say exactly to
the words, but something to that effect.
1988. Did you then leave?—I did.
1989. Where did you go to?—I went to the
Mansion House; the committee-rooms.
1990. Into what room did you go at the
Mansion

Mansion House?—Upstairs, over the committee-room.

1991. Was there anything on the table?—I saw some bread and cheese and beer there.

1992. How many people were there when you went up?—Five or six I believe was about the mark that was there then.

1993. Can you give me the names of any people that were at the “Mansion House Inn,” in this room, where this bread and cheese was?—I believe there was a man of the name of Pepperall, and Perratt, and Stoodley.

1994. Did you have anything to drink or to eat?—I did; I had a glass of beer there, and some bread and cheese.

1995. Did you pay for it?—I did not; I was not asked to pay for it.

1996. After that, did you go out of the “Mansion House Inn”?—I did.

1997. Did you see the Butties?—I went just over the bridge, and just below the “Globe,” and I met them there.

1998. What did you see when you got to that place?—I seen a lot of people coming (voters as I thought they were); going towards the poll.

1999. How were they walking?—They were walking in procession.

2000. Can you identify any of those gentlemen; were the Butties there?—Yes, the Butties were there.

2001. Three of them?—Three of them was there.

2002. Were Frederick Boys and Robert Walters, the two butchers, there?—I believe Mr. Boys was there.

2003. Mr. Justice *Blackburn*.] At what o'clock was this?—Between three and four o'clock.

2004. Before the poll had closed?—Before the poll had closed.

2005. Mr. *Collins*.] Were Boys and Walters at the “New Inn”?—I don't exactly remember seeing them there.

2006. They were in the procession?—They were in the procession.

2007. Did you ask John Buttle anything?—I did; he came out of the procession, and first of all he said to me, “Where is Alf?”

2008. “Who is Alf?”—That is his brother; he calls him Alf; Alfred I believe is his name.

2009. What did you say to that?—I said, “I saw him just now, but I have not seen him just lately.” He says, “Go and find him,” or some such word as that. He says, “I can get him sugar'd as well.”

2010. Did you make any inquiry of John Buttle, the younger, about “sugar”?—I did; I said, “Is it all right?” “Have you been?”

2011. Had they been what?—“Sugar'd;” he said yes.

2012. What does “sugar'd” mean?—Had the coin; being bribed I should call it.

2013. What did he say to that?—He said, “I could get him as well.”

2014. Did you go on towards the poll?—John Buttle went to find him; he said he was going, and I went for to find him.

2015. Shortly afterwards, did you see John and Alfred together?—Going through Fore-street towards the bridge.

2016. Would that be in the direction of the “New Inn”?—Yes.

2017. Did you see Alfred the same evening?—I did.

65.

2018. After he had been going towards the “New Inn”?—Yes.

2019. What did he say to you?—

Mr. *Henry James* objected to evidence being given as to a conversation which took place after the poll.

Mr. *Collins* was heard against the objection.

2020. Mr. *Collins* (to the *Witness*).] What time of the evening was this?—About six o'clock.

Mr. Justice *Blackburn* allowed the objection.

Mr. *Collins* inquired whether the Court would accept as evidence what Alfred Buttle did at that time?

Mr. Justice *Blackburn* ruled that this evidence was also inadmissible.

2021. Mr. *Collins* (to the *Witness*).] You say you saw Alfred on the same evening; at about what time?—At about six o'clock.

2022. Where was he then?—He was in his own house in St. Mary's-street.

2023. You must not tell us what he said; but did he say something to you?—He did.

2024. Did he take anything out of his pocket?—He asked his wife for it.

2025. He asked his wife for something?—He did.

2026. Did you see what his wife brought him?—I did.

2027. What was that?—A sovereign.

2028. What did he do with the sovereign?—

Mr. *Henry James* objected to the question.

Mr. Justice *Blackburn* overruled the objection.

2029. Mr. *Collins* (to the *Witness*).] What was done with the sovereign?—It was sent to get change.

2030. Was any money given to you?—He gave me 5 s.

2031. Who did?—Alfred Buttle.

2032. Did either of the other brothers take you to Alfred?—His oldest brother did.

2033. That is John?—That is John.

2034. Did he tell you the purpose for which he took you to Alfred's house before he got there?—

Mr. *Henry James* objected to the question.

Mr. Justice *Blackburn* overruled the objection.

2035. Mr. *Collins* (to the *Witness*).] You say John Buttle told you something?—He did.

2036. And took you to Alfred Buttle's house?—He did.

2037. And there Alfred gave you this 5 s.?—He did.

2038. What did the old man do on the next day?—

Mr. Justice *Blackburn* ruled that this question could not be put.

2039. Mr. *Collins* (to the *Witness*).] What did John Buttle take him there for?—For to receive the 5 s.; he told me that Alfred was going to give me 5 s.; that was my reason for going there.

F

2040. He

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2040. He took you there, and you received the 5 s.?—I did.

24 February 1869. 2041. Mr. Justice *Blackburn*.] Why did he say that he was to give you the 5 s.; what was it for?—He did not say what it was for.

2042. Mr. *Collins*.] Was John the same man that you had the conversation about the “sugar” with early in the afternoon between three and four o’clock?—It was.

2043. And Alfred was the man that you tried to fetch and looked for?—Yes; he has no vote.

2044. The next day, had you a conversation with the old man?—It was not very much of a conversation.

2045. What did he do?—He gave me 2 s. 6 d.

2046. After the election, have you seen Allan?—I have.

2047. Before the election, and during the election, had you seen Allan with Messrs. *Vanderbyl* and *Kinglake*?—I did.

2048. Can you tell me who were with the two Liberal candidates besides Mr. Allan?—I believe it was Mr. *Henry Lovibond*.

2049. He is a solicitor, is he not?—Yes, he is.

Mr. Serjeant *Parry* stated that *Henry Lovibond* was an acknowledged agent of the sitting Members.

2050. Mr. *Collins* (to the *Witness*).] What were they doing when you saw them?—They stood talking in *George-street*, and I stood at my master’s shop-door at the time.

2051. Did you see them go anywhere?—I did not, not together.

2052. Did you see Allan go with either of the candidates anywhere?—No.

2053. Where did you see Allan on the Saturday night after the election?—I met him in *Fore-street*.

2054. How long after the election?—Somewhere about a month or five weeks after the election.

2055. At that time did Allan say anything to you about your evidence?—

Mr. Justice *Blackburn* ruled that this question could not be put.

Mr. Serjeant *Parry* submitted that time was not of the essence of the question.

Mr. Justice *Blackburn* upheld his ruling.

2056. Mr. *Collins* (to the *Witness*).] Do you remember Allan saying anything to you at the “*New Inn*” before the polling had closed, when he tapped his pocket?—I do; that was outside the door.

2057. What did he say then?—He told me about going to get the *Buttles*.

2058. Did he say anything else there, or inside the yard; did he say anything to you?—Not then, because I went towards the town.

2059. When you came back again, and the *Buttles* were in the yard, and Allan was taking down names in his book, did he say anything to you?—Not to me.

2060. To the men round you?—As he was going upstairs he said something.

2061. What did he say?—He said, “Come along with me, my boys.”

2062. Did he tell you either to make it public over the town, or to keep it secret, or anything of that sort?—Nothing of that sort.

Cross-examined by Mr. *Henry James*.

2063. You left the *Buttles*, you say, on the 21st January of this year?—I did; or upon the 22nd.

2064. How long had you been apprenticed?—About five years; it may be over; I cannot say exactly.

2065. And you have served them well, I suppose, as a faithful and diligent apprentice?—I did my utmost.

2066. And you were entitled to have your indentures given up to you?—I consider I was.

2067. Have you applied for them?—I have.

2068. And they would not give them up?—They would not.

2069. You have been treated a little badly I think?—Not particular.

2070. Nothing to complain of?—No, not particular.

2071. Have you anything to complain of against the *Buttles*?—No, not in the way of work, or habit, or anything of that sort.

2072. But you have told us you cannot get your indentures; have you anything to complain of against him for not giving up your indentures?—The only thing I have to complain of is, that they did not make out my reckoning as they ought.

2073. What reckoning?—My wages; that was my reason for leaving them.

2074. But a man who has been an apprentice wants his indentures, does he not?—Some do, but I am not particular over them.

2075. Did you not apply for them?—I asked for them.

2076. And would they not give them to you?—They would not then.

2077. And they would not give them to you since?—I have not asked for them since.

2078. And they have them now?—Yes.

2079. That is not treating you well?—I did not take any notice of that treatment.

2080. Then you did not complain immediately?—I did not; I applied for them when I left, but I have not since.

2081. Then you do not want them?—I do not now.

2082. Do you not think it useful to have your indentures to show that you are properly qualified?—Not a bit, in our trade.

2083. Do they also allege that you owe them some money. I mean it?—I do not then.

2084. But did they not mean it?—No.

2085. First, did they not allege that you had not worked your full time as an apprentice, that you ought to work out some more time?—They said I had just a month’s over-time to work.

2086. Was that true?—No, it was not true.

2087. They asked you to work that month’s over-time, and you refused to do it?—I did.

2088. And that was not treating you very well?—I did not take any notice of that either.

2089. But you would not work at the time?—I would not.

2090. Then, in addition to that, did not they, or one of them, allege that you owed them more than 20 s. in money, for money borrowed?—I never heard of it from them.

2091. From anybody?—No.

2092. What did you mean by saying, not from them?—Not from the *Buttles*.

2093. You have not heard it from anyone?—I have not.

2094. The

2094. The first time you heard of it was from me?—Yes.

2095. It was so?—I believe so.

2096. Are you not sure?—I am sure.

2097. That you have never heard it from any one till you heard it from me now?—I have not.

2098. You have heard about the overtime and about the indentures?—Yes.

2099. You are on quite friendly terms with the Butties?—I was there yesterday.

2100. On good friendly terms?—Not particularly friendly altogether.

2101. Why are you not on friendly terms with them; you have been with them five years?—Because they did not give up my indentures and make out the reckoning as they ought.

2102. So there is a little unpleasantness now?—I spoke to them quite enough, and they to me yesterday.

2103. Did you tell them yesterday what you were coming here to say to-day?—I did not; they never asked me.

2104. And you never told them you were coming here as a witness against them?—No, I was subpoenaed.

2105. When did you give the statement to the gentleman who took down your evidence?—It was on Monday.

2106. Mr. Justice *Blackburn*.] What Monday?—Last Monday.

2107. Mr. *Henry James*.] Was that the first time you had told it to anyone?—Yes, of any consequence.

2108. Never mind the consequence; we will judge of it. When was the first time you gave your evidence to anyone about this bribery?—A month ago.

2109. To whom?—To Mr. Vesey.

2110. That was the first gentleman you gave it to?—Yes.

2111. What caused you to go to him?—I went to him to know if I could not have my indentures, and the reckoning made up.

2112. You wanted to know if you could have your indentures from the Butties, and your reckoning made up at that time, and therefore a little unpleasantness had commenced between you and the Butties?—I cannot say that there was any unpleasantness at all.

2113. Mr. Justice *Blackburn*.] Mr. Vesey, I presume, is a solicitor?—Yes.

2114. Mr. *James*.] Was it in the course of telling him that you wanted your indentures and your reckoning, that you told him that you knew all about this bribery of the Butties?—No, not all about it; I told him something.

2115. Why did not you tell him all?—Because I did not feel inclined.

2116. Why did not you feel inclined to tell Mr. Vesey all?—Because I considered what I told him was enough then; there was plenty of time before the petition came on.

2117. Why should you wait till the petition came on; why did not you tell him the whole at the time; it was a shortish story, and simple if true?—It was true.

2118. Why did you not tell him the whole?—I cannot tell why.

2119. Why did you give it him by degrees; part then, and part before the petition came on?—I cannot say why.

2120. Have you no reason to give why you did not tell the whole to this solicitor?—No reason whatever.

65.

2121. What part did you tell Mr. Vesey on this occasion, and what part did you keep back from Mr. Vesey?—I told him I was at the "New Inn," and saw Mr. Allan there, and saw those men there, and such like.

2122. Was that all?—I believe that was all.

2123. You mean you told that to Mr. Vesey; you did not tell him you had been for the Butties, and that Bussell had said anything about sugar, or that Allan slapped his pocket?—I do not believe I did.

2124. When did you first mention this about the slapping of the pocket, and the sugar; this tale that you say is true?—On Monday.

2125. Then you kept it until Monday after the time you saw Mr. Vesey, and told it to no one?—No, I did not.

2126. Why did you keep it back so long?—I cannot say why.

2127. Do you wish us to understand that you have no reason to give why you kept it back?—I have no reason to give whatever.

2128. Of course, you have had no money from anyone in connection with this petition?—No, not a farthing.

2129. Not anything when your evidence was given?—No.

2130. Nor a promise of anything?—No.

2131. About a month ago, did you see Mr. Vesey at the shop of John Alfred Buttle?—No, I was not working there at that time.

2132. You left on the 21st of July; before you left at any time, did you see Mr. Vesey at your master's shop?—I did just after the election.

2133. How long after?—A fortnight or three weeks after.

2134. That would be in the month of December?—Yes.

2135. Did Mr. Vesey say to you, in your master's presence, "I know you know all about it; you will want some clothes shortly"?—He did not.

2136. I put it to you in the presence of John Alfred Buttle; and did not he say also to you, "I will give you a good suit of clothes for the winter, and a few pounds besides if you will come and swear what will do to make a case"?—He did not.

2137. Nothing of that kind?—No.

2138. In the presence of John Alfred Buttle?—No.

2139. Did Mr. Vesey speak to you?—He did not speak to me more than he did to Buttle.

2140. Never mind the comparative degree; did he speak to you at all?—He did.

2141. About the election?—Yes.

2142. What did he say to you about the election?—He asked me what I knew about it.

2143. What did you say?—I told him I was not going to tell he then.

2144. Did you tell him you knew nothing?—I did not.

2145. Did you tell him you knew something?—I did.

2146. What did he say to that?—"You may as well tell me."

2147. What did you say?—I said I shall not.

2148. Was that all that passed?—Yes, then.

2149. You went and told him a small portion of this when you went about your indentures?—I did.

2150. Do you know Joseph White?—I do.

2151. The auctioneer?—I do.

2152. Did

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- R. C. Blackmore.* 2152. Did you see him on the day you were subpoenaed?—Yes.
2153. Did you talk to him?—I might have spoken to him.
- 24 February 1869. 2154. You were only subpoenaed last Monday?—Yes, I was.
2155. When were you subpoenaed?—Three weeks ago last Saturday.
2156. Have you forgotten whether you spoke to Mr. White, or not?—I might have spoken to Mr. White.
2157. Did you tell Mr. White that you were subpoenaed; but you did not know what for, for you knew nothing at all about what had taken place?—No.
2158. Will you swear that?—Yes.
2159. You know Mr. White?—Yes.
2160. You never said anything of that sort to him?—Not to the best of my knowledge.
2161. You could not have forgotten that; upon your oath, did you or not say so to him?—I did not.
2162. To the best of your knowledge?—I did not.
2163. Will you swear that?—I will swear it.
2164. Now, you are quite sure?—I am quite sure.
2165. Did you tell him you were subpoenaed?—I did; I might have told him so.
2166. Did you or not, tell him you were subpoenaed?—I cannot say whether I did or not.
2167. Have you any doubt about it?—I have rather, whether I saw Mr. White or not.
2168. Never mind about seeing him; did you tell him that you were subpoenaed?—I might have told him so; I cannot say.
2169. Do not you recollect showing him the subpoena; producing it?—I do not.
2170. Showing it?—I do not.
2171. You never had such a subpoena before?—No.
2172. Did not you show Mr. White that subpoena, and tell Mr. White that you did not know why you were subpoenaed, for you knew nothing about it?—I am not certain that I did; in fact I do not remember seeing Mr. White.
2173. Mr. Justice *Blackburn.*] What was your last answer; will you repeat it louder?—
2174. Mr. *James.*] Your answer was to me, “I am not certain that I did.” What is it that you are not certain that you did?—I am not certain whether I saw Mr. White or not the day I was subpoenaed.
2175. Is that what you meant to say when you told me just now that you were not certain that you did?—I believe it was.
2176. Did you know what my question was when you answered it?—I might not have understood it.
2177. Did you know what my question was when you answered it?—I might have known it.
2178. Did not you give the answer, “I am not certain that I did,” to this question, whether you did not tell Mr. White that you had been subpoenaed, but you did not know why you were subpoenaed, for you knew nothing about it?—I never remember speaking the words to him.
2179. Did you understand that to be the question, when you said, “I am not certain that I did”?—I did not understand that exactly.
2180. Now, I understand you to say you do not recollect saying it?—I do not recollect saying it.
2181. Upon your oath, will you swear you did not?—I should not like to swear I did not.
2182. Suppose for a moment you said that which you now admit you might have said, was it true?—If I did say so, it does appear I know something.
2183. If you said that to Mr. White which you say you might have said, that you knew nothing about it, was that statement true?—I cannot say whether it was or not.
2184. What do you mean by saying you cannot say whether it was true or not, that you knew nothing about it?—I should like to know your meaning; I do not exactly understand you.
2185. You have just sworn that you might have said to Mr. White you knew nothing about it, and you have also sworn that you cannot say whether that statement was true or not, that you knew nothing about it; will you explain those two answers?—No, I cannot; I do not understand them at all.
2186. Do you adhere to your answer, that you might have said to Mr. White, showing him the subpoena, that you knew nothing about it?—I might have said so; I cannot say.
2187. If you said so, which you admit you might have done, was the statement true?—If I did so, I do not believe it was true; I do not believe I said so.
2188. Have you any doubt whether you said that which was untrue?—I have a doubt whether I mentioned the words to Mr. White; I have no doubt on the other.
2189. You admit that if you did mention the words to Mr. White, you said that which was untrue?—Yes, but I do not believe I did.
2190. Cannot you be quite certain whether you had said that which was false or not?—No, I cannot say; it was more than a month ago.
2191. If you did say that to Mr. White which was untrue, you knew it to be untrue at the time you said it?—If I did say so, I must have known it.
2192. Why will not you swear you did not?—Because I am not certain whether I did or not.
2193. You are not certain whether you said that which you knew to be untrue or not?—It was a month ago.
2194. Mr. Vesey has never promised you any clothes or any money?—No.
2195. Do you know Mr. Edwin James?—No.
2196. Do you know Stephen Jones?—Yes.
2197. A tailor, and told him that Mr. Vesey promised you clothes or money to give evidence?—No.
2198. You never told that to anyone?—No.
2199. You gave the information; why did you give the information?—I do not know why, but I did.
2200. Why did you give it?—Because Mr. Vesey asked me at the time; I went to Mr. Vesey.
2201. Because he asked you at the time you went to him?—Yes.
2202. If that was the motive for your telling him, why did you not tell him all and not part; why did you tell him only part?—Because I told him that, and I said I would think of more another time.
2203. Did you require to think of it, before you could tell it him?—Of course I did.
2204. Did you recollect it at the time you were

were with him about the indentures?—Not exactly all.

2205. Did you recollect all those facts at the time you were with him, about the indentures?—Not exactly all.

2206. Had you forgotten some of them?—Just for the moment.

2207. You mean to tell us that, whilst you were there talking to him, some of those things did not occur to you?—I do.

2208. When did they occur to you?—Since.

2209. When?—I cannot tell exactly.

2210. When did these facts occur to you for the first time, which you saw on the 17th of November, and forgot when with Mr. Vesey?—I cannot say at the moment.

2211. A week, or a month, if you like?—Last Monday.

2212. When did you first think of it; when did these things come back to your memory?—They did not pass from my memory; I did not think of them at the moment.

2213. You say those things were not in your mind; will you tell me when was it that they came back to your mind?—I do not know that they have been out of my mind altogether.

2214. You say that some of these things did not occur to you; when did they come back to your mind?—I cannot tell exactly.

2215. Was it last Monday that they came back?—That was the time I gave my evidence.

2216. Before you gave your evidence, how long had those things come back to your mind?—I cannot say.

2217. Can you give us any reason why they

should have gone out of your mind when you were at Mr. Vesey's?—No.

2218. George-street is a street into which one of Mr. Allan's doors opens?—Yes.

Re-examined by Mr. Serjeant *Parry*.

2219. When, let me distinctly understand, was it that Mr. Vesey first asked you whether you knew anything about the election?—Just after the election.

2220. About how long?—I cannot tell; it may be a week, and it may be more.

2221. Was it a week, or more?—It was a week.

2222. I understand you had gone to him about your indentures?—Yes.

2223. In reference to any claim you might have against your former master for your indentures?—Yes.

2224. Which I understand you had not pursued; you had allowed your indentures to remain in your master's hands?—Yes.

2225. Did you give him a statement then, and did you give him a statement after that?—I gave him a short statement then; I have not since.

2226. Have you given a full statement of your evidence since?—I have.

2227. Was that to Mr. Brice?—No.

2228. To some gentleman assisting us in this matter. As far as Mr. Vesey is concerned, he has nothing to do with this petition, that you know of?—Not that I know of.

[Adjourned to To-morrow, at Ten o'clock.]

*R. C.
Blackmore.*

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Thursday, 25th February 1869.

25 February 1869. Mr. Serjeant *Parry* handed in a copy of the poll book, with the names of all the voters, and the candidates for whom they voted, which Mr. Serjeant *Sargood* admitted as being substantially correct.

Mr. Serjeant *Parry* also handed in a paper showing the state of the poll for each hour.

Mr. Serjeant *Sargood* admitted this document as being substantially correct.

The same was read, as follows:—

“HOURLY STATE OF THE POLL.

—	Westropp.	Majority.	Gray.	Majority.	Kinglake.	Majority.	Vanderbyl.	Majority.
9 o'clock -	74	—	74	—	89	15 15	88	14 14
10 ” -	177	26 25	175	24 23	151	—	152	—
11 ” -	425	189 192	418	182 185	236	—	233	—
12 ” -	508	243 244	497	232 233	265	—	264	—
1 ” -	607	142 148	588	123 129	465	—	459	—
2 ” -	655	21 28	628	— 1	634	— 7	627	—
3 ” -	658	7 14	631	—	651	— 20	644	7
4 ” -	681	—	650	—	731	50 81	725	44 25

JEFFERY DENMAN, sworn; Examined by Mr. *Collins*.

J. Denman. 2229. You are an Innkeeper?—Yes.
— 2230. You keep the “White Lion” Inn?—
Yes.

2231. Do you know the Buttles?—Yes.

2232. The old man?—Yes.

2233. And the two sons?—And the two sons.

2234. On the polling day, did you go to John Alfred Buttle, the younger?—I saw him in the street.

2235. Was Edward Buttle with him?—He was.

2236. Did you ask the two Buttles to vote for the Conservatives?—I asked them who they were going to vote for.

2237. About what time was this?—Just before eight o'clock.

2238. What did they say?—They said they would vote for Mr. Most.

2239. Mr. Justice *Blackburn*.] Which of them said this?—John.

2240. Mr *Collins*.] Did Edward say anything?

—Only acquiesced; he did not speak; he did not consent.

2241. Did they say anything else?—They should like to vote for Mr. Westropp and Mr. Gray.

2242. Mr. Justice *Blackburn*.] Who said this?—John.

2243. Mr. *Collins*.] Go on?—I told them I did not think there was any money going for Mr. Westropp and Mr. Gray; I asked them to come with me to the meeting at the “Clarence.”

2244. That was a Conservative meeting?—That was a Conservative meeting which was then about to be held.

2245. What did either of them say to that?—They would come in directly.

2246. Both of them?—No; one.

2247. Which?—John.

2248. Did they come?—I did not see them.

2249. Did they say anything else at that time?—Not at that time.

2250. When did you see either of the Buttle's?—Several

—Several times in High-street, from 10 to 12 o'clock.

2251. Which one?—John and Edward.

2252. John, junior, and Edward?—Yes.

2253. Mr. Justice *Blackburn.*] Did you say John, or John and Edward together?—Together and separately.

2254. Mr. *Collins.*] First, with respect to John; did he say anything to you during the morning?—He said he would not go to poll without some money.

2255. Did Edward say anything?—Yes.

2256. What did he say?—The same observation; he would not go without money.

2257. Can you tell me the last time you saw John before the poll closed?—About half-an-hour.

2258. Half-past three?—About half-past three.

2259. Where was John then?—In Back-street, in company with a person of the name of Jefferies.

2260. What did you say to John then?—I asked him to go to poll for Mr. Westropp and Mr. Gray.

2261. What did he say?—He refused; I asked him to come with me to the "Clarence," which he did.

2262. Did he go into the "Clarence"?—He did.

2263. Where did he go to?—I do not know after the "Clarence" where he went to, but I persuaded him then to go to poll.

2264. What did he say then?—He swore he would not go to poll without money this morning, nor he would not then.

2265. How long after he left the "Clarence" did you see him again?—I should say about 10 minutes.

2266. From which direction was he coming then?—From Eastover.

2267. Would that be from the "New Inn"?—That would be from the direction of the "New Inn."

2268. What was he doing there?—He was in company with 20 persons; he was arm-in-arm with a person of the name of Webber; John Webber, I believe, is his name.

2269. How were they walking?—Seven or eight in a row; he was on the outside waving various coloured ribbons.

2270. Which colours?—Orange was very prominent.

2271. During that day, before the poll closed, had you seen the old man?—Only once.

2272. Where was that?—In High-street; first I met the father and the two sons together.

2273. Did the father say anything?—No.

2274. On the Thursday following you saw the whole of the Buttles?—No.

2275. Which?—John and Edward; John, junior, principally.

2276. Did they make a communication to you?—They did.

Cross-examined by Mr. Serjeant *Sargood.*

2277. Are you one of the Bridgwater gentlemen who change your political views occasionally, or are you always of one way of thinking?—Always one way of thinking from the first that I had a vote to the last.

2278. When did you first have a vote?—I do not know what year.

2279. Some years ago?—Some years ago.

2280. Which has been your way of thinking? *J. Denman.*
—That of a Conservative.

2281. It was an early hour in the morning, you say, that one of these Buttles said he should not vote without the money?—Yes. 25 February 1869.

2282. Had you asked him for his vote before that day?—No; I had several conversations with him, and asked him who he was going to vote for.

2283. Before that day?—Yes.

2284. Yours was rather an application of curiosity than of solicitation for a vote?—We all like to hear from each other which way we are going to vote.

2285. Was it mere curiosity or asking to get the vote?—Mere curiosity; I should wish him to vote that way, as I was that way inclined.

2286. Were you trying to get his vote, or merely, out of curiosity, wishing to find out which way he wanted to vote?—Merely out of curiosity.

2287. That is what you call being a staunch Conservative?—Yes.

2288. You had no idea of getting his vote?—Not then.

2289. Neither at eight o'clock nor when you asked him the day before?—No.

2290. As you had no idea of getting his vote, and as he told you he did not mean to vote without the money, what did you take him direct into the Conservative hotel, the "Clarence," for?—This was in the after part of the day.

2291. I understand what you have been telling me was previous to the election?—Yes.

2292. I am talking about eight o'clock in the morning?—Yes.

2293. You said previous to the election, and at eight o'clock in the morning, you were asking this man out of curiosity which way he was going to vote?—Out of curiosity.

2294. When your curiosity was satisfied by his telling you that he did not mean to vote without the money, why did you ask him to come down to the Conservative quarters at the "Clarence"?—I did do so.

2295. Why; was that the place to get the money?—No, to hear what was going on at the meeting; there was a public meeting.

2296. The poll began at eight o'clock?—This was before eight.

2297. A political meeting before eight?—There was a political meeting at eight, and previous to eight I saw him.

2298. What was the political meeting at the "Clarence" about?—Nothing more than an ordinary meeting to persuade every man to go to poll early.

2299. You were not attempting to get the vote, but you asked him to go to the political meeting because it was the place where they were persuading them to vote, and vote early?—Yes.

2300. That was not the way to get the money?—No, certainly not.

2301. As he would not vote without the money, what was the use of your getting him to the "Clarence"?—We are on very intimate terms, and I merely asked him to accompany me there.

2302. What was the use of taking him there?—I did do so.

2303. Why?—From curiosity.

2304. You asked him the question from curiosity?—Yes.

2305. Did you let him go away from curiosity?—Yes, I asked him to come.

F 4

2306. You

J. Denman.

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2306. You saw him again about 10?—At various times in the morning; I dare say about 10; I might have seen him about 10.

2307. Did you try and persuade him to go and vote for your Conservative friends?—I did.

2308. You then began to think it time to look after the votes; when he told you he would not vote without the money you began to press him?—Yes.

2309. Where was he to 'get' the money?—I assured him there was no money, and told him to go to the poll early.

2310. You assured him there was no money anywhere?—Not as regards the Conservative cause, I believe.

2311. You told him that?—Yes.

2312. Your intimate and bosom friend said, "I do not mean to vote without money;" and you said, "My dear friend, I give you the assurance that the Conservatives do not mean to give you any money, so go and vote for them as quick as you can?"—That is just it.

2313. Your intimate friend was not persuaded?—No.

2314. What next happened when you spoke to him?—I could not get him to go to the poll, consequently we left each other.

2315. You had done with him?—For the present.

2316. When you next met him what did you do, or what did you say to him?—I asked him to go to the poll.

2317. About what time was that?—About 12; half-a-dozen times I persuaded him to go to poll.

2318. Was this John that you were at half-a-dozen times?—I spoke to Edward on one or two occasions during the day.

2319. And he told the same story?—I could not get them to go to the poll.

2320. What did Edward say about it?—He should not go to poll, as there was nothing flying.

2321. How many people during the day did you have these sort of interviews with; anybody besides the three Buttles?—Perhaps a dozen; I may have done so.

2322. The three Buttles in particular?—No, not three in particular; only two in particular; that is John, junior, and Edward.

2323. Had you anything to do yourself at the "Clarence" Hotel?—Nothing whatever.

2324. You only went there out of curiosity?—To see the state of the poll, and so on.

2325. The poll had not begun at eight in the morning?—No.

2326. What had you to do at the "Clarence" at eight in the morning?—To hear this meeting.

2327. What was the meeting about?—To persuade people to poll early.

2328. Who was persuading them?—Mr. Westropp persuaded them to go to the poll early.

2329. Do you mean that there was talking on a platform, or that there was a committee meeting, or that gentlemen were in the room asking people to go and vote?—There was a public meeting; there was nothing private about it, and people were told "poll early," and "go early and we shall win the day"; it was not a private meeting; it was open to every one.

2330. When did you get into communication with the other side about these remarkable conversations?—With gentlemen on the opposite side; I do not know any one personally that I have been in conversation with.

2331. Do you mean you do not know personally any of those gentlemen round that table?—I know a great many of them undoubtedly.

2332. Which of those gentlemen did you first talk to about the Buttles?—Mr. Chapman; I was in Messrs. Smith and Boyles' office; he is the gentleman I told about three weeks since.

2333. He was the first gentleman?—He was the first gentleman.

2334. About three weeks ago?—Yes.

2335. Did he ask you to go anywhere else?—No.

2336. Have you been anywhere else to tell this story?—No; I may have told a friend, but I have never been to any office or anywhere where evidence was taken down; I might have said so-and-so was the case.

2337. You do not remember telling any one but that gentleman, and that was three weeks ago?—Yes.

2338. From that time to the present, do you mean to say you have had no communication with anybody about it?—About that matter?

2339. About the Buttles?—I may have told persons, but nothing else but by accident.

2340. Did that gentleman in that office take it down from you in writing?—Yes.

2341. Then and there?—Yes.

2342. Whose office was it?—Messrs. Smith and Boyles.

2343. Then you had heard something about the petition?—I certainly heard there was going to be a petition presented.

2344. Had you not heard that there was one in existence when you told your story to that gentleman?—Yes.

2345. He took a piece of paper then and there, and wrote it down?—Yes.

2346. Do you mean really to tell me that you have not talked to anybody else about this petition and the evidence to be given?—I may have done so by accident.

2347. What do you mean by having done so by accident?—In the course of conversation I may have said so-and-so was the case, what happened between me and the Buttles.

2348. You have not tried to find out whether anybody else knew anything about the matter besides yourself?—No.

Re-examined by Mr. Serjeant *Parry*.

2349. Mr. Chapman is a clerk in Messrs. Smith and Boyles' office?—Yes.

2350. Those gentlemen are assisting Mr. Trevor and Mr. Brice. (To the *Witness*.) You say you may have had conversations with people before, but you gave him a statement for the purpose of giving evidence here to-day?—Yes.

2351. You always voted Conservative, I believe?—Yes.

2352. And did at the last election?—Yes.

Mr. HENRY HAYWARD, sworn; Examined by Mr. Serjeant *Parry*.

2353. WHAT are you?—A Boot and Shoe-maker.

2354. In the town?—Yes.

2355. For whom did you vote?—For Mr. Westropp and Mr. Gray.

2356. You know the Buttles?—I do.

2357. Father and sons?—All three of them.

2358. Did you see them or any of them on the polling day?—I did.

2359. Which of them did you see?—All three of them.

2360. In the first instance, you saw all three of them in the morning, or when?—In the morning, about ten minutes to eight.

2361. Mr. Justice *Blackburn*.] Were they all three together?—All three together.

2362. Mr. Serjeant *Parry*.] That is John Alfred, junior, and senior, and Edward; did they say anything to you, or you to them, about their vote?—I was passing through the market-place, and the first of the Buttles that was called here yesterday morning called after me.

2363. That was John Alfred, junior?—Yes; and I stepped back to him. He asked me if there was anything “going” on.

2364. What did you say?—“What do you mean?” He said, “Any stuff?” I said, “Not that I know of.”

2365. You understood then what he meant?—I understood what he meant.

2366. Go on?—I then left him.

2367. Did he at that time say anything to you about how he should vote?—Not at that time.

2368. Did you see any one of them again?—I did.

2369. When?—About 11 o'clock in High-street.

2370. Did you see them all three together, or only one?—All three of them were standing together.

2371. What passed?—The same one that spoke to me first in the morning called me again, and asked me how things were “going,” and I said, “All right,” meaning then that Mr. Westropp and Mr. Gray were about 140 ahead. I asked him if he had been to poll? He said, “No.” I said, “Why do not you go?” He said, “I want the stuff.”

2372. Had he said anything to you about which way he should vote?—They told me twice that they should vote for Mr. Westropp and Mr. Gray.

2373. Mr. Justice *Blackburn*.] Who told you this?—The one that spoke to me in the morning.

2374. Mr. Serjeant *Parry*.] The same man who appears to have been the spokesman?—The stoutest of them that was called yesterday told me on the nomination day that he should vote for Mr. Westropp and Mr. Gray.

2375. Is that all the interviews you had with them on the day of the polling?—Yes, and I did not seek that; they called after me.

Mr. H.
Hayward.

25 February
1869.

Mr. ROBERT BUSSELL, sworn; Examined by Mr. *Collins*.

2376. WHAT are you?—Bailiff to the County Court.

2377. Do you know John Alfred Buttle, the elder?—I do.

2378. Did you put an execution into his house about the day of the election?—I did on the 18th, the Wednesday, the morning after the poll.

2379. Was it paid out?—Immediately.

2380. Look at that paper (*handing a paper to the Witness*)?—It was issued at 11 o'clock, the 18th of November 1868.

2381. Mr. Justice *Blackburn*.] How much?—£ 5. 19 s. 4 d., and the cost of the levy, 3 s.

2382. Mr. *Collins*.] It was paid out immediately?—It was paid out immediately.

2383. Who paid it out?—John Buttle the elder, the defendant.

2384. Did you put an execution into the same house just before the election?—I did.

2385. How long before?—I put in one on the 21st of October.

2386. What became of that?—It was at the suit of Messrs. Reed & Cook.

2387. The Liberal agents?—Yes.

2388. Was that paid out?—No.

2389. Mr. Justice *Blackburn*.] How much was that?—£. 7. 4 s. 6 d.

2390. What became of that?—It was withdrawn.

2391. Mr. *Collins*.] Were Messrs. Reed & Cook the solicitors who put in the execution after the election on the 18th?—It was previous to the election.

2392. Mr. Justice *Blackburn*.] There are two different executions spoken about; at whose suit was the execution that was paid out for 5 l. 19 s. 4 d.?—Messrs Shrimpton & Austin, ironmongers in this town.

2393. Who were the attorneys?—No one; they acted on their own behalf.

Mr.
R. Bussell.

Mr. WILLIAM LUCKESS, sworn; Examined by Mr. Serjeant *Parry*.

2394. YOU reside in Barclay-street?—Yes.

2395. Are you a Mariner?—Yes.

2396. And a voter?—Yes.

2397. For whom did you vote at the last election?—For the Conservative side.

2398. What time did you vote, do you remember?—About ten minutes after three, as near as I can guess.

2399. Between three and four did you see Henry Chapman Bussell, the keeper of the “Anchor Inn” or beershop?—Yes, I did.

65.

2400. Where were you at that time?—On the bridge.

2401. Did he speak to you about the election?—Yes.

2402. What did he say?—He asked me if I had been to poll, I told him no, and he asked me if I would go with him to his house; he would give me 10 l. if I would vote for his side, which I took it to be for Mr. Kinglake and Mr. Vanderbyl.

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2403. When

Mr. W.
Luckess.

- Mr. W. Luckess.
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2403. When he said that, what did you say to him?—I told him I should not go.
2404. Did he then leave you?—No; he caught me by the arm a second time and repeated the same words, that he would give me 10*l.* if I would vote for his side; I told him I should not go; he said “Why not,” and my wife was behind me, I not knowing she was on the bridge; she stepped forward and asked Bussell what he was going to do with me.
2405. Your wife did not hear the conversation that passed between you and Bussell?—No.
2406. I believe you had voted at that time?—I had voted.
2407. At the time of the election were you in the employment of Mr. John James Sully or James Wood Sully?—I was.
2408. Was James Wood Sully an active supporter of Mr. Vanderbyl and Mr. Kinglake?—I heard so; I was not at home at the canvassing.
2409. Two or three days after the election were you discharged from your ship?—Yes.
2410. Without notice or reason?—Without notice or reason.
2411. Was that one of Mr. Sully’s ships?—Yes.
- Cross-examined by Mr. James.
2412. You voted for Mr. Westropp alone, did not you?—Yes.
2413. You did not vote for Mr. Gray?—No, I did not.
2414. At what time did you poll?—About ten minutes after three.
2415. Had you been about the town all the day, or where had you been?—I had not been in the town all the day; I had been out of the town part of the day.
2416. Where had you been?—Not on any particular business; I was down as far as Dumball.
2417. Were you engaged in your ship?—No; I was not engaged in my ship.
2418. What was your ship at that time; what ship were you in?—The “Carry Wench.”
2419. Was Captain Turner the captain of that ship?—I believe so; he acted as captain.
2420. What were you; the mate?—Yes.
2421. Who discharged you?—I had no discharge.
2422. Who told you not to come back to the ship?—The captain.
2423. You had no communication of any kind with Mr. Sully?—No.
2424. Mr. Sully does not interfere with his ships, does he?—I think he does interfere with his own ships.
2425. He did not interfere with you?—No.
2426. It was Captain Turner who discharged you?—Yes.
2427. Mr. Sully is generally in Wales, is not he; he has collieries in Wales, has not he?—He has collieries, I think, at Sidney. Whether he was at home or away, I cannot say.
2428. Why did you wait till ten minutes past three before you voted?—I thought it was optional with my own self what time I went to the poll, and whether I would go to vote or not at all.
2429. Was it in the exercise of your option that you did not vote till ten minutes past three?—Yes.
2430. Why did not you poll earlier?—I did not think it was proper.
2431. Why did not you think it was proper?—Because I had my own mind to use. I thought my vote as good at four, as early in the morning.
2432. Why did you exercise your option by voting so late in the day?—I had no reason for it whatever.
2433. Why, if you had voted, did you tell Bussell you had not?—Because there was intimidation and bribery about, and it was my place to catch them, if I could.
2434. Why did not you take the money?—I did not want it.
2435. If you had gone with him to his house, you would have caught him quite out?—Yes.
2436. Why did not you do it?—I did not want it.
2437. You wanted to catch him out?—Yes.
2438. You would have caught him out if you had taken the money, and wrapped it in a piece of paper, and taken it to the “Clarence”?—Yes.
2439. Why did not you do so?—I did not do such a thing as that.
2440. Why not?—I have no reason for it.
2441. You had no reason for not catching him out?—No.
2442. You do not not know James Palmer, I suppose?—Yes, I do, very well.
2443. How long have you known him?—These three or four years.
2444. Have you been in the habit of being with him?—No; he belongs to the same society as I do. He goes to the same club, and I meet him there, and I meet him in the town. We are always friendly.
2445. He is an agreeable person, is he not?—I do not know anything about the man.
2446. You know him well?—Yes.
2447. Did you tell Palmer of this offer?—I believe not. If I did, it must have been some time after.
2448. Did you tell Palmer of the offer?—I told a great many of it.
2449. Did you tell Palmer of it?—I cannot say.
2450. You have seen him at the club?—Not since.
2451. You have seen him in the street?—Not many times.
2452. Have you spoken to him?—Twice.
2453. Have you never told Palmer about this affair?—Never to my knowledge.
2454. Has not he asked you about it?—I believe not.
2455. Did you go to Mr. Brice’s office to make your statement?—No.
2456. Where did you go to make your statement?—Mr. Boyle’s, I believe. I went to the “Clarence” first to make the statement.
2457. When?—Before the poll was closed.
2458. Who did you see there; did you see Mr. Westropp?—Yes.
2459. Did you know at that time that Palmer was there?—I was there when Palmer was there. Palmer came while I were there.
2460. Who told his tale first?—Me.
2461. And then Palmer produced the 10*l.*?—He did.
2462. To whom did you tell the story?—I think to Mr. Brice; I believe Mr. Brice was in at the time, and Mr. Westropp, and Mr. Gray, and other gentlemen, strangers to me.
2463. And then Palmer came in?—After me.
2464. Did

2464. Did you see Palmer produce his 10*l*.?—I did.

2465. You had not seen Palmer before, that day?—Not to speak to him; I do not believe I had seen him at all.

2466. Nobody told you to go back and get the 10*l*. from Bussell?—No.

2467. Was your statement taken down?—In the “Clarence.”

Re-examined by Mr. Serjeant *Parry*.

2468. Was your statement taken down that afternoon or evening, at the “Clarence”?—The same evening, before the poll closed.

Mr. THOMAS WILLIAMS, sworn; Examined by Mr. Serjeant *Parry*.

2473. ARE you in the employment of the Railway Company here?—I am.

2474. What is your employment?—I am in the trimming department.

2475. Is a gentleman of the name of Captain Bridges at the head of it?—He is.

2476. Are you employed under him?—Yes.

2477. I believe also you follow a nobler occupation; you are bandmaster of the Volunteer Rifles here?—I am.

2478. How many men have you under you in the band?—It varies at times; sometimes 15, sometimes 20; but at the present time I should think about 15 or 16.

2479. Was there the same number in the band at the last election?—Near about.

2480. For whom did you vote at the last election?—Westropp and Gray.

2481. Were there many persons voters in your band?—I should think all but two or three.

2482. Were you a new voter, or an old voter?—An old voter.

2483. Do you know Mr. Henry Jarman?—Yes.

2484. What is he?—I believe he is a gentleman.

2485. Do you mean by that that he follows no occupation?—I understand not.

2486. Do you know at all, irrespective of any communication he may have made to you, whether he canvassed at all for Messrs. Kinglake and Vanderbyl; have you seen him with them?—He canvassed for Messrs. Vanderbyl and Kinglake at my house.

2487. Do you know of his doing it anywhere else?—

Mr. *James*.] He does not say with the candidates.

2488. Mr. Serjeant *Parry*.] He canvassed at your house; at that time were either of those gentlemen, Mr. Kinglake or Mr. Vanderbyl, with him?—Both of them; I did not see them, they called when I was at my work.

2489. Who did see them?—My wife.

2490. Mr. Justice *Blackburn*.] Did you afterwards see them yourself at all?—

2491. Mr. Serjeant *Parry*.] Did you see Mr. Henry Jarman with Messrs. Kinglake and Vanderbyl, yourself?—No.

2492. Only alone?—Only alone.

2493. When was that?—The first time was on the Saturday fortnight previous to the election.

2494. Will you tell us what passed between Jarman and you at that time about your vote?—I went to the door and he asked me in; he said,

2469. Was it this gentleman (*pointing to a young man sitting at the table*)?—Yes.

2470. Mr. Justice *Blackburn*.] You understand the difference between having told a story and made a statement in the sense of its being written down and signed; was your statement written down and signed?—In the “Clarence.”

2471. Mr. Serjeant *Parry*.] You have been asked about Mr. Sully; before the polling day, or on the polling day, or any time before, had Mr. Sully asked you for your vote?—No.

2472. He had not canvassed you?—No.

“Williams, I believe,” he said, “you are a Liberal”; I said “Sir, you can easily see by looking at the voting lists,” meaning the list that has been printed after the elections; he said, “All right, I perfectly understand that, but,” he says, “Still I believe you are a Liberal”; I says, “All right sir”; he then said, “I understand you have no objection to play for the Liberal party,” I said “Certainly not, in the way of business”; he then told me he had been requested to ask me would I play, or undertake the business of playing, for the Liberal party, and at the same time would I bring a band with me; he asked me my terms; I was hesitating as to what I would consider to be my terms under the circumstances; he said, “Do not stint yourself, because he said “It is a thing that ought to be well paid for”; I said, “I will rather tell you my terms another time, sir, as I would rather have some consideration on the matter”; he said, “I want you to tell me to-night particularly, as I have to place it before a body of gentlemen, or a committee of gentlemen, this evening”; in answer to that I came to a decision as to the price; my price was 25*l*. for the two days, for 14 or 16 men in the band; he then told me he would lay it before these gentlemen; he wished me good-bye, and I left his house.

2495. He had spoken to you as you tell us about your vote, and said he believed you were a Liberal; did he say anything at that time about anybody else's votes?—Yes, he told me it was very essential that I should bring as many men from my own band as possible.

2496. To what; to play or what?—Voters.

2497. Mr. Justice *Blackburn*.] What words did he use?—He asked me how many voters there were in my band; I told him I believed they were all voters with one or two exceptions, and that I believed they were all newly enfranchised; he said, “How many men do you think will vote for the Liberal party”; it was relative to the voters; I says, “I really cannot tell.”

2498. What part of the conversation was it in which this was said?—At Mr. Jarman's house on the Saturday fortnight before the election.

2499. Mr. Serjeant *Parry*.] At what part of the conversation you had with him, did this talk about the voters and how they would vote occur; was it before or after he had asked you your terms?—He pressed upon it the whole of the time.

2500. He asked you whether you thought there were Liberal voters amongst them; what did you say?—I told him I knew there were two, or three, or four, from their principle.

Mr.
W. Luckess.

25 February
1896.

Mr.
T. Williams.

Mr. T. Williams. 2501. What was the fact with reference to the number of votes; was there a majority of Conservative votes in the band, or Liberal?—A majority of Conservatives.
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2502. When you say three or four, do you mean literally three or four Liberals?—Yes.

2503. This was the conversation on the Saturday in October; Mr. Jarman went away; did he return again to you at any time; did you see him again upon the same subject?—On leaving, he told me he would call at my house on the following Monday; he did not call on the following Monday, but he called some time during that week.

2504. Mr. Justice *Blackburn*.] Did he see you?—He did.

2505. Mr. Serjeant *Parry*.] Tell us as near as you can, what passed between him and you in reference to your vote and the votes of the band; if anything?—He asked me if I had asked the men, or if I had endeavoured to see how many men would vote for the Liberals, in order to accompany me; that is to say, to fulfil the engagement.

2506. Mr. Justice *Blackburn*.] Tell us what he asked you, without putting anything of your own comment, but as near as you can remember what words he used?—He asked me how many men would vote, and had I asked them.

2507. Mr. Serjeant *Parry*.] Did he say how many men would vote, or did he ask you how many would vote one way or the other?—How many would vote Liberal.

2508. You are a man in rather a superior situation; I wish you would just carry your mind to the exact conversation?—I told him I did not know, as I had not asked them; I again repeated that there were three or four that I believed were Liberals, and that nothing would turn them from that principle. He told me that he had laid my price before the committee, and that they had accepted it.

2509. Had you told him the price in the first instance?—Yes, the first night. He told me that he had laid it before the committee, and they thought it was rather a high price, but he said, as far as regards himself, he thought it was not; I told him I did not consider it was a high price; but he said, they ultimately agreed to give it, but that it was very essential (repeating the same words again) that I should bring as many men from my own band to play with me who were voters.

2510. Did he say anything to you in the course of the second time about Captain Bridges?—On his first interview, and on the second interview, he did.

2511. You must call your memory back; what did he say to you about Captain Bridges?—He told me that Captain Bridges was going to vote for Mr. Vanderbyl. He stated "that the railway company would have nothing whatever to do with influencing my voting; that I should be free to do as I chose; and that Captain Bridges would not interfere with me"; I told him, "that Captain Bridges had never interfered with me." Then we went into other conversation of a kind of a political nature, relative to persons in the town, and so on; is it necessary for me to repeat that?

2512. I think not; my learned friend may cross-examine about that. Did he say anything to you in the course of either of those conversations, about your own vote, and your own influence or example?—Exactly so.

2513. Mr. Justice *Blackburn*.] What did he say?—He told me that if I played for the Liberals, of course he should expect me to vote.

2514. When did he tell you this?—At the first interview and the second interview.

2515. Mr. Serjeant *Parry*.] If you played for the Liberal party, you were to vote; did he say anything else about if you did vote, or anything of that kind?—He told me that as many men as I could get to vote from my band and play with me, I could tell them that whatever was going in the shape of money, I was to tell the men that they should have, and that he would see me rewarded for my trouble.

2516. You say that he told you that he should expect you to vote if you played for the Liberal party; did he say anything to you about the example of your vote?—He said, that it would influence the other men to vote for them.

2517. I believe you have told us in substance the conversation which passed between you on both the interviews, have you not; there is nothing else that you recollect that was said about the vote?—Nothing particular at all.

2518. Did he engage you, or what did he say?—He said he would send another gentleman to engage with me, and that he would call again himself.

2519. Did you see him again?—He called again at my house, and I saw him.

2520. What did he say to you?—He repeated the same kind of conversation relative to the voters, and so on. It was a repetition of the same.

2521. Mr. Justice *Blackburn*.] Will you speak out louder?—I will; I am suffering from a very severe cold on my chest. It was a repetition of the second interview with respect to the voters. He asked me if I had asked those men whether they would play and vote, and I told him, "No." He asked me, would I ask them; I told him, "Yes;" and he said that he would send some one to make the engagement.

2522. But that you have told us already?—But this is the third time.

2523. Mr. Serjeant *Parry*.] Did he go away then the third time, and did he ever come again?—He went away the third time, and came back no more.

2524. Nor did he send any one, I believe, to make any arrangement with you?—No.

2525. And no arrangement was made?—No.

2526. And how did you vote?—For Westropp and Gray.

2527. And the majority of your band, I believe?—Yes; those who felt disposed.

2528. Have you always voted Conservative?—Always.

2529. And you alluded to the polling books in the first interview, and Mr. Jarman would know whether you had or had not?—Exactly so.

2530. How far from your house does Mr. Jarman live?—Well, I cannot say.

2531. About a mile, or a mile and a half?—About that, I should think.

2532. At what time did those interviews with you take place; in the day or in the evening?—The first interview was at six o'clock in the evening; the second between seven and eight, or somewhere thereabouts; and the third at the same time, or a similar time.

Cross-examined by Mr. *Edlin*.

2533. Did you play for the Conservatives?—I did.

2534. You and your band-fellows?—Yes.

2535. What instrument do you play?—The cornet.

2536. You are the bandmaster?—I am.

2537. What did you get?—Nothing.

2538. Do you mean to say that the band played gratuitously?—Yes.

2539. Nothing at all?—Yes.

2540. For how many days?—Two days.

2541. On the day of the nomination and the day of the polling?—Yes.

2542. Then the whole band were Conservatives playing for nothing?—No, not the whole band; some of them played for the Liberals.

2543. Were the band divided, then?—Yes; they went where they liked, and played for whom they chose.

2544. The Conservative party had a band, and the Liberal party had a band?—Yes.

2545. You played for the Conservative party, and how many of your men of the Volunteer band?—Well, I cannot say exactly; but, at any rate, perhaps, 10 or 12.

2546. Of how many does the band consist?—About 15 or 16.

2547. You had proposed then that the whole band should play for the Liberal party for 25 l.?—No; Mr. Jarman had proposed that.

2548. But you had acceded, if I understand?—I had stated that that was the price that I should expect if I did do so.

2549. Did you not give Mr. Jarman to understand that the entire band would play under your direction, as master, for 25 l.?—Certainly not.

2550. What did you give him to understand then about the 25 l.?—That for 25 l. I would bring him a band.

2551. Then was it your proposal that you would bring him a band, not the band attached to the Bridgwater Volunteer Corps, but some other band?—Exactly so; he understood that at the time.

2552. Did you make him understand that?—Yes.

2553. Then the band which he was to pay 25 l. for, were to come from some other place?—Exactly so.

2554. Was it Weston?—Anywhere.

2555. Did you mention Weston?—No.

2556. Then he left you under the impression that you would bring a band of foreigners, and you were to hire them?—Yes.

2557. Pray when did you first mention to anybody what you have said here to-day, as to his telling you that whatever was going in the shape of money, he would see that the men should have it?—About a fortnight ago.

2558. Not before?—No.

2559. And then to whom?—At Mr. Boyle's office.

2560. That was the first time you mentioned it?—The very first.

2561. You never mentioned it before to any one?—Never.

2562. Did you go yourself to Mr. Boyle's office?—I did.

2563. About a fortnight ago, that is in the month of February; you know we are getting on into February now; and then you mentioned it for the first time?—I did.

2564. Then you never spoke of it to either of your performers?—I never intended to.

2565. Never mind what your intentions were, did you?—I did not.

2566. I should like to know whether Mr. Jarman sought you, or you sought him?—He sought me; he sent a man to me.

2567. You sent a message, you say?—Yes.

2568. But you went down to his house?—By the request of the messenger.

2569. In consequence of this message that you got, you went down to his house; and that on the first occasion was after your working hours, I think you told us, between six and seven o'clock?—About six o'clock.

2570. You then saw him at his house?—At his house.

2571. Was it there that the 25 l. was first mentioned?—Yes.

2572. And then did he tell you that he would communicate the price to the committee?—He did.

2573. You were rather anxious to be engaged, were you not?—No.

2574. Where did you have the second interview?—At my house.

2575. He came down to your house?—He did.

2576. Was it there that he told you that the committee demurred to giving so much as 25 l.?—It was.

2577. But that he did not think it too much?—Exactly so.

2578. And he was well aware at that time that the Volunteer band were chiefly Conservatives?—I do not know that they were all newly enfranchised.

2579. I thought you said you told him that about three or four of them were Liberals?—I told him that I knew for certain that three or four were Liberals that would go according to their principle.

2580. Did you mean to convey to him that you knew the others were not Liberals?—Certainly not; I meant him to understand—

2581. What did you suppose you would give him to understand by stating that three or four were Liberals?—I did not know whether the others were.

2582. That the others were open to conviction?—Exactly so.

2583. Did you hire any foreign band to come here?—No, I did not.

2584. When Mr. Jarman first came to you, did he say, "How many of your band can you get to play on the election day"?—He said that at the first interview at his house.

2585. I believe you are employed in what is called the Railway Carriage Department?—Yes.

2586. And the band is chiefly composed of the workpeople in employment there?—Yes.

2587. Did you then say "two or three," in answer to that question as to how many you could get?—I do not understand that.

2588. You say, if I understand you aright, that he asked you how many of the band of people you could get to play; did you in answer to that say "two or three"?—No, I did not.

2589. Did he ask you how many you intended to have in the band?—He asked me how many it was necessary to have.

2590. How many did you say?—Fourteen or 16.

2591. Not 15 or 16?—No, 14 or 16.

Mr.
T. Williams.
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2592. And

Mr. *T. Williams.* 2592. And did you say that you would make up the remainder from Weston-super-Mare, if you got the order?—No.

5 February 1869. 2593. He made the first inquiry with reference to charge, did he not?—Yes.

2594. And you at once said 25 l.?—No; I hesitated, and requested him to let it remain open for consideration.

2595. Then are we to understand that you did not give the 25 l. as the price at the first interview?—I did, after him telling me that he wished to lay it before a committee of gentlemen.

2596. Did he not then object in these words, or to this effect, "That is a good deal of money"?—I think he did.

2597. Did he not then say to you (attend to this, if you please) "I cannot engage you; I am a voter; I dare not do such a thing; but I will speak for you, and let you know"?—I do not remember it.

2598. It is not at all likely that you should have forgotten that, if he said it. I will repeat the words, so that you may understand them. Did he say this, or anything to this effect, "I dare not do such a thing; but I will speak for you, and let you know"?—I do not remember that he did.

2599. Will you swear that he did not?—I should not like to swear that he did not; I will swear I cannot remember it.

2600. But is it at all likely that you could have forgotten such an expression as that?—We had long conversations, and I must have forgotten a great deal of it.

2601. Will you swear that he did not say it?—I will swear that I cannot recollect it.

2602. But you would not like to swear that he did not say it?—I should not like to swear that he did not.

2603. Where did you see him on the next occasion?—At my house.

2604. He came to you at your house?—Yes; you are speaking of the second interview now.

2605. At the second interview, after he came to your house in the evening, did he then ask you if you had asked Captain Bridges, of the Volun-

teer Corps, for his permission to play?—No, he did not ask.

2606. He never inquired of you?—No.

2607. Then you did not say, of course, that you had not asked Captain Bridge's permission, but that you would do so?—Certainly not.

2608. Did he not say to you, "You had better get Captain Bridge's permission before I can make any arrangements with you"?—No.

2609. Nothing to that effect?—Nothing at all.

2610. You appear on this second occasion not to have come to any definite terms with him; he promised to send another gentleman?—Yes.

2611. Did any other gentleman ever call upon you respecting this?—No.

2612. Then what was the understanding upon which you parted on the last occasion; that you were to play for him or not?—We had no perfect understanding, because he said he would send some one else.

2613. You expected a communication from some one else, and it never reached you?—Never

2614. In any shape or form?—In any shape or form.

2615. Did you make inquiries at Weston for bandsmen?—I did, and as I was going to Bristol—

2616. Never mind how, when, or where you did it, but you did make inquiries?—For one man.

2617. Was that one man to get others for you?—No.

2618. What instrumentalist was the man that you wrote to?—I did not write to any man.

2619. The Weston man?—I did not write to any man; I sent a message to Weston.

2620. What was the message?—To ask if he would come down to my house on the Monday morning.

2621. Is he a man that engages bands?—No.

2622. Monday, the nomination day?—Yes.

2623. And he did not come?—No.

2624. Mr. Justice *Blackburn.*] What instrument would he play?—A cornet.

[The Witness withdrew.]

CHARLES GREEN, sworn; Examined by Mr. Serjeant *Parry.*

C. Green. 2625. WHAT are you in this borough?—A carpenter.

2626. Did you vote for Mr. Westropp and Mr. Gray at the last election?—For Westropp and Gray.

2627. I want to know whether you are the right person, and whether you are really the gentleman

I want; have you a son of the name of Edwin Green?—No.

Mr. Serjeant *Parry* stated that this Witness had been called by mistake.

[The Witness withdrew.]

SAMUEL PHILLIPS, sworn; Examined by Mr. *Collins.*

S. Phillips. 2628. ARE you a labourer?—Yes.

2629. And you reside in Union-street?—Yes.

2630. And you are a voter?—Yes.

2631. At the last election, did you vote for Mr. Westropp and Mr. Gray?—Yes.

2632. I believe you are a member of the Conservative Working Men's Association?—Yes.

2633. Do you remember the day of the nomination; the Monday before the election?—Yes.

2634. Did you go to the "Bath Bridge Inn"?—Yes.

2635. At about what time?—I cannot say exactly what time now.

2636. But at about what time?—In the forenoon.

2637. Did you go again there in the evening?—Yes.

2638. Who went with you?—There were several there.

2639. Into what room did you go?—Upstairs.

2640. Do you know a man named Philip Gilbert?—Yes.

2641. What is Philip Gilbert?—He is a wheelwright, I believe.

2642. Was he there?—Yes.

2643. What

2643. What was he doing upstairs?—He was there about this election.

2644. What do you mean by that?—He said he would give the same as the opposite party.

2645. What do you mean?—He would give as much as the opposite party.

2646. Did he say so?—Yes.

2647. He said he would give as much as the opposite party?—Yes.

2648. Mr. Justice *Blackburn.*] When you went there, was he sitting at a table, or standing, or speaking, or was he alone, or were there many people in the room; tell us about it?—There were about 30 people, I suppose, in the room.

2649. Mr. *Collins.*] Were any of those men, to your knowledge, voters?—Yes.

2650. How many of those 30?—The whole of them were voters.

2651. Will you give me some of their names?—Pitman.

2652. Price?—Price.

2653. And Prescott?—Prescott.

2654. And Reynolds?—Reynolds.

2655. Baker?—Baker were there.

2656. Mr. Justice *Blackburn.*] Were there any others that you can remember?—Baker and William Bird.

2657. Any others?—Well, Passmore.

2658. Any more that you can remember?—No, not exactly.

2659. You say there were about 30 there altogether?—Yes.

2660. Do you remember Mr. Thomas Parsons being there?—Yes, he was there too.

2661. Was there a table in this room upstairs?—Yes.

2662. What was on the table?—There was some drink on the table.

2663. What drink?—Some beer.

2664. What part of the table was Gilbert sitting at?—The further end of it.

2665. Did you have any drink there?—Yes.

2666. How much?—I cannot say how much.

2667. Did you have as much as you wanted?—Yes, I had as much as I wanted.

2668. Were the rest of the 30 men drinking?—Yes; the whole was drinking.

2669. Who gave the order for the beer to be brought up?—Mr. Gilbert.

2670. Did you pay for anything that you drank?—No, not at all.

2671. Did you see any of the rest of the men pay for anything?—No, not at all.

2672. How long did you stay there?—I stayed there as long as ever I could, and then I went home.

2673. At what time did you get home?—After one o'clock in the morning.

2674. Did you stay there till one o'clock in the morning?—I did.

2675. And were the rest of the men staying there also?—Yes; there was men there as well as me.

2676. During the whole of that time was drink supplied?—Yes.

2677. And nothing paid for?—Nothing paid for; I was not axed for no payment.

2678. Do you recollect anyone saying anything to Gilbert about paying for votes?—

2679. Mr. Justice *Blackburn.*] What was said, if anything, about it?—No.

2680. Mr. *Collins.*] Was anything said about the price of a vote?—Not about the price of votes.

2681. What was said about votes at all?—He

65.

said he could afford to give as much as the opposite party, and to rest ourselves contented; we would be all right before we went to the poll.

2682. Mr. Justice *Blackburn.*] Will you repeat that?—He said he would give us as much as the opposite party.

2683. What else did he say?—Nothing else; only he said that we would be all right before we went to poll.

2684. Mr. *Collins.*] Was anything said about 10 l.?—No, I never heard anything about 10 l.

2685. Did you hear any price named?—No, he did not say what price.

2686. Mr. Justice *Blackburn.*] How came Gilbert to say this?—We was talking amongst ourselves.

2687. You know it is impossible for us to know what happened unless you tell us. Tell us what really did happen; how came Gilbert to say this?—He says, "You will be all right if you remain as you are before you go to poll; I will see things right."

2688. But how came he to say that?—I do not know.

2689. Mr. *Collins.*] Did anybody ask him about any price, or was it spoken of in the room at the time?—No more than they were giving so and so; the opposite party.

2690. Let us hear what they said that the opposite party were doing?—"So much."

2691. Mr. Justice *Blackburn.*] Who said anything about the opposite party; let us hear that?—Several said.

2692. What did they say?—That there was so much given, and he could afford the same.

2693. But how much did they say had been given?—They did not say how much.

2694. Mr. *Collins.*] Did they say there was money going, or anything of that sort?—No, only promised.

2695. How much did they say had been promised by the opposite party?—They said 5 l.

2696. That is the blue party, the Conservatives; upon that did Gilbert say anything?—No, no more than he says, says he, "You will be right enough if you remain as you are"; that was all.

2697. Did Gilbert say anything about the sum the blue party were giving, or whether they were giving anything?—No; I cannot say that.

2698. Was anything said about the blue party more than you have told us?—No; I never heard anything more.

2699. You say you left them at one o'clock in the morning?—Somewhere about that.

2700. Did you go back again that night?—Yes; I went back again in the morning.

2701. At what time in the morning did you get back?—At about eight or nine o'clock.

2702. Mr. Justice *Blackburn.*] Was this upon the Tuesday that you went back?—Yes, the polling day.

2703. Mr. *Collins.*] Did you see any of the same men, in the morning there, that you saw overnight?—Yes, they were there in the morning as well as myself.

2704. Still drinking?—Yes.

2705. Did you have anything to drink in the morning?—Yes.

2706. And did the rest of the men?—Yes, they had some.

2707. Did you pay, or did they pay?—No, I did not pay for anything, and I did not see anyone else.

2708. When you got there in the morning, did you

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- S. Phillips.* you see Philip Gilbert there?—Yes, he was standing outside.
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2710. Did the rest of the men have the same?—All had the same.
2711. Did you have as much as you wanted then?—Yes, I had as much as I wanted.
2712. Do you remember that morning Gilbert asking you to have anything?—Yes; he was outside, and he says, “Go inside,” says he, “and have something to drink.”
2713. When he said that, did all the men go in?—We went in.
2714. And had this rum and warm beer?—Yes.
2715. Into which room did you go when you went in?—Upstairs.
2716. The same room that you had been in overnight?—Yes.
2717. Who was there at that time?—Almost the same party as there was overnight.
2718. About how many do you think?—I cannot say exactly how many there was.
2719. About the same number, more or less?—There may be about the same number for all I know.
2720. There were a good many men there drinking this rum and beer?—Yes.
2721. How long did you stay at the “Bath Bridge Inn” at that time?—I stopped till near one o’clock.
2722. Were the same men in there most of the time?—Most of the time.
2723. Did other men come up?—I cannot say that.
2724. During the whole of that time, up to one o’clock, were you drinking as much as you liked?—Yes, I was drinking; I could if I liked to drink it.
2725. You had only to call for it?—Yes, that was all.
2726. And the rest of the men?—Yes.
2727. During the whole of that time, the night before, and the morning up till one o’clock, did you see any person pay for any beer or anything?—No, I did not.
2728. Was Philip Gilbert there the whole of that time?—He was in and out; he was not there the whole of the time.
2729. At one o’clock you say you left?—Yes.
2730. Where did you go to?—Up to the poll.
2731. And you polled for Mr. Westropp and Mr. Gray?—Yes.
2732. I believe you promised them before, and you voted for them; after that, did you go back to the “Bath Bridge Inn”?—Yes, I was in the house afterwards.
2733. Was Mr. Gilbert still there?—I saw him in there.
2734. What was he doing then after one o’clock?—He was still along with the men; I stopped down in the kitchen then.
2735. Who was in the kitchen?—Several men.
2736. Voters?—No, they was not voters.
2737. Were you drinking in the kitchen after that?—Yes, I paid for that drop afterwards; after I voted for the “Blues.”
2738. Did you see those same men at all; did you go upstairs at all?—Yes, I was upstairs.
2739. Mr. Justice *Blackburn*.] Were you upstairs after you had voted?—No, I were not.
2740. Mr. *Collins*.] But you say you saw Gilbert in some part of the house?—Yes.
2741. In what part of the house?—Coming in through and in the bar.
2742. Do you know Mr. James Symonds, a foreman of a brick yard?—Yes.
2743. Was he there?—In the bar.
2744. Did you see Symonds and Gilbert with any of the voters going anywhere?—No.
2745. In what state were the men about one o’clock?—Well, the men were not much out of the way; no one; they were well enough.
2746. They had been drinking, I suppose, as you say?—Yes, they had been drinking.
2747. Did they show any signs of drinking; were they partly drunk, or were they sober?—I no not say that they were drunk.
2748. But were they a little drunk?—I cannot say that.
2749. You do not say that they were quite sober; you would not like to say that?—No.
2750. I believe you were not “much out of the way” yourself; you are an old soldier, are you not, and can bear a good deal?—I do not know for that.

Cross-examined by Mr. Serjeant *Sargood*.

2751. If my learned friend is right about that, that you can bear a good deal, how much did you manage to bear that day?—I cannot say; I did not keep account.
2752. But how long were you at this public-house the day before the polling day; how many minutes did you stop there when you went?—I stopped a good while there.
2753. Tell me how long?—Till near morning.
2754. But how long were you there altogether, half an hour, or an hour, or what?—Oh yes, more than an hour.
2755. An hour and a quarter?—Yes, and more; I cannot say exactly, because I did not look at the time.
2756. At what hour was it when you went into this place?—The first thing in the morning; I cannot say how long I was there.
2757. But I am talking of the nomination day, the Monday?—I went in in the morning, but I cannot say how long I stopped there.
2758. You do not mean to say that you went in in the morning, and stopped there till one o’clock the next morning?—No, not altogether; in and out I was.
2759. Then, am I to understand that you began on the nomination day by going early in the morning, that you were in and out all day, and that you wound up by leaving there at one o’clock at night?—Yes, that was all.
2760. Having been in and out all day, did you always drink each time you went in?—No, not each time I did not; I could if I liked.
2761. You fancy you could if you liked, but you did not?—No.
2762. May I ask you what you went in for at all, because you are a good Conservative you say; what were you doing there? (*The Witness hesitated*.)
2763. Come, do not keep us all day; if you did not go in to drink, what did you go in for?—In course I drank when I gone in.
2764. You had something to drink each time you went in?—Not each time, I cannot say that I did; but whenever I required drink, I could drink it.
2765. How many times in the day did you go into that house, before the evening’s entertainment?—I could not say how many times.
2766. A dozen

2766. A dozen times?—I went in and out; a man would at a time like that.

2767. Did you go in and out at other houses in the town during that nomination day?—No, I walked through the town.

2768. Was this the only public-house you went into?—Yes, for to stop.

2769. To drink?—Yes.

2770. Did you not drink in any other public-house in the town, on the nomination day?—No, not on the nomination day.

2771. Then I must ask you again, as you are a good Conservative, why you went in drinking at this particular house where the Liberal people were, and nowhere else; what induced you to do it?—I went in along with them that was all.

2772. You saw people going in and out, and so you thought you would go too; is that it?—Yes, I had a vote, and I went with them.

2773. But you were not carrying your vote in your pocket; was that the only house in the town where people were going in and out?—No, they were going in many other houses too.

2774. Then why did you not go in and out of the other places?—(After some hesitation) I did not feel inclined to go in.

2775. But you did feel inclined here?—Yes.

2776. How many hours were you there in the evening, after going in and out so many times in the day?—Till towards morning.

2777. But how long were you there; a couple of hours?—Till morning; till after one o'clock.

2778. But I want to know at what time you went in?—A person does not look at the time when he goes in.

2779. But surely you can tell me whether you were there two, or three, or four hours?—I have told you.

2780. How many hours were you there?—It was morning when I came out.

2781. Were you there for two or three hours in the evening?—Yes.

2782. How much did you drink?—I cannot say how much.

2783. What sort of a thing did you have it in; a pewter mug, or a pint pot, or what?—Pint pots and glasses; you can drink out of either one of them.

2784. Did you drink out of both?—I could if I had liked.

2785. But I want to know what you did do?—I drank sometimes out of a glass and sometimes out of a mug.

2786. Sometimes out of a glass?—Yes.

2787. Sometimes out of a mug?—Yes.

2788. Sometimes out of a pint pot?—Yes.

2789. Just as it happened; what sort of stuff was it?—Some rum.

2790. Rum in the glass?—Rum in the glass.

2791. And beer in the mug?—Yes, rum and beer too, but not in the glass.

2792. The beer was in what?—In quart pots.

2793. And in pints?—Not in pints.

2794. You did not see any pints?—I see the pints.

2795. What was in the mugs?—Beer.

2796. And that went on for two, or three, or four hours you were there drinking?—Yes, I could if I had liked.

2797. How did you manage to remember the conversation after all this; can you remember anything else but what my learned friend has been asking you?—No.

2798. Did you remember it all the next morning after going away at one o'clock?—Yes.

2799. When did you first tell them about it?—In the morning.

2800. Whom did you go and tell in the morning; I do not think you understand me, or you do not mean what you say; when did you first tell the gentlemen on the other side what had been going on in this public-house; it was last week, I fancy?—No.

2801. When was it?—The next morning it was, I believe.

2802. Do you mean to say that the next morning, the day of the election, you went to those gentlemen on the other side to tell them what had been going on at the public-house; is that what you mean?—No.

2803. I thought not; let me try again, when did you first tell the gentlemen on the other side what you had seen going on at the public-house?—About a week afterwards.

2804. To whom did you go, to tell the story?—To Mr. Brice's office.

2805. Did anyone go with you?—Yes.

2806. Who was it?—Mr. Dunn.

2807. Who is Mr. Dunn?—He works down at the foundry.

2808. What, the foundry where you work?—No, down at the foundry.

2809. He is a Conservative gentleman, is he not?—Yes.

2810. I thought it sounded like it; he went with you?—Yes.

2811. Had he some tale to tell also about a public-house?—No, he had none at all.

2812. How came he to go with you then?—He came for me.

2813. To your place of business?—No.

2814. Where?—To my house.

2815. What did Dunn say to you when he called upon you?—He said he wanted me to go up to the office.

2816. Did you know what he meant?—No.

2817. Then you asked him what he meant, I suppose?—No, I did not ax him anything.

2818. Without knowing what he meant, did you go off under his care?—Yes.

2819. Do you mean to tell me that nothing more passed between you and Dunn than that he said, "I want you to go to the office," and that you went away not knowing where you were going?—Yes, I knew partly where I was going.

2820. How was it that you knew it partly if you did not know Mr. Brice's office?—Oh! I knowed where the office was well.

2820*. But how did you know that he meant Mr. Brice's office?—I knowed that that was where it was very well.

2821. But what made you fancy that he was going to take you there?—I knowed it was.

2822. Did he tell you so?—No.

2823. Then how did you know it?—It was rested in my mind that that was where it was.

2824. Was that the first time you had ever told this story about the public-house?—Yes.

2825. Whom did you tell then?—No one else, not to my knowledge.

2826. Whom did you see at Mr. Brice's office?—The clerks.

2827. How many?—One there.

2828. Do you know his name?—No.

2829. Did you tell him?—Yes.

2830. Did he ask you?—Yes.

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2831. What did he say to you?—He axed me whether I knowed anything about the "Bath Bridge Inn," who drawed the drink there; and I told him I did.
2832. And afterwards you remembered all that had been happening while you had been drinking?—Yes, I told him who had been giving the order for the drink; he axed me whether I paid for the drink, and I said "No."
2833. Did you order any?—I did not order none.
2834. Then you took the liberty of taking somebody's mug that stood there?—No not the least.
2835. Then how did you get your mug, if you did not order it, and did not take up what was there?—I did not order it at all.
2836. Then you must have taken up some mug that was on the table; did you?—There was mugs there for anyone.
2837. So you seemed to think, and you helped yourself?—Yes.
2838. Have you been paid anything for your trouble and loss of time in this job?—No.
2839. Nothing at all?—No.
2840. Are you a journeyman?—Yes; a labourer.
2841. In whose employment are you?—In Mr. Symonds'.
2842. Who is he?—Down Castle Hill-yard.
- Re-examined by Mr. Serjeant *Parry*.
2843. How far do you live from the "Bath Bridge Inn"?—Not very far.
2844. Is that inn in your neighbourhood?—Yes.
- [The Witness withdrew.]

SAMUEL BOWN, sworn; Examined by Mr. Serjeant *Parry*.

- S. Bown.*
2845. HAVE you ever been in a court of justice before?—No.
2846. What are you; are you a Labourer in this town?—Yes.
2847. Living in Union-street?—Yes.
2848. Had you a vote at the last election?—Yes.
2849. For whom did you vote?—For Mr. Kinglake and Mr. Vanderbyl.
2850. Do you know the "Bath Bridge Inn"?—Yes.
2851. Is that near where you live?—Handy.
2852. Do you know a person of the name of Philip Gilbert?—Yes.
2853. He was in the Liberal interest, was he not?—Yes.
2854. Did you see him at the "Bath Bridge Inn," on two or three occasions?—He was in there one or two nights, when I was there.
2855. Did you see him at any other times taking any part, either canvassing with Mr. Kinglake or Mr. Vanderbyl?—No; I did not.
2856. How many meetings did you attend at the "Bath Bridge Inn," near the day of polling?—Only two.
2857. What two meetings were they; when was the first?—I did not go on the first.
2858. You say you attended two meetings; which was the first of the meetings you did attend; what was the day you went there?—I do not know what was the date.
2859. Was it the day before the polling day?—It was before the election.
2860. How long before the polling day; you know what the polling day means?—Yes.
2861. How long before the polling day was it that you went there?—It might be two or three days.
2862. That was the first time you went there?—Yes.
2863. When you went there, did you see Philip Gilbert there?—He was.
2864. Where was he?—Upstairs.
2865. In a room upstairs?—Yes.
2866. How many persons were there with him in the room, or about?—I did not count them; I suppose about 15 or 16.
2867. Did you know any of those men that were there?—I knew several of them.
2868. Were they voters?—Yes.
2869. Will you give us the names of one or two of the men that were there?—Pitman and different ones; I cannot mind their names.
2870. What were those persons doing with Mr. Gilbert?—They were not doing anything, only talking about the election.
2871. Was there any drink upon the table?—No.
2872. What time in the evening was this?—About eight; from eight to ten o'clock, I bided there.
2873. Was Mr. Gilbert in the chair, or what was he doing?—He was there once.
2874. That was the first time you went there?—Yes.
2875. Two or three days before the election, you say you went there at that time; was there any drinking at the time you first went there, or not?—He had some up one night.
2876. That night; I will come to the next night afterwards; on the first night, do you remember whether there was any drinking or not?—No, there was not, on the first night.
2877. You say there was some talking there; what were they talking about?—About the election.
2878. Do you remember anything they said?—No, not now, I cannot mind.
2879. You do not recollect anything that passed on the first occasion; is that so?—That is so.
2880. Was there anything said about the price of votes, or anything of that kind, on the first occasion?—Nothing at all.
2881. Did you go afterwards there on another occasion; were you there on the night of the nomination?—I was not.
2882. Were you there upon any other occasion?—No.
2883. You have told us that you were there twice?—I was there twice; I was not there on the nomination day.
2884. On either of the nights that you were there, did you see any drinking?—There was some there one night.
2885. Tell us what passed one night?—I cannot say what passed that night; they were talking about the election.
2886. There was drinking, you say, on one night

night; how many people were there when there was drinking?—About 15 or 16.

2887. What were they drinking?—I do not know what it was; I suppose it was half-and-half.

2888. Beer?—Yes.

2889. You said something to me about Mr. Gilbert ordering it; did you hear Mr. Gilbert order it?—I heard him order it one night; I did not hear him order it on another night.

2890. What did he order up on the one night you heard him?—A couple of half-gallons of drink.

2891. Did you have any drink?—I did.

2892. Did you pay for it?—No.

2893. Did you see any one pay for drink?—I did not see anybody pay for any.

2894. How long were you there on the night that Mr. Gilbert ordered the drink?—Two or three hours.

2895. Till late in the evening?—No, not very late.

2896. Was there any conversation that night about votes?—No.

2897. None whatever?—No.

2898. Did you make a statement before you came here to this gentleman (*a gentleman sitting at the table*)?—Yes.

2899. Was that statement afterwards read over to you, and did you make your mark at the bottom of it?—Yes.

2900. Do you know your mark?—No.

2901. Can you tell at all whether that is your mark (*handing a paper to the Witness*)?—That is my mark.

2902. That being the case, I ask you were you not there on the nomination day?—No, I was not.

2903. Nor on the nomination night?—Nor yet the night.

2904. That you swear?—That I swear.

2905. Have you ever said that you were there?—Not that I know of.

2906. Did not you tell this gentleman that you were there in the evening?—I do not believe I did.

2907. Did not you tell this gentleman, “I was there on the evening of the nomination day, and there were a great many voters present”; did you tell him that?—I do not believe I did.

2908. Will you swear you did not?—I cannot say.

2909. Can you say whether you told that gentleman that, or not?—I cannot tell now.

2910. You surely can tell me whether you told that gentleman that; it may have been wrong at the time, but did you tell him you were there on the night of the nomination day, when Mr. Gilbert was present, and a great many voters also?—I do not know as I did.

2911. Will you swear you did not?—I cannot.

2912. Did you say Mr. Gilbert was in the chair on the night of the nomination?—He were not.

2913. How do you know?—I do not suppose he was; I do not know, I was not there.

2914. You said he was not?—I was not there on the nomination day.

2915. Since you gave this evidence to this gentleman, have you been told to say anything about Mr. Gilbert not being in the chair on the night of the nomination?—No.

2916. Have you seen Mr. Gilbert?—No.

2917. Has Mr. Gilbert been with you?—No.

65.

2918. Are you sure?—No.

2919. Nor anybody?—No.

2920. Nobody has spoken to you about it at all?—No.

2921. Do you know William Baker?—Yes.

2922. Have not you said he was keeping the door?—That was before the nomination day.

2923. What was the day that Baker was keeping the door; how many days before?—I think it was one or two days before.

2924. Did you go in?—I did.

2925. Was that the day there was drinking?—Yes, they had some drink there then.

2926. Do you mean to say you only had two half-gallons, 15 or 16 of you, in three hours?—That was all.

2927. And nothing else?—No, I did not have nothing else.

2928. Did you not say this, “I heard many remarks made that evening about the amount which would be given for votes, and many questions were put to Mr. Gilbert”; did you say that to the gentleman I have pointed out?—I do not know as I did.

2929. Will you swear you did not?—I cannot say.

Mr. James.] Do you put those words as this man’s language or the clerks?

Mr. Serjeant Parry.] What was taken down from his lips. I do not pretend to say it is put down ungrammatically.

Mr. Justice Blackburn.] That of course I must reason upon myself.

2930. Mr. Serjeant Parry.] Did not you say that Mr. Gilbert was in the chair, and treating every one present with drink; did you say that?—There were some drink handed up there.

2931. This is on the night of the nomination; will you swear you did not tell this gentleman on the night of the nomination that Mr. Gilbert was there, and treating every one with drink?—I do not know as I did.

2932. Will you swear you did not?—I cannot say.

2933. Did you say that some one kept the door to prevent your being disturbed on the night of the nomination?—I was not there on the nomination night at all.

2934. Did you say that many questions were asked of Mr. Gilbert as to the price of the votes, that was going for the votes; did you say that to this gentleman?—I do not know as I did.

2935. Will you swear you did not?—I cannot say.

2936. Did you say that Mr. Gilbert answered, and said he did not know what the price was, but that whatever was going they should have, meaning the voters that were present; did you tell that gentleman that?—If anything was going we should have something, he said, but there was nothing going.

2937. Mr. Justice Blackburn.] When did Mr. Gilbert say that?—I think a night or two before the nomination day.

2938. Mr. Serjeant Parry.] Speak out, and say what it was Mr. Gilbert did say?—If anything was going we should have something; and if there was nothing going, there was nothing for us.

2939. Mr. Justice Blackburn.] Repeat that again?—“If there was anything going, we should have something.”

2940. You

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2940. You said something else?—If there was anything going we should have something; but if there was not, we should have to go as we were.

2941. Mr. Serjeant *Parry*.] Was that all that was said during the three hours?—That is all I heard.

2942. During the whole three hours?—While I was there. I did not wait there till it was over. I went home.

2943. You were there two or three hours?—Yes.

2944. What time did you get home?—About 10 o'clock, I suppose.

2945. Were you there about seven?—I might be there about half-past seven.

2946. How much did you drink out of those two half-gallons?—About half-a-pint. I might have had two half-pints.

2947. The whole evening?—Yes. I did not bide the whole evening.

2948. Did you hear Mr. Gilbert say anything further than that?—No.

2949. Except what you have told us?—No.

2950. Did you on the following morning go there?—What morning?

2951. The morning of the poll?—The polling day, yes.

2952. Did you see Mr. Gilbert there that morning?—He was there.

2953. Did you see him?—Yes.

2954. What was he doing that morning?—Walking about.

2955. What else?—Nothing else.

2956. Was not he treating voters to drink?—No.

2957. Did you not tell this gentleman that you saw Philip Gilbert there the election morning, treating persons to drink?—No, I did not.

2958. Do be fair with me?—No, I did not.

2959. Did not you really?—No; not to my knowledge.

2960. Did you have any drink yourself?—I helped drink some, along with some more.

2961. What did you drink that morning, something warm?—No, not at all warm.

2962. What was it?—Beer, I think.

2963. How many were helping you to drink?—There were several there; three or four.

2964. Twenty or thirty?—No.

2965. Were you upstairs, or in the bar?—I was upstairs.

2966. How many were there; do you mean to swear there were only three or four upstairs on that morning?—Not when I was there.

2967. When were you there; about what time?—I do not know, about nine o'clock.

2968. You did not go to work that day?—No, not that day.

2969. How did you know there was anything going on at the "Bath Bridge Inn" on the polling day?—Because I had been there before.

2970. The night before?—No; not the night before.

2971. Do you know William Pollard, of Poland-street?—Yes.

2972. Did he vote for Kinglake and Vanderbyl?—Yes.

2973. Did Philip Gilbert and William Pollard come to you that morning, and ask you about your vote?—Yes.

2974. Did they say to you there was then nothing doing?—Nothing doing then.

2975. Did they say there would be by and

bye?—They says there might be; they could not say they had not heard there was.

2976. Did not they say this; that if you would vote for Kinglake and Vanderbyl, you should have whatever figure was going, or whatever was going?—They said if there was anything going, we should have something.

2977. Did not they say you should have whatever was going?—We should have what was going.

2978. What did you understand by that, 5 l. or 10 l.?—I cannot say.

2979. Did you vote for Mr. Kinglake and Mr. Vanderbyl?—I did.

2980. Why did you vote for Mr. Kinglake and Mr. Vanderbyl; did you believe what was said to you, that if something was going you should have it?—I thought we should.

2981. How often was this said, once or twice, or several times?—Once or twice.

2982. And you believed it?—Yes.

2983. But you have not had anything?—No.

2984. You seem in rather a melancholy state of mind; had you previously promised to vote for Westropp and Gray?—I did not know which side was the best side to vote.

Mr. Justice *Blackburn*.] That is not an answer to the question whether you had previously promised to vote for Westropp and Gray.

2985. Mr. Serjeant *Parry*.] Had you told Mr. Westropp and Mr. Gray you would vote for them?—Neither one of them, I had not.

2986. Did you tell this gentleman that you had?—No, I do not know that I did.

2987. You are not sure?—No.

2988. Had you not promised Messrs. Westropp and Gray?—No, I had not promised them.

2989. Or anybody for them?—No.

2990. You are not sure whether you had promised them or not?—No.

2991. Had you thought of voting for them?—No, I did not think I had.

2992. What time did you poll?—Between one and two.

2993. After that did you go to the "New Inn"?—Yes.

2994. Were there a great many Liberal voters there?—There were a good many there.

2995. How many?—I cannot say how many.

2996. Was it crowded?—Yes.

2997. Were you in a room by yourselves?—Along with a lot more.

2998. By yourselves?—Yes, by ourselves.

2999. You and a lot more?—Yes.

3000. And did you have any drink there?—Yes, I did.

3001. Did the "lot more" have drink also?—Yes, they was all drinking.

3002. What were they drinking?—Beer.

3003. Did you get nothing else but beer?—No.

3004. Are you sure of that?—Yes.

3005. Not a little rum and beer?—No, not a drop.

3006. It was half-and-half; was it beer and ale?—Yes.

3007. How many were there; about how many?—There were a good many.

3008. Thirty or 40?—I suppose there was about that, about 30.

3009. Did you pay for any drink?—No.

3010. Did any one else pay?—I did not see anybody else pay.

3011. Who

3011. Who was there; was Mr. Jarman there?—I did not see him there.

3012. Was Mr. Gilbert there?—I did not see him there.

3013. Who ordered the drink?—I do not know.

3014. Did it come up like magic?—I suppose it did.

3015. How did it get upstairs?—It was not upstairs.

3016. Well downstairs; how did it get into the room where you were?—Somebody brought it in, I do not know who it was.

3017. Did you see Mr. Andrew Allan there?—I did not.

3018. You did not see anyone of the supporters of Kinglake and Vanderbyl there?—No.

3019. You have not the slightest idea who ordered the drink or who paid for it?—That is so.

3020. And you never made any inquiry?—No.

3021. How long were you there, several hours?—No, about half-an-hour.

Cross-examined by Mr. James.

3022. What is your name?—My name is Samuel Bown.

3023. Mr. Serjeant Parry.] His name, I believe, is William Bowden?—(Witness.) No.

3024. Mr. James (to the Witness).] First, as to this treating; I understand you that there were two half-gallons of beer drunk in those three hours that you were there?—Yes.

3025. That you say is all you saw drunk?—That is all that I saw while I was there.

3026. The rest of the time you were talking about the election and different things?—Yes.

3027. That was rather a dry evening, was not it?—I did not stop there long.

3028. You got tired of it pretty soon?—Yes.

3029. At that meeting did not Mr. Gilbert say, according to what you have told us to-day, that there was nothing going?—He said there was nothing, not in the morning.

3030. Did not you say here to-day that Mr. Gilbert said there was nothing going?—Yes, he said that day there was nothing going.

3031. That was in the evening of the day on which there were, as you said, these two half-gallons of beer drunk?—It was in the evening.

3032. You never have had anything?—No.

3033. You never got a farthing from any one?—No.

3034. You have told me you voted between one and two?—Yes.

3035. Up to that time you could find nothing going at all?—Nothing at all.

MR. WILLIAM MARELS, sworn; Examined by Mr. Collins.

3036. You live at St. John-street?—I do.

3037. What are you?—A Blacksmith.

3038. You work, I believe, at the Bridgewater Iron Foundry?—I do not now, I did.

3039. Do you remember on the 14th of November attending a meeting at the "Bath Bridge Inn"?—The 12th of November.

3040. What day of the week was that?—Thursday.

3041. The Thursday before the election?—The Thursday before the election.

3042. What room did you go into?—I went into the bar first.

3043. And then?—I went upstairs.

3044. Were there many people in that room?—I suppose there was 30 there.

3045. Was there a chairman?—There was.

3046. Who was the chairman?—Mr. Philip Gilbert was the chairman.

3047. Do you know whether any of the 30 were voters?—They were all voters, to the best of my knowledge.

3048. Can you give me the names of a few?—I saw John Dyer there for one; James Hunt, and two or three others of the name of Baker and Dymond and the last witness; he was just stood inside the door; I stood outside the door, and he asked me to come inside.

3049. And you went in?—I went in.

3050. Were there speeches made, and did different members of the company address those who were there?—Abraham Baldwin was the man speaking when I went in first; something about the Irish Church.

3051. Was it a Liberal meeting?—It was a Liberal meeting.

3052. Do you remember, after the speeches, anything being said about their votes?—I heard some of them saying that they should expect

something or other, and if there was anything going they should like not for one to have all and the rest to go without anything; and one of them spoke up and said, "It is not right for one to have 40 l. and 50 l., and others to have none; nothing at all."

3053. Mr. Justice Blackburn.] Who said that?—One of the voters.

3054. Cannot you tell us who it was?—I do not know his name personally, but I know him by sight; he is a shoemaker who said that.

3055. Mr. Collins.] What was said upon that?—One of them said, "For the stragglers to have nothing at all." Mr. Gilbert spoke up and said, "Whatever is going you shall have part, the same as the rest, if there is anything."

3056. What was said upon that?—One of them spoke up and said, "This is not the place to talk about money; not about money matters here; you ought to talk about something else."

3057. Who said that?—George Dymond said so.

3058. How long were they talking about this money?—About 10 minutes or a quarter of an hour; I was not there more than a quarter of an hour altogether, because when Dymond saw me, he says, "This is not the place to talk about money matters." As I stood behind the door I saw him talking to one and the other, and I left the room immediately, as I thought if I did not leave I should have been put out.

3059. Were you known in the town as being a supporter of Messrs. Westropp and Gray?—After I was downstairs in the bar Abraham Baldwin came in, and he says, "I presume," he says, "you are not one of our party, and you have no business in the room, and therefore, mind you do not come there again."

3060. Had you seen Baldwin upstairs?—I had.

3061. Did

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3061. Did any other man come down from the meeting and say anything?—Soon afterwards James Hunt came down and said it was a pity that that man should come up and make a disturbance there.

3062. Mr. Justice *Blackburn.*] Whom did he say this to?—To the landlady. He said, “I have been tossing, and I have lost a gallon of beer, but I have got no money to pay for it.”

3063. Who said this?—Hunt.

3064. What did he say?—He said; “I have been tossing, and losed a gallon of beer.”

3065. Was it true that he had been tossing, and had lost a gallon of beer?—I was not there.

3066. It was not you he meant as “that man”?—No, it was not me as losed the beer; Hunt said he had lost a gallon of beer.

3067. Mr. *Collins.*] You said something about having no money. He said, “I have no money”; and the landlady said, “Never mind that; you can have it without the money.”

3068. Did you see the beer sent up?—Yes; and six bottles of ginger-beer.

3069. Did you observe whether or not anyone kept the door as door-keeper?—Not that night there was not; I did not go up afterwards.

3070. You remained in the bar some time?—Yes.

3071. What time did these gentlemen come down from the upstairs room?—About half-past 10.

3072. You say you remained in the bar the whole time; do you know what quantity of beer was sent up in this room?—About three gallons altogether that night, and six bottles of ginger-beer; they had about three gallons.

3073. Was anything said about paying for the beer?—Nothing at all.

3074. Did the landlady tell you anything about payment for the beer?—

Mr. Sergeant *Sargood* objected to the question.

Mr. Justice *Blackburn.*] Anything done or said between the landlady and the people ordering the beer is evidence; not what she said to him.

3075. Mr. *Collins.*] There was no payment made in your presence?—No.

3076. On the 13th of November did you go there again?—Yes.

3077. Was there another meeting?—Yes.

3078. Mr. Justice *Blackburn.*] That was the Friday?—Yes.

3079. Mr. *Collins.*] How many voters were there then?—I should think 40 or 50.

3080. Did you see Mr. Gilbert there that night?—I did.

3081. Where did the voters go?—Some upstairs, and some in the bar.

3082. Was there a meeting held?—Yes.

3083. Where was the meeting held?—Upstairs.

3084. Did you try to go upstairs?—I went to the foot of the stairs, and I saw a man keeping the door, and I returned down again.

3085. Was any drink sent up?—There was a quantity.

3086. What drink?—Gin, beer, and ginger beer.

3087. About what quantity?—What they had there that I know of amounted to 3 l. 10 s. 10½ d.

3088. Are you a friend of the landlady?—I was at the time.

3089. Did you keep a score, or how did you know the amount; were you assisting any one?—The landlady asked me to keep the score.

3090. Mr. Justice *Blackburn.*] How much did you say it was?—£. 3. 10 s. 10½ d., and there had to be 1 l. deducted out of that.

3091. Mr. *Collins.*] To whom did you score it?—It had to be scored to Philip Gilbert.

3092. During the whole of that evening did you see any money pass?—None; I saw no money pass at all.

3093. There was something said about credit?—

Mr. Justice *Blackburn.*] If there was anything said by the landlady to any person ordering beer from her, that is admissible evidence, but if it is merely what she told him you must call the landlady to prove it.

3094. Mr. *Collins.*] Was anything said in the presence of the people, in your presence, about 1 l.?—There was only one in the kitchen where the score was reckoned up.

3095. Was he one of the men who ordered the beer?—No.

3096. Did you give credit upon this score for 1 l.?—I did.

3097. Did you see Mr. Gilbert order any beer yourself on that night?—I did.

3098. How much did Mr. Gilbert order?—He ordered for all that was had; he gave orders for it.

3099. Mr. *James.*] Did he hear him?

3100. Mr. *Collins.*] Did you hear Mr. Gilbert order the beer?—I did.

3101. Who ordered the gin?—They had it in, and it was put down in Mr. Gilbert’s name.

3102. Was it all sent upstairs?—No.

3103. Where was it sent to?—Some in the bar, and some in the kitchen, and some upstairs.

3104. I take you to the evening of the nomination day; the 16th, did you go there then?—I did.

3105. What time did you go there?—Betwixt eight and nine in the evening.

3106. Did you see Mr. Gilbert there on that night?—I did.

3107. How many voters were there there?—I should think 20 to 30; I saw, in and out, perhaps more; 40 there might have been.

3108. Did any of them go into this room upstairs?—They did.

3109. Did any one keep the door of the room on that night?—There was a man outside the door, who it was I do not know.

3110. You did not go in at all?—I did not.

3111. Were you in the bar that night?—I was, and in the kitchen; I was not much in the bar; I was in the kitchen behind, several of us drinking.

3112. Do you know what was sent up to the rooms?—No, I do not, not that night.

3113. You did not keep any score that night?—I did not.

3114. On the nomination night did you see Bown?—I did not, not to the best of my knowledge.

3115. How many should you say were there altogether; how many voters did you see in and out of the place on the nomination evening?—I should

should think betwixt 30 and 40, it might be more in and out.

3116. How many went in and out?—They were in and out all the time; all night.

3117. Different voters?—Different voters.

3118. What time did you leave?—I left betwixt two and three in the morning.

3119. Were you the last person there, or did you leave any one there?—I left the house full.

3120. Did you go to the inn again on the evening of the election day?—I did.

3121. Was Mr. Gilbert there that day?—He was that evening.

3122. Mr. Justice *Blackburn*.] When did he go there?—About six o'clock in the evening.

3123. Mr. *Collins*.] About how many voters were there there then?—Several.

3124. About how many?—There might be 20 or 30 there; they continued to come in and out, and drinking; Mr. Gilbert was treating of them with drink; some would come and carry it away in cups.

3125. What was given on that evening?—Gin and brandy, beer, cigars, tobacco; anything that they liked to have.

3126. About cigars; how many cigars would a man have?—I do not know how many.

3127. What is the greatest number you saw taken by one?—Perhaps one would have one at a time; one would take one.

3128. Could a man have apparently as many as he wanted?—I cannot say about that.

3129. Did you hear anybody refused one?—Not that I saw; and I did not hear anyone refused.

3130. Did you see any money pass?—There was nothing paid for; I saw nothing paid for.

3131. Do you know what was the amount of the score?—I was told sometime afterwards.

3132. Who told you?—Mrs. Day told me.

3133. Did you see any account?—I did not.

Cross-examined by Mr. Serjeant *Sargood*.

3134. Just explain to me how you kept the score that night; you say you personally kept it?—I did.

3135. How did you do it?—I chalked it down on a waiter.

3136. Do you mean a teatray?—I did it on the back of a teatray.

3137. Do you mean everything that went upstairs out of the bar you made a note of in chalk on a teatray?—I did.

3138. What is your trade?—A blacksmith.

3139. Who is the proprietor of this house?—Mrs. Cape was then, at the time.

3140. I suppose you were an intimate friend of hers?—Not very much; I used to go there the same as others did.

3141. Not the same as others, because others would not score up an account on a teatray; were you an intimate friend of hers?—I was at the time.

3142. You will not be offended perhaps if I ask if the lady was a widow?—She was a widow, I believe, at the time.

3143. You believe?—Yes, she was.

3144. Have you any doubt about it?—No; she was.

3145. Are you as good friends now with her as you used to be?—Yes.

3146. When did you visit her last?—Sunday night last.

65.

3147. Did you talk over this little matter?—I never said a word.

3148. How was that; I should have thought your heart would have been full of it; how was it?—I never said anything at all about it, nor yet her to me.

3149. Is she a widow still?—No, she is not.

3150. Did you ever keep a score for her on any other occasion?—No.

3151. Never?—Never.

3152. How came it that on this particular night you were busy with the teatray?—Because they were busy drawing the drink, and they could not keep the account of it.

3153. This was the busiest night of all nights you were there?—Yes.

3154. All other nights she was able to keep the accounts herself?—Yes.

3155. When you had to make your hieroglyphics on the teatray who gave you the information as to what you should put down?—Mrs. Cape did.

3156. Then really all you know about the contents of the teatray is what she told you to write there?—Yes.

3157. Was it done by crosses or marks; or did you write gallons of beer, or whatever it was?—I put down half-pints of gin by itself, and put gallons of beer by itself.

3158. You wrote it out as if you were making a bill?—Yes.

3159. Did you add it up to this, 3 *l.* 10 *s.* 10 $\frac{1}{2}$ *d.*?—Yes.

3160. Who told you it was all to go down to Mr. Gilbert?—The landlady.

3161. Did you write his name on the tea-tray?—No, I did not.

3162. What was there on the tea-tray to indicate that it meant Mr. Gilbert?—She gave it to her niece to put down on paper.

3163. You heard that?—That is what she told me.

3164. You gather all your information from what your friend told you?—I do.

3165. When was it that you told anybody else what she had told you?—We were in the public-house talking one night, and so it came out.

3166. What public-house?—The "Cross Rifles."

3167. In this town?—Yes, in the Bath-road.

3168. Is that Conservative or Liberal?—They have no vote at all.

3169. I mean is it a place where your Conservative friends meet or where Liberals meet?—All meets there, the Conservative party or the Liberal party.

3170. You told me you were a Conservative at the beginning, I think?—No.

3171. Am I right in assuming it?—I am nothing at all.

3172. Not a voter?—Not a voter.

3173. Did you assist either party?—No, I did not.

3174. Then really your mission to this inn was, I may assume, only to see the widow, and not out of any political influences; you did not go to the political part of it?—No, I did not.

3175. Then what did you want to go upstairs for?—Just to hear what the meeting was, to hear what they were talking about.

3176. Why should they object to you coming into the meeting if you were a friend of the widow, and had no political views?—I do not know, I am sure.

H 4

3177. There

Mr.
W. Marels.
—
25 February
1869.

- Mr. *W. Marels.* — 3177. There was no quarrel about the score? —No.
 25 February 1869. 3178. Nothing that you had offended them about?—No.
 3179. You merely went up to listen?—Yes.
 3180. Where did you first tell the gentleman on the opposite side what you had heard?—It may be a month afterwards.
 3181. A few weeks ago?—About the 8th of December.
 3182. Who did you tell?—I told Mr. Jones, Mr. Brice's clerk.
 3183. Did they take down in writing what you told them?—They did.
 3184. And got you to sign it?—I did.
 3185. When were you asked to come here to tell it all over again?—I have never seen them since, not till last Saturday three weeks, when I received a subpoena.
 3186. Who brought you that?—Mr. Trevor's clerk.
 3187. You do not know Mr. Gilbert personally, I suppose?—I know him by seeing him; I never had much conversation with the man; I never had any conversation with him.
 3188. Does he live in the neighbourhood of the public-house?—Right opposite.
 3189. Is it the custom in Bridgwater for people to meet at a public-house in the evening round the table, and have drink?—I never saw Mr. Gilbert in the house while I was there, only that once.
 3190. Out of the several times you have been talking of, you only saw Mr. Gilbert there once?—Not before the election.
 3191. I thought you said you had seen him several times?—

Mr. Justice *Blackburn.*] I understood him to say that, except at these political meetings, he never saw Mr. Gilbert.

3192. Mr. Serjeant *Sargood* (to the *Witness*).] That is what you meant, except at the political meetings you never saw Mr. Gilbert?—Yes.

3193. Had you been in the habit of going to that house frequently?—I had.

3194. These meetings were not the usual practice of the house?—No, they were not.

3195. Have you had any conversation with Mr. Gilbert about it?—I have not.

3196. You are intimate with him, are you not?—I speak to him when I see him, and he to me.

3197. In all your conversations did you tell him that you had been to Mr. Brice's office to say what you had seen and heard?—No.

3198. You did not ask him for any information upon the subject?—No, I did not, nor no one else.

3199. Do you know if there is a Liberal Association in this town?—I do not.

3200. The Working Men's Liberal Association?—I do know whether there is or not.

3201. Have you ever heard of the Working Men's Conservative Association?—I have.

3202. And you have never heard of the Liberal one?—No.

3203. Perhaps you know enough of the Conservatives to know that they meet at houses of this description in the evening to talk over their affairs?—I do not know anywhere where they have done so, no more than at Gloucester-place where they hold meetings.

3204. Did you ever know the Liberal Association to meet at your friend, Mrs. Cape's?—They had a meeting that evening, on the 12th of November.

3205. On this 12th of November that you have been talking about, was there a meeting of the Liberal Association?—I do not know whether it was the association, or what it was; it was a meeting for any voters, whoever liked to come, free for any one; I was told so at the time.

3206. Be candid with me; you began by saying that you never heard of the Liberal Association, and then you let slip that this was a meeting of theirs on this particular night?—

Mr. Justice *Blackburn.*] I understood him to say it was a Liberal meeting.

Mr. Serjeant *Parry* stated that the Liberal Association was only founded about three weeks before the election.

3207. Mr. Serjeant *Sargood.*] You do not know of the existence of such a body as was called the Liberal Association, or of their meeting at Mrs. Cape's on any occasion?—I do not.

Re-examined by Mr. Serjeant *Parry.*

3208. Is your father a voter?—Yes.

3209. A supporter of the Conservative party?—He is.

3210. You, of your own knowledge, know nothing about this Liberal Association?—No, I do not.

3211. You mentioned Gloucester-place, where the Conservative Association met; is that a public-house?—It is not; it is a private room.

[The Court adjourned for the usual period.]

THOMAS HINAM, sworn; Examined by Mr. Serjeant *Parry.*

- T. Hinam.* — 3212. You live in Monmouth-street?—Yes.
 3213. Are you yourself a voter?—No.
 3214. What are you?—A striker at Murch & Spence's, in Eastover.
 3215. Do you remember, on the Saturday before the election, did you go into the "Bath Bridge" inn?—I did.
 3216. Did you go up into any room there; did you attend any meeting or anything of that kind?—I did not.
 3217. Did you see any voters there?—I saw some voters going in and out.
 3218. Were you with the last witness at all, Mr. William Marels?—Some part of the time.

3219. Did you see him there?—Yes.

3220. You were with him some part of the time; can you tell me were any persons upstairs who were voters?—I cannot tell you the names.

3221. I did not ask you that; did you see any persons, or know any persons upstairs who were voters?—Up and down stairs; I cannot say they were voters.

3222. Did you see a number of persons there?—I did.

3223. About how many do you think you observed in the house; never mind whether they were voters?—They were upstairs; I was not upstairs myself.

3224. You

3224. You do not answer my questions; did you observe a number of persons in the house?—In the bar.

3225. About how many did you see?—About 20.

3226. What were they doing?—Drinking.

3227. What were they drinking?—Beer.

3228. Anything else?—No.

3229. I believe you did not go upstairs on that occasion?—I did not.

3230. On that occasion did you see whether the persons who were drinking paid for what they took?—They did.

3231. In the bar?—In the bar, on the Saturday evening.

3232. Did you go again on any other night there?—I did.

3233. When?—Sunday morning, I did.

3234. I do not want to know if you only went and saw an ordinary number of people, but did you see any large number of people there on the Sunday morning?—No, not on Sunday morning.

3235. On Sunday evening did you?—Yes.

3236. How many persons were there?—There were about 10 or 12 in the bar on Sunday evening.

3237. What time did you go there on Sunday evening?—At six o'clock.

3238. What time did you remain there?—Till eight.

3239. From six to eight; did you remain there late in the evening, or not?—Not that day.

3240. On that day did you notice, or could you tell whether there were any persons upstairs?—They were going up and down stairs on Sunday evening.

3241. Did you notice about how many were going up and down stairs?—I cannot say.

3242. Was there a large number, or only three or four, or 10 or 20?—I cannot say at all.

3243. Did you notice whether any beer or spirits were sent upstairs?—No, not that night.

3244. Did you go there again at any time?—On Monday.

3245. That was the day of the nomination?—It was.

3246. When were you there on the Monday?—I arrived between 10 and 11.

3247. On the morning or in the evening?—In the morning.

3248. You arrived there, where from?—We came up the town, me and several others.

3249. Where from?—Me and two or three friends met together; we had leave to go for the show of hands.

3250. You went to the "Bath Bridge Inn"?—After we had a little conversation together, nothing about election affairs.

3251. I do not want to examine you at all if you have no real information to give me; have you been examined before as to what evidence you would give?—Yes, I gave my evidence.

3252. To whom?—To Mr. Boyle.

3253. Were you at the "Bath Bridge Inn" on the day of the nomination?—I was.

3254. Did you see any drinking or not there?—I did.

3255. How many persons were there; you say you went in the morning at 11; how many persons were there when you saw the drinking going on?—There were several in the bar and likewise a great number upstairs.

3256. Was that in the morning?—In the morning. *T. Hinam.*

3257. What did you see in the way of drinking?—Plenty of drink going upstairs. *25 February 1869.*

3258. What kind of drink?—Both gin and beer.

3259. What we call grog?—Yes.

3260. The gin and beer went upstairs; you did not see them come down again?—

Mr. Justice *Blackburn.*] We may assume that.

3261. Mr. Serjeant *Parry.*] How long were you upstairs that morning?—About an hour.

3262. You saw drink of different kinds going upstairs; did you see drinking at the bar?—Yes.

3263. Did you upon that occasion see whether they paid for it?—No, not a farthing was paid in my presence; I had plenty of brandy and water, and likewise my friends.

3264. Mr. Justice *Blackburn.*] Did you say you yourself had brandy and water?—Yes.

3265. And did not pay for it?—I did.

3266. Were you upstairs?—No.

3267. Mr. Serjeant *Parry.*] You spoke of brandy and water; what was it, six pennyworths, or three pennyworths, or what?—I suppose it was six pennyworths; we had eight or ten glasses at a time.

3268. That is, you mean handed round; not to one voter?—No; I do not mean to say they were altogether voters; I am speaking of me and my friends.

3269. How long did you remain there?—About an hour.

3270. Did you see anyone there on that day; did you see Philip Gilbert there that day at that time?—I did.

3271. Where did you see him?—He came to the bar to fetch beer and gin.

3272. Did he himself fetch beer and gin?—Yes, he did.

3273. Do you know whether he is in court now?—I do not know.

3274. Did you see that with your own eyes?—I did; and likewise cigars.

3275. This was the nomination day?—Yes.

3276. Did you see persons take beer and gin at the bar, and cigars?—I am rather before my statement; it was not in the morning at that hour that I saw this; it was after.

3277. Did you see Mr. Philip Gilbert in the morning or not?—I did not say in the morning.

3278. Did you go there afterwards?—I did.

3279. What time did you go; about what time?—Seven o'clock.

3280. Then was it you saw Mr. Philip Gilbert?—Yes, I did.

3281. And then was it you saw him do what you have told us?—Yes.

3282. Did he take it away with him or not?—He took it upstairs.

3283. He took the gin and beer upstairs?—Yes.

3284. You are quite sure of that?—Yes.

3285. You say that there was brandy-and-water that you and your friends partook of?—No; beer.

3286. Did you notice a person of the name of William Baker there or not?—Not on that day.

3287. You were there on that evening, that is, the evening of the nomination; how long did you stay there?—The whole of the night.

I

3288. Do

T. Hinam. 3288. Do you mean literally that you did not go home to bed at all?—I did not.

25 February 1869. 3289. How many of your friends stayed with you?—My friends did not stay all night, but till about one or two in the morning.

3290. You stayed all night?—I did.

3291. How many do you think stayed all night altogether?—I cannot say; but they were going up and down stairs the whole of the night.

3292. Do you mean grog and beer?—Drink was going up and down all night.

3293. Was the landlady up all night, Mrs. Cape?—I cannot say.

3294. Was there somebody up in the bar all night?—Yes; either Mrs. Cape or her niece was there.

3295. Do you know her niece?—Yes.

3296. What is her name?—Helen something.

3297. Somebody, as I understand you, was in the bar all night?—I was not in the bar all night.

3298. You saw drinking going on all night; that you are quite sure of?—Yes.

3299. You do not know the exact number of persons upstairs; could you not give a guess from seeing them go up, how many were there?—I cannot say, because those that were upstairs did not all come down and fetch the drink.

3300. During the time you remained all night, and others, did you drink at intervals, and did what you liked?—As fast as we drank brandy-and-water we had it filled up again, and gin and beer.

3301. As you drank the brandy-and-water you had your glass replenished?—Yes.

3302. That was the case with others as well as yourself?—With my friends.

3303. How many were there there of your friends; five or six?—They were not all my friends.

3304. None of them were your enemies, I hope?—Not as I am aware of.

3305. Were there any besides yourself who had brandy-and-water all night?—Six of us.

3306. You sat up all night; in the morning of the poll, about half-past seven o'clock, did Mrs. Cape give you any orders about a jar of gin?—Not at that time; not quite so early as that; I had an hour's sleep.

3307. Where?—Upstairs.

3308. In the bedroom upstairs?—In the bedroom.

3309. And then what time did you come down?—I was rather thicky in the head drinking brandy-and-water and one thing and another, and I thought it was time to have a sleep.

3310. What time did you come down in the morning?—It might have been between eight and nine.

3311. Was there anything said to you by this young lady or by Mrs. Cape about a jar of gin?—I waked up, and came down in the back kitchen, and I had a cup of tea with a drop of rum in it.

3312. I will call your attention to the niece, whom you call Helen; you did not pay for that drop of rum you had in the morning?—No.

3313. Was anything said to you, or did you do anything, or were you requested to do anything, about a jar of gin?—Yes.

3314. What was it?—The young lady, after we had done breakfast, we had a glass of brandy-and-water together.

3315. You had tea and rum and a glass of brandy-and-water for breakfast; what did the young lady tell you to do?—She came with a quart jug.

3316. What did she ask you to do?—She says to me, "Tom, here is a jar of gin back here, but it is very heavy, and I am not strong enough to lift it up for to pour it out;" I says, "I will do so for you;" and I did do so.

3317. Did you pour it into a jug?—I poured it into a jug.

3318. What became of the jug?—It went upstairs, I believe.

3319. That was for breakfast, I suppose?—I do not know whether they had any breakfast upstairs; I had some down.

3320. At that time in the morning when you came down, were these persons coming in and out of the inn; was it open to anybody who chose to come in?—It was open the whole of the night till I took sleep.

3321. While you were away it was open all night, and did persons come in and out drinking?—Certainly, up and down stairs, and nothing was paid for it that I saw.

3322. Did the same thing go on on the morning of the election?—On the polling day, yes, it continued.

3323. Was Mr. Philip Gilbert there the whole of the night, as far as you know?—I will not say that.

3324. What time did you last see him there on the night; you were there all night; what time did you last see him on that night, do you remember?—It might have been between 11 and 12; he was fetching the drink.

3325. The last time you saw Gilbert was between 11 and 12?—Yes.

3326. How often did you see Mr. Gilbert before that come down to fetch this drink; you say you saw him fetching up beer and gin; how often did you see him come from the time you were there till between 11 and 12 o'clock, more than once?—Several times.

3327. Did he spend a great part of his time upstairs?—He did; he was not in our company in the bar at all.

3328. Do you remember before you went to bed, about five o'clock that morning, one of your friends having five glasses?—Four glasses.

3329. Do you remember Mrs. Cape saying anything about not drawing any more?—Not in the morning.

3330. Not about five o'clock?—After we went to bed we had that glass for breakfast.

3331. After you had had those glasses, did Mr. Gilbert come down stairs, do you remember?—No, not at the time.

3332. Do you remember any time you were there in the morning coming down stairs and saying anything about Mr. Kinglake and Mr. Vanderbyl, or was it in the afternoon?—In the afternoon.

3333. Mr. Justice *Blackburn*.] The afternoon of what day?—The polling day.

3334. Mr. Serjeant *Parry*.] Was that after the poll was over?—It was.

3335. Was there anything that occurred before the poll was over that you have not told us, or have you substantially told us all you noticed before the poll was over?—I have nothing particular to say before the poll was over; there was plenty of everything we liked to call for, and nothing paid for.

3336. All

3336. All the night, between the nomination day and the polling day, and all the day of the polling day, persons were coming in and out as you say all day?—Yes.

3337. Was there anything to eat; were there any provisions at all?—I do not know what there was upstairs; I had something neat for breakfast.

3338. Do you remember seeing Mr. Gilbert after the poll was over?—Yes.

3339. Do you remember him coming into the inn?—Into the parlour.

3340. Did he say anything about refreshments?—He says, “Mrs. Cape, you had better stop; mind there is no more on that game for me.”

3341. Mr. Justice *Blackburn.*] Say that again?—“You had better stop Mrs. Cape, and not go on so fast; I cannot give an order for any more.”

3342. Mr. Serjeant *Sargood.*] Will you repeat what you did say, and not tell something else; my Lord asked you to repeat what you said at first?—

3343. Mr. Serjeant *Parry.*] What was it you did say the first time?—Mrs. Cape was in the bar; we were drinking brandy-and-water at the time, and he said, “Mrs. Cape you had better not draw any more, I will not give an order for any more.”

3344. Did he say anything else?—No, not that I am aware of; he took some drink away, and went upstairs.

3345. What drink was it?—Beer.

3346. After that did Mrs. Cape draw anything or not?—Yes, I had some brandy-and-water after that, and some gin.

3347. Do you remember his saying anything about “I cannot go any further,” or anything of that kind?—He says, “It is no use, I will not give an order for any more.”

3348. Upon that occasion did Mrs. Cape give you a slate to keep the account, or at any time?—She did on the Monday night.

3349. You had the advantage of being there all night between the nomination day and the polling day, and also on the polling day?—Some part of the polling day.

3350. Did you enter the things?—I put down for half-a-dozen cigars on the slate.

3351. Did you enter anything else?—No, I do not know as I did; one side of the slate was all marked over with pencil, and very nearly blended with the other.

3352. You have spoken of gin, brandy, and beer, and you have spoken of cigars?—I put down for half-a-dozen.

3353. Did you notice during the night and day that cigars were also supplied to parties who did not pay for them?—Yes.

3354. Was that going on all the time?—Yes.

3355. Do you remember some young men coming in on Monday night with Buff colours?—Yes.

3356. Did they call for a quart of beer?—Yes.

3357. Do you remember one putting down sixpence to pay for it?—Yes.

3358. What did Mrs. Cape say to that?—“It is no odds about the money, you are the right colour.”

3359. Did she add, “You are not like them old Blues”?—“Not like them old Blues.”

3360. Did you see any gin or beer or brandy yourself taken away from the house in bottles?—No, not myself.

65.

3361. A man of the name of William Baker made a communication to you?—Yes.

3362. You have spoken of a quart of gin being poured, at the request of this young lady, into a jug; did you see more than a quart of gin carried upstairs?—That was the only one I saw poured out.

3363. Did you see others carried upstairs?—No.

Cross-examined by Mr. *Edlin.*

3364. What are you; you call yourself a striker; what is that?—It is an assistant with a smith.

3365. What time on this Monday night did you strike to sleep?—I did not strike to sleep on Monday night.

3366. Did you go to sleep, or did sleep come to you?—I went to sleep.

3367. What o'clock was that?—I cannot say for the hour; it was some time towards Tuesday morning.

3368. Tell us, as near as you can, what time you went to sleep on the night of the nomination day?—As near as I can give it, I will do so.

3369. Take your time?—I must do that; half-past six it might be.

3370. Monday night?—In the morning.

3371. The polling day morning?—Yes.

3372. What time did you begin to drink on the Monday?—I was drinking on the Sunday night.

3373. Let me put this question first: what time did you begin to drink that Sunday night?—About between seven and eight.

3374. At other places?—At that house.

3375. Between seven and eight?—Yes.

3376. You paid for that?—Yes, I did.

3377. What did you have?—I had a drop of beer.

3378. To begin with?—Yes.

3379. What did you go on to?—I ended with a little brandy-and-water.

3380. What did you take between the brandy-and-water and the beer?—I might have had gin and beer.

3381. Did you have gin and beer?—I will not swear I had.

3382. Beer to begin with, gin and beer to follow; did gin and beer come after the beer?—It might do.

3383. What came next to the gin and beer?—Brandy-and-water.

3384. Rum next?—No.

3385. What was it next after the brandy?—No rum.

3386. What came after the brandy?—I do not know as we had anything different from that.

3387. Did you begin again with the beer?—No, we did not begin again with the beer.

3388. Was your head clear on the Monday morning?—Yes, it was.

3389. Uncommonly clear?—Yes.

3390. What time did you leave off drinking on Sunday?—It might be 12 o'clock.

3391. When did you begin on Sunday night with the beer?—Between seven and eight.

3392. You went on from between seven and eight to 12 o'clock?—Twelve and one; I did not remain there all the time.

3393. You went elsewhere?—Yes.

3394. Taking an occasional wet?—Yes.

3395. Elsewhere?—Yes.

I 2

3396. You

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 3396. You paid for all you had on Sunday night?—Yes.
 3397. Did you sleep at your house on Sunday night?—At my own home.
 3398. You got up on Monday morning; where did you go to first?—I went up towards the town, and I met with two or three friends that was with me on the Sunday night.
 3399. Friends that had been with you on Sunday night?—Yes.
 3400. Where did you go to first on Monday morning?—Not to the “Bath Bridge Inn,” we did not.
 3401. Where?—Am I bound to tell you that.
 3402. Where did you go to first?—I came up the town.
 3403. Whom did you see?—I saw a lot of people.
 3404. Where did you go to?—I went to have a glass of beer.
 3405. Where was that?—At a public-house.
 3406. What is the name of it?—Am I compelled to tell you?
 3407. Mr. Justice *Blackburn.*] Yes, why should you not?
 3408. Mr. *Edlin.*] That was glass of beer No. 1?—

Witness.] Am I compelled to tell it?

3409. Mr. Justice *Blackburn.*] Yes?—“The Golden Ball.”
 3410. Mr. *Edlin.*] What colours did you see there?—Blue ribbons; I had some Blue ribbons.
 3411. Did you have Blue ribbons when you went to see Mrs. Cape?—Yes.
 3412. That is why she did not charge you?—I cannot tell that.
 3413. The “Golden Ball” was the first; you had beer there; was that for breakfast?—I had breakfast at home.
 3414. What did you take for breakfast at home?—I had some breakfast.
 3415. What was it to drink; did you have anything to drink?—Tea.
 3416. And toast?—No, I did not have toast.
 3417. You had beer No. 1; after leaving the “Golden Ball” where did you go to?—I went down to the show of hands, at the Cornhill.
 3418. You were jolly at that time?—No.
 3419. You held up your hands for the Blues?—Certainly.
 3420. After you held up your hands for the Blues where did you go next?—I went down the street and followed the procession; we went round the town, and after we had tired of walking we thought we would go and sit down somewhere.
 3421. Where was that?—My friend says, “We had better go to the ‘Bath Bridge Inn’;” one friend says, “That will not do; we have got the wrong colours.”
 3422. Where did you go to?—We went there.
 3423. Where did you go to before you went there?—To the procession; we went to two or three places.
 3424. Where did you go to before you went to the “Bath Bridge Inn”?—To two or three public-houses.
 3425. Which was the first; this was after the nomination?—Yes; when the procession walked round the town.
 3426. What was the next public-house you went to?—Pinn’s, in John-street.

3427. What is the name of that house?—The “Golden Lion.”
 3428. That “Golden Lion” is a Liberal house?—No.
 3429. That is a Blue house?—Yes.
 3430. How much did you get there?—I had what I paid for.
 3431. What did you pay for?—I paid for a pint of beer.
 3432. You took that?—I drunked it; me and a friend of mine.
 3433. Are you sure you did not get something stronger?—Not then.
 3434. What was the next house?—Culverwell’s.
 3435. Was that the “Beaufort Arms”?—Yes.
 3436. Is that a Blue house?—Yes; I cannot say; it is no difference whether it is a Blue house or a Buff house; I paid for what I had.
 3437. That was the third house before you got to the “Bath Bridge Inn”; you paid for what you got at the “Beaufort Arms”?—I do not know. I went in another house, then I went to two or three. I cannot tell you.
 3438. It might be more?—It might be more, and it might be less.
 3439. At the time you got to the “Bath Bridge” you were quite sober?—I was sober; certainly I was.
 3440. Did not the people who were in the procession stop and drink freely at those houses?—I cannot tell.
 3441. Did you go in with the procession?—I went in with my friends.
 3442. Forming part of the procession?—Yes.
 3443. Did you change your colours before you got to the “Bath Bridge”?—I did not.
 3444. You still wore the Blue colours?—I did; and got in a row for it.
 3445. I do not understand Miss Helen serving persons who had got the right colours, but still serving you who had got the wrong colours; that is what she did?—Certainly.
 3446. This was the beginning, Monday; at half-past six on Monday night you were able to distinguish people?—Yes.
 3447. How much in the whole that day do you think you took altogether, including brandy, and gin, and beer?—I did not say gin; I do not drink gin.
 3448. Leaving the gin out, how much do you think you took; never mind to a gallon?—I shall not come to a gallon.
 3449. How much altogether did you have that day?—Before I went to the “Bath Bridge,” I might have taken three pints.
 3450. Before you went to sleep on the Tuesday morning at half-past six, counting from the time you got up on Monday morning, how much did you have to drink?—I had three pints before I got to the “Bath Bridge Inn,” and I will tell you afterwards, perhaps within a few drops.
 3451. Go on; how much altogether?—It might be a great many glasses of brandy-and-water; when we drank it up (there were seven or eight of us), it was filled again.
 3452. How much altogether?—I cannot tell.
 3453. Never mind to a gallon altogether, liquor mixed with water or not?—I should say 14 or 15 glasses.
 3454. Where were your wits; what did you have to eat all this time?—A bit of bread and cheese.
 3455. Taken occasionally, in between it all?—Sometimes;

Sometimes; sometimes it was gived, put out on the table.

3456. You seem to have been a friend of the family's, for you were keeping score for them?—I was not a friend, nor I was not a foe.

3457. Did not you tell us just now that Mr. Gilbert said "you had better not draw any more; I will not give an order for any more"?—That is right.

3458. Did not you also say that he said "You had better stop now; no more on that game for me"?—"I will not order."

3459. Were not your words "no more on that game for me"; did not you tell us Mr. Gilbert said that?—No; "I will not give an order for more."

3460. Did not you swear just now, in answer to my learned friend on the other side, that Mr. Gilbert said to Mrs. Cape, "You had better stop now; no more on that game for me"?—I did say the word; but I said after different.

3461. Were those words true?—Them as I

said afterwards I would swear to, the second words; I would not the first.

3462. Those are what you said at first; I took you down, and so did my learned friends?

Mr. Justice *Blackburn.*] He says he said such words.

Mr. *Edlin.*] In substance; but he said "no more on that game for me."

Mr. Justice *Blackburn.*] Now ask him questions upon it.

3463. Mr. *Edlin.*] Did you understand Mr. Gilbert to mean for himself?—He said "I will not give an order for any more."

3464. You were sometimes sitting in the bar, and sometimes in the back kitchen?—Yes.

3465. So that you did not see what was going on in the bar all the time?—No.

3466. What payments took place when you were in the back kitchen, you could not tell?—Certainly not.

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Mr. CHARLES BOWDEN, sworn; Examined by Mr. Serjeant *Parry.*

3467. Do you live in Church-street?—Yes.

3468. Are you a clerk in the service of the Railway Company?—I am.

3469. Are you the secretary of the Bridgwater branch of the Reform League?—The honorary secretary.

3470. The honorary secretary of the Bridgwater branch of the Reform League?—Yes.

3471. Was that in existence at the time of the last election, or was the Liberal Working Men's Association founded upon that?—The Liberal Working Men's Association was founded upon it.

3472. How long before the election?—About three weeks.

3473. Did you hire any rooms at the "Globe Hotel" at the last election, for the purposes of the Liberal candidates?—I hired a room on account of the Liberal Association.

3474. Not on account of the candidates?—No.

3475. When was it that you hired them; when did you hire these rooms on account of the Liberal Association?—At various times before the Monday and Tuesday of the election.

3476. Were those rooms for holding meetings only?—For holding meetings only.

3477. Mr. Budd is the landlord of the "Globe Inn"?—Yes.

3478. Did you hire the rooms from him?—I hired the rooms from him.

3479. Did you hold meetings in those rooms?—I did.

3480. Did Messrs. Kinglake and Vanderbyl attend those meetings?—I cannot say that they did; they did not together.

3481. Did Messrs. Kinglake and Vanderbyl attend those meetings or not?—Mr. Vanderbyl attended the meeting on one occasion.

3482. When was that?—Well, I cannot call to memory the exact day.

3483. During the canvass?—During the time of the election.

3484. Was it shortly before the election?—About a week.

3485. How long had the canvass gone on, on the part of the Liberals, before the election; how long were they in the field, to use an ordinary expression?—Soon after the Conservative party began their canvass.

3486. Some weeks I suppose before the election?—Some two weeks; a fortnight.

3487. Were those rooms used at all on the nomination day and the polling day, that you hired?—Yes, they were.

3488. Were they used by all the parties connected with the Liberal side, for the purposes of the election?—Yes.

3489. I do not insinuate whether wrongly or not?—Yes.

3490. And I suppose the candidates and their supporters were in and out?—No, the candidates were not there.

3491. Only their supporters?—Only their supporters.

3492. Was Mr. Reed there?—He may have been there.

3493. Now you know you ought not to answer me in that absurd way; I ask you was he there?—I was not there the whole of the time.

3494. Did you see Mr. Reed there?—I think I did see him there once.

3495. Do you know you did, upon your solemn oath, as well as that I am speaking to you; did you see Mr. Henry Lovibond there?—(*The Witness hesitated.*)

3496. You know he will not be angry with you if you tell me the truth?—I am here to tell you the truth, if you will allow me time to answer you; Mr. Lovibond was there.

3497. Was Mr. Barham there?—I did not see him.

3498. Was Mr. Cook there?—Yes, Mr. Cook was there.

3499. Was Mr. Sealy?—I cannot say; I don't recollect the whole of the people that were there at the time.

3500. Was Mr. Collins there?—What Collins?

3501. Stephen Collin Jones; was he there?—No, he was not there.

3502. Was Henry Jarman there?—No, I don't think he was there; I don't recollect it.

3503. Was Andrew Allan there?—No.

3504. Was James Honeyball there; you know him, do you not?—No, I don't know him; at least I have seen him, but I don't know him to speak to him.

Mr.
C. Bowden.
—

Mr. C. Bowden. 3505. Do you not know that he took an active part in the last election, on behalf of the Liberals? —He may have done so.

25 February 1869. 3506. But do you not know it?—Well, I think he did; I have heard so.

3507. Do you not know it?—No, I have no knowledge of it.

3508. Did Honeyball speak in those rooms in your presence?—About a fortnight before the election.

3509. Honeyball is a coachman, is he not?—I do not know.

3510. Do you not know that he is coachman to Mr. Brown?—He may be.

3511. And he made a speech, do you remember that?—I can recollect his making a speech.

3512. At those rooms that you hired?—Yes, at those rooms.

3513. Do you know Mr. Allway at all?—Yes.

3514. Was he there?—No.

3515. That you can swear?—That I can swear safely.

3516. Why do you say safely?—Because he was not in the town.

3517. Do you know a Mr. George Wilton; was he there?—Yes; Mr. Wilton was there, I think.

3518. Do you know Mr. Henry Chapman Bussell?—Yes.

3519. Was he there; take time and answer safely?—Mr. Bussell might have been there, but I do not recollect seeing him.

3520. Why do you say he must have been there?—I say he might have been there.

3521. But you swear that you don't recollect seeing him?—I don't recollect seeing him.

3522. Might he have been there and you have forgotten it?—I have told you; I was not there the whole of the time.

3523. But I am asking you while you were there; I am not so foolish as to ask you what happened when you were not there?—No, I know that.

3524. Just give me credit for something short of absolute stupidity; were you there at any time when Mr. Bussell was there?—No.

3525. That you swear?—Yes.

3526. Do you know Bussell?—Yes.

3527. Did you go to the "Anchor" to see him?—No.

3528. Were you never in his public-house at all?—I have been in his public-house.

3529. But during the election?—Yes, I was in his public-house; but I have not seen him there.

3530. What did you go there for?—To have a glass of beer.

3531. As honorary secretary of the Reform League you went to have a glass of beer at this beershop; is that your style of living?—No.

3532. Did you go to see Bussell?—No.

3533. Did you inquire for him?—No.

3534. You merely took a glass of beer?—That is all.

3535. You asked no questions?—No.

3536. And you were asked none?—No.

3537. Was Mr. James Wood Sully at your committee rooms at all; those two rooms that were used on the nomination day and the polling day?—I really cannot tax my recollection so far back to say how many were there; you have asked me a great number of names.

3538. Do you know Mr. James Wood Sully?—I know Mr. James Wood Sully.

3539. Was he an active supporter of Mr. Kinglake and Mr. Vanderbyl?—I believe so.

3540. Do you not know it?—Yes.

3541. Why do you say that you believe so if you know it?—I may say that I believe so.

3542. Did you not work with him?—No, I did not work with him.

3543. Not at all?—No.

3544. Can you, or can you not say (because do not let us keep up this sort of battledore and shuttlecock talk) whether he was at this committee room?—I cannot say.

3545. You will not say?—I really do not know; I cannot say whether he was there or not; I cannot recall it to recollection.

3546. You know the importance of these questions to you?—I understand it.

3547. As to those rooms which you hired from Mr. Budd, what did you agree to pay for those rooms to Mr. Budd?—Half a guinea a night.

3548. What, for three weeks, or for two days?—For several days in the week; they were not occupied the whole of the week.

3549. You don't mean to represent that on behalf of the Working Men's Association you hired rooms at half a guinea a night, do you?—Half a guinea a night on several occasions.

3550. How many?—Four or five occasions it may be.

3551. The Working Men's Association were not to pay for those rooms?—The Working Men's Association was to pay for these rooms.

3552. They did not?—Aye! but they will.

3553. But they have not?—They have, I think.

3554. Now just be careful. How much have they paid; you know you are the secretary; are you not?—Well I am supposed to be the secretary; there are other secretaries.

3555. Are persons supposed to be something in this town which they are not?—Yes.

3556. Upon my word, it is an amusing place to live in; that is all I can say; just attend to me; now do be careful; you ought really to answer questions fairly; you have something more at stake than some of those wretched men who have been called to prove bribery; do you mean to say that your name is not published as secretary to the Working Men's Association; honorary you know, because you are a cut above a working man?—It is not published.

3557. Are you secretary of that association or not, upon your oath?—I am the secretary.

3558. Then what do you mean by answering in such an absurd way to me, that you were believed or supposed to be secretary; you are the secretary?—I am one of the secretaries.

3559. Who is the other?—There are other secretaries.

3560. But name one; I do not want the lot?—Mr. Lovell Hurman.

3561. He was the gentleman that seconded Mr. Vanderbyl?—No.

3562. That is another, is it; is he a relation of that gentleman?—I don't know; I think he is.

3563. Is he the nephew of the Mr. Hurman who seconded the nomination of Mr. Vanderbyl?—I think he is.

3564. Do you not know it?—I do not know it; I don't know the relationships of all the persons in the town.

3565. On the cards of membership of this association

association does not your name appear as secretary?—It does.

3566. And that is what you call being supposed to be secretary; are you paid for that?—I am not.

3567. It is all honorary?—It is all honorary.

3568. And all honourable?—I believe so.

3569. I hope so; have you corresponded with Mr. Kinglake, as secretary of this association?—No, I have not.

3570. Nor with Mr. Vanderbyl?—No.

3571. Nor with their committees in any way?—What do you mean by their committees?

3572. On their behalf; have you corresponded with them, either through their committees or not, in respect of this election, as secretary to the Liberal Association of Working Men, whatever that means?—In what way?

3573. Did you correspond about the election?—With whom?

3574. With Mr. Kinglake or Mr. Vanderbyl, or any of their agents?—No, I cannot say I have.

3575. Will you swear you have not?—Yes.

3576. Mr. Justice *Blackburn*.] Have you corresponded with anybody about this election on behalf of the association?—No.

3577. Then surely you might have answered more simply what you were saying just now?

3578. Mr. Serjeant *Parry*.] I may have mistaken you for an educated man; do you know the meaning of “corresponding”?—I think so; yes.

3579. You are not quite sure of that; by “corresponding,” I mean, had you written letters to Mr. Kinglake or Mr. Vanderbyl, or any gentleman of their supporters, about the election, as secretary of the Working Men’s Association?—No.

3580. Now you know we have got it out; we have been nearly five minutes about it; you say you agreed to pay Mr. Budd so much; did you ever yourself pay Mr. Budd a farthing?—No, I did not.

3581. Had you ever a farthing to pay him with on the part of the Liberal Association of Working Men?—I had promises.

3582. There is an old proverb about promises; but my question is, had you any funds in your possession on behalf of the Liberal Association of Working Men to pay poor Mr. Budd, the landlord of the “Globe”?—No.

3583. How many members are there to this Liberal Association of Working Men?—From 700 to 800.

3584. What do they subscribe?—They have not subscribed anything yet.

3585. You do not expect them to subscribe anything now, do you?—They are working men, you see.

3586. But working men can subscribe 6d. or 1s.?—No, but they cannot; they cannot afford it.

3587. Then you enrolled all these 700 or 800 working men, and you have not asked for a penny subscription; could not you send a hat round for subscriptions?—No, not yet.

3588. Are you going after this Petition to do so; to pay the expenses of the Petition?—We do not know what we are going to do.

3589. You say “not yet”; have you ever asked them for a farthing subscription; I want

to see whether this is a mockery or a sham; do you mean to say that you are going to ask them for subscriptions after this Petition is over to pay the expenses of Messrs. Kinglake and Vanderbyl?—I cannot say that I am.

3590. Then what do you mean by “not yet”?—What I mean to say is that honorary members will subscribe.

3591. Who are the honorary members, not the working men?—No.

3592. Then you mean to say that the gentlemen of property connected with the Liberal interest will subscribe for the working men being members of this association?—Certainly.

3593. That is what you mean?—That is what I mean.

3594. That is how you get up a Liberal Working Men’s Association?—Well, I believe so.

3595. Have you ever got up another one on the same terms?—Well, I should like to.

3596. Who paid for the rooms?—I cannot tell.

3597. You mean to say, upon your solemn oath, you cannot tell?—I mean to say, upon my solemn oath, that I do not know who paid for them.

3598. Do you know anything of that bill (*handing a bill to the Witness*)?—No; I never saw it before.

3599. But read it; it will not hurt you; just read it out, “John Budd”; there is the hieroglyphic of the inn, whatever it is?—“John H. Budd, Globe Commercial and Family Hotel, Bridgwater, November 17th; to hire of rooms for election purposes, 3l. 3s.”

3600. I believe those are your rooms?—Yes.

3601. Go on?—“For repairing windows, 7s. 6d.”

3602. Who broke them; the honorary members or the working men?—

Mr. Justice *Blackburn* inquired whether this was one of the vouchers for election expenses.

Mr. Serjeant *Parry* replied that it was, and called the attention of the court to the items in the bill, “colouring walls,” and “refreshments and wine.”

3602*. Mr. Serjeant *Parry* (to the *Witness*).] I will not trouble you any more about that bill; were you, a day or two before the election, at the “Bath Bridge Inn”?—Was I there; yes; I was there.

3603. Now do you not see that you might have said yes, without echoing my question; when was it; was it the nomination day, or the Saturday, or not, that you were at the “Bath Bridge Inn”?—The Saturday, I think.

3604. Are you sure?—I am almost sure it was.

3605. Were there some voters there at the time you were there?—It was the meeting of the association.

3606. Of the Liberal Working Men’s Association?—Yes.

3607. There were several voters amongst them, I suppose?—Oh, yes; there were voters there.

3608. Was it in the evening?—In the evening.

3609. Did you order any drink for any persons there?—Did I order? I treated some one with drink; I may have done so, but I did not order any drink.

Mr.
C. Bowden.
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3610. Mr. Justice *Blackburn.*] Will you explain what you mean by that?—I did not put any down to any account.

3611. I do not understand you?—What I ordered at the time I paid for out of my own pocket.

3612. Mr. Serjeant *Parry.*] Were you up in the room where the meeting was held?—Yes, upstairs.

3613. How long were you there?—I might have been there half-an-hour, but I cannot exactly say.

3614. And were there a number of voters at this meeting, to your knowledge?—I cannot tell; there might have been, but I cannot tell the number.

3615. Were there some?—There were some.

3616. How many do you think there were?—Ten or a dozen, I should think.

3617. Did you throw down a sovereign on the table and make use of this expression, "There is something to refresh the inner man"?—No, I did not.

3618. You did not say it?—No.

3619. Did you throw a sovereign down on the table?—No.

3620. Did you throw any money down on the table?—No.

3621. How much did you spend there in treating out of your own pocket?—I spent a few shillings.

3622. But a few shillings might be 19s.?—Well, it might.

3623. Was it as much as 19s.?—Well, I cannot say.

3624. Do you mean to tell my Lord that you cannot say?—I can tell you this: you say it might have been 19s., and I say it might.

3625. I am asking you questions in a very quiet manner; do you think you did spend 19s.?—Yes.

3626. Did you spend 20s.?—Yes.

3627. Did you spend 30s.?—No.

3628. Why do you stick at the 20s.?—Because I know I had not more.

3629. You did spend a sovereign?—Yes.

3630. Only you did not throw it down on the table and say, "There is something to refresh the inner man"?—Exactly; I did not.

3631. What did you order for those Liberal working men?—I did not order anything, I tell you; I gave it to a man there—

3632. What was his name?—I do not know him more than you; I know he was officiating in the house.

3633. You know me now?—I know he was officiating in the house.

3634. And officiating as barman in the house; now, did you not give him a sovereign?—Yes, I think I did.

3635. The sovereign, the exact 20s.; now, did you not?—(*The Witness hesitated.*)

3636. Come, because he is here and can tell; did you or did you not?—Well, I gave him money.

3637. But a sovereign?—It might have been a sovereign.

3638. But it was a sovereign?—(*The Witness hesitated.*)

3639. Upon your oath, was it not a sovereign?—It was a sovereign.

3640. Well, I thought so; you see, I was better informed than yourself about this matter; now, really I am curious to know where you got

that sovereign from; who gave you that sovereign?—Out of my own pocket.

3641. Now, I must ask you the question which I should have considered impertinent if you had not told me you had spent a sovereign; you are clerk to the railway?—I am.

3642. What is your salary?—Nearly a hundred a year.

3643. How much short of a hundred a year?—£99 a year; I get 90l. a year, and 10 per cent., generally speaking.

3644. This you spent out of your own pocket?—I did.

3645. Are you a voter?—No; I am sorry to say I am not.

3646. I am not sorry about it at all?—

Cross-examined by Mr. Serjeant *Sargood.*

3647. Perhaps you are not a married man?—No, I am not.

3648. This is a bill made out to Messrs. Vanderbyl and Kinglake for the use of the rooms, "November 17th, 3l. 3s."; and then certain repairs for damage done and refreshments for the day; perhaps it is within your knowledge that the candidates used this particular house on the day of the election for their staff of poll clerks in that district; do you know that?—Yes.

3649. And there is no pretence for saying that you paid this bill?—Oh, no.

3650. When you told us that you were engaging this room, for the purposes of your association, at half-a-guinea a night, you were alluding to some days other than the 17th of November, I suppose?—Yes, I was.

3651. Previous days?—Yes.

3652. And therefore if the nights on which you used it have not been paid for, this bill has nothing in the world to do with those nights?—Nothing in the world to do with those nights.

3653. Has Mr. Budd made any application to you, or sent you any bill for the previous use of the rooms on days when he was to charge you half-a-guinea a night?—He has sent me an account.

3654. Do you remember how much it came to?—No, I cannot say.

3655. Mr. Justice *Blackburn.*] When was it?—About a fortnight or three weeks after the election.

3656. Mr. Serjeant *Sargood.*] I do not wish to be inquisitive about your society, but "the honorary members" are, I suppose, gentlemen of position and station?—Yes.

3657. You expect they will be the people to find funds?—I believe so; I think so.

3658. I suppose you must incur some expenses for book-keeping, and travelling, and messengers, and so forth?—Yes; I am still out of pocket.

3659. Do you conscientiously believe that whatever expenses have been incurred in that, will be paid by gentlemen associated with a society who can afford to pay them?—I do.

3660. Amongst other things, the expenses of those rooms where you have met?—Yes.

3661. Had the previous engagement of the rooms anything to do with Messrs. Kinglake and Vanderbyl, or were they for the society exclusively?—For the society exclusively.

3662. And they had no connection with Messrs. Kinglake and Vanderbyl?—No.

3663. With regard to the spending of the sovereign?—That is my own.

3664. Whether

3664. Whether wise or foolish, you say it was your own money?—My own money.

3665. If foolish, it was your own folly, and if otherwise, you take the credit of it?—Yes.

Mr. Serjeant *Parry* proposed to hand in a card and circular signed by the Witness as

honorary secretary of the Liberal Working Men's Association.

Mr. Justice *Blackburn* stated that the Witness had admitted that.

[The Witness withdrew.]

JAMES DIBBLE, sworn; Examined by Mr. *Collins*.

3666. You live in Polden-street?—I do.

3667. And you are a turner, I believe?—Yes.

3668. And a voter for the borough?—Yes.

3669. Do you know Biffin's public-house?—I do.

3670. Is that the "Mariners' Arms"?—It is.

3671. That is at the North Gate?—It is.

3672. On the evening of the nomination day, did you go to this place?—I did towards morning.

3673. The evening of the nomination day; the morning of the polling day?—Yes.

3674. Mr. Justice *Blackburn*.] Were you there on the Monday night or not?—No, on the polling day morning.

3675. Mr. *Collins*.] At what time?—Between half-past four and five o'clock.

3676. Mr. Justice *Blackburn*.] Do you mean half-past four or five o'clock in the morning?—Yes.

3677. Mr. *Collins*.] Do you know a man named Andrew Allan?—I do.

3678. Did you see him there?—I did.

3679. How many people were there?—Well, I suppose there was about 20 or 25.

3680. Did you know any of those men to be voters?—Well, I did not know them; they was all strangers to me.

3681. In what room, or what part of the house, were they?—In the front parlour.

3682. Did you go in?—I did.

3683. What was Andrew Allan doing?—He sat at the end of the table a-smoking.

3684. And what were the men doing?—Sitting there drinking.

3685. Did you have something to drink?—I did.

3686. What?—Beer.

3687. And what were the rest of the men drinking?—Beer.

3688. Were they smoking?—Yes.

3689. Cigars or pipes?—Pipes.

3690. How long did you stay?—Till six o'clock.

3691. Did you pay for anything you had?—No.

3692. During the time you were there, did you see anybody pay for anything they had?—No.

3693. Did you see Allan pay anything?—Yes.

3694. Did he pay for his own drink, or for other men's drink?—He paid for all that was brought in.

3695. During the time you were in the room, how much do you think was paid for?—About three or four canfuls.

3696. Of beer?—Yes; each can holding, I suppose, about half-a-gallon.

3697. Who asked you to drink?—Mr. Allan.

3698. You say you left there about six o'clock?—Yes.

3699. Did you leave Allan and the rest of the men there?—I did.

3700. Were they still drinking?—Yes.

65.

3701. What were they talking about?—General talk of the election.

3702. Was any price of votes named, or anything of that sort?—No.

3703. Did they say anything to Allan about their votes?—No.

3704. Did Allan say anything to them, or was anything said about receiving money?—No, I did not hear that.

3705. You voted, I believe, for Westropp and Gray?—I did.

3706. You promised them, and voted for them?—Yes.

3707. Did you see a man named Collins there, a cheesemonger?—I don't know him.

Cross-examined by Mr. *Henry James*.

3708. You have told us that you voted for Westropp and Gray?—Yes.

3709. When did you promise to vote for Westropp and Gray?—At the "Carriage" Inn.

3710. When?—When they were there canvassing.

3711. That was some weeks, I suppose, before you went to the "Mariners' Arms"?—Yes.

3712. What made you go at half-past four in the morning to the "Mariners Arms"?—To have a glass of beer.

3713. Who took you there?—No one.

3714. Did you know that it was a Liberal house?—Yes.

3715. Why did you go there?—It is a shop-mate of mine that keeps it.

3716. You know the landlord?—Yes, I do.

3717. Had you ever been there before at half-past four in the morning; what is the name of the landlord?—Biffin.

3718. Did you go there to see what was going on in order that you might report it?—No.

3719. What were you doing at half-past four in the morning?—Walking about the same as other men.

3720. Had you been walking about all night?—No.

3721. You say Mr. Andrew Allan was there?—Yes.

3722. Did you know him before?—Yes.

3723. You have lived in Bridgwater all your life?—No.

3724. How long have you been here?—Four years.

3725. Do you mean to tell me that you do not know the name of one person there except Mr. Andrew Allan?—I do not.

3726. You had never seen any of them before?—No.

3727. Were they all strangers to you?—Yes.

3728. Every one of them?—Yes.

3729. But you did know Mr. Andrew Allan?—Yes.

3730. Did you speak to him?—Yes.

K

3731. What

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J. Dibble. 3731. What did you say to him?—I spoke to him as I went in, and he asked me to drink.
 25 February 1869. 3732. What did you say to him?—I wished him good morning, and he asked me to drink, and I sat down and smoked with the rest.
 3733. Did he say anything to you about your vote?—No.
 3734. You persist in it that this was Mr. Andrew Allan?—Yes.
 3735. What sort of a man is he?—A tall man; a Scotchman.
 3736. But to look at?—A tall round faced man.
 3737. How was he dressed that night?—In a short coat.
 3738. Was there anything else you can give me?—No, I did not notice him particularly.
 3739. Have you never seen any of the men who were there since?—I have not.
 3740. You have been about Bridgwater ever since?—I have been to work.
 3741. And you have never seen any of these 30 men before or since?—Twenty-five.

3742. Did you count them?—No; there might be 20 and there might be 25.
 3743. And you have never seen any of them before or since?—Not to my knowledge.
 3744. You have seen the landlord over and over again, I suppose, since?—I have.
 3745. Did you ever speak to Allan before in your life?—Yes.
 3746. How long have you known him?—He came into the village which I belonged to.
 3747. Travelling?—Yes.
 3748. Did he speak to you by name?—Yes.
 3749. He knew you?—Yes.
 3750. And you knew him?—Yes.

Re-examined by Mr. Serjeant *Parry*.

3751. Does he come round to your village about once a fortnight?—He used to.
 3752. Do you know whether he is known by the name of "Johnny Fortnight"?—That is a common name for him.

[The Witness withdrew.]

GEORGE WOOLLEY, sworn; Examined by Mr. Serjeant *Parry*.

G. Woolley. 3753. ARE you a Boot-maker, residing at Taunton?—Yes.
 3754. May I ask you, do you vote on the Conservative or Liberal side?—Liberal.
 3755. Were you in this borough at the last election?—Yes.
 3756. Do you remember going to the "New Inn"?—I do.
 3757. Was that on the polling day?—Yes.
 3758. Were you there several times between one o'clock and four o'clock?—I was.
 3759. What part of the town is the "New Inn" in?—Eastover.
 3760. Is that over the bridge?—Yes.
 3761. Going towards the railway, I suppose, from here?—Yes.
 3762. Do you Mr. Henry Jarman?—I do.
 3763. Had you been in the town before the polling day, or were you there only on the polling day?—I resided in the town.
 3764. At that time?—No; previous.
 3765. Perhaps you will be good enough to tell me, have you resided in the town during the election at all?—No; I resided in the town previous to the election, about two years and a-half, I think.
 3766. But you were over here on the day of the election?—I was.
 3767. Did you see Mr. Henry Jarman?—I did.
 3768. Did you see him at the "New Inn"?—I did.
 3769. Did you know him yourself at that time as a supporter of Kinglake and Vanderbyl?—Yes.
 3770. You knew him personally, I suppose?—Yes.
 3771. How long had you known him?—I think I may say about two years.
 3772. Is he a private gentleman, a man of no occupation?—I think he is now retired from business.
 3773. Did you see him do anything at the inn in reference to beer or anything of that kind?—Yes.
 3774. What did you see him do?—I saw him,

and of course heard him inducing men to go to the poll.

3775. What did you see him do; I speak of treating in the first place?—I heard him advising people supposed to be voters to go immediately to the poll.

3776. Did he say for whom?—For the Liberals, Messrs. Kinglake and Vanderbyl, of course.

3777. There is no harm in giving persons that advice; did he do anything at that time; did you see him do anything in the way of treating persons who were present?—Yes.

3778. What did he do?—I saw him order a large can of beer, I suppose it might be a gallon, or six quarts; a large can.

3779. How many persons were present?—Well, the house was very much crowded; I should say, judging from the size of the house, there might be 50 or 60, or perhaps more people there; it was greatly crowded.

3780. You were there from one o'clock to four o'clock, or several times between those hours?—Yes.

3781. Did you see Mr. Henry Jarman there whenever you were there during those hours?—I saw him several times there.

3782. Did you see him give more than one order for beer or not; an order for anything in the way of refreshments?—I do not think I saw him actually order and pay for the beer more than once; but still the beer was going in what we might term by this large can—you know it was served out with the same can—I daresay I could recognise it now if I saw it; it was going round in the usual way, and when it was empty it was filled again.

3783. I do not know what the usual way is; if you will tell us I shall be much obliged to you; when the can was empty it was filled again and then it went round?—Yes.

3784. How many times did you see that?—Well, judging from the quantity of men, I daresay it was filled, as near as I can reasonably judge, I will say 10 or a dozen times, or probably it might be more, during the afternoon.

3785. Whilst

3785. Whilst Mr. Jarman was there?—As I told you before, he was there at intervals.

3786. Did you see any of the men who drank the beer pay for anything?—No.

3787. What is the name of the landlord there?—Stone.

3788. Did you see Mr. Jarman pay the money to him?—I did.

3789. Where did he pay him?—In the passage.

3790. Did you have any beer?—Yes, I did.

3791. Did you pay for it, or not?—Well, I paid for some; of course it was what you may term an open house, and I daresay I might have drunk out of other glasses with people that I might have known.

3792. You say the house was very crowded—was it in the bar that this happened, or in a room?—Are you speaking where the can was?

3793. Yes; where was that?—Where the large can went round; that we are speaking about?

3794. Yes, the can that you could identify again if you saw it?—I never was in the house before, and that I will describe as being at the back of the premises; I would call it a club-room perhaps, or something of that sort, leading from the passage.

3795. Did you hear Mr. Jarman, while all this beer was being handed round, say anything?—Oh, yes.

3796. What did you hear him say, if you please; as nearly as you can recollect?—I heard him inducing voters, some of them which I knew personally (of course a great many I did not know; I suppose they were all voters; a great many of them in fact) to go to the poll, and I saw them under his advice and instructions go to poll, and they was marched, what you may call in a procession, from the "New Inn" right up to the polling booth, marched up like a company of soldiers, and so on.

3797. Or volunteers?—Yes.

3798. You, I understand, knew several of them to be voters of your own knowledge?—I knew some of them to be voters.

3799. Could you tell me about how many you could recognise yourself that you believe were voters?—The names?

3800. No, I will not trouble you about the names; how many voters do you believe you recognised there, at the "New Inn," that you yourself knew to be voters?—Well, I recognised a good many.

3801. About how many?—Well, we will take it probably, I will say half-a-dozen.

3802. But, however, how many do you think you saw marshalled to the poll the way in which they should go?—In a procession?

3803. In a procession?—Well, I should think I saw from 40 to 50, probably more, going from that house.

3804. Was that during the time that this drinking was going on?—Yes, that is after they had been warmed, you know.

3805. Do you remember a man of the name of Culliford being there?—Very well.

3806. Can you tell us who Culliford is?—I know him very well.

3807. What is he?—I think he is a cabinet-maker, residing close to this court.

3808. Was he in company with Jarman at the time Jarman was there?—Yes, he seemed to be acting under his instructions.

3809. Did you hear any of those voters, before they went to the poll, ask for anything besides the drink?—I heard a great many say that they should not go to poll unless they had their day's wages paid, or something of course equivalent to the loss of time; and in every case that I heard the observation made I heard different people (probably their names will be brought up in the course of my evidence) promised that they should have that.

3810. By whom were they promised?—I heard Mr. Jarman promise them.

3811. Mr. Justice *Blackburn*.] Who else?—Culliford.

3812. Mr. Serjeant *Parry*.] Was it in Mr. Henry Jarman's presence that Culliford promised?—Yes, in the passage.

3813. About how many times did you hear Jarman and Culliford make those promises?—A great many times.

3814. When they made those promises did he say, when they promised that they should be paid their day's wages, or an equivalent, did they promise anything besides, or make use of any other expression?—That there should be something handsome besides.

3815. Mr. Justice *Blackburn*.] Who said that?—Jarman, and Culliford likewise.

3816. Mr. Serjeant *Parry*.] You said several persons promised; did other persons make any of those promises besides Jarman and Culliford?—Yes.

3817. Who?—I heard Mr. Laing, a boot-maker, residing in this borough.

3818. Anyone else?—Mr. Babbage, a draper in Eastover, in the borough.

3819–20. Anybody else that you recollect; have you the names?—No, I have not the names.

3821. Mr. Justice *Blackburn*.] Was there anyone else that you can remember?—

3822. Mr. Serjeant *Parry* (to the *Witness*).] I don't want to press you further if you do not recollect any other names; were Laing and Babbage supporters of Kinglake and Vanderbyl to your knowledge?—I believe so, they are recognised as Liberals in the borough.

3823. Had you a vote for Bridgwater at the last election?—Yes.

3824. When did you leave Bridgwater to go to Taunton?—I think about the last day of July; I think I was just entitled. If I had left a few days before, I think I should not have been entitled; I think I just swung clear.

3825. The meaning of that is, that you had a vote for the borough?—Yes.

3826. Did you vote for Kinglake and Vanderbyl?—I did.

3827. Was anything said to you by Jarman about your own vote, that you remember?—On the day of the election?

3828. Yes, at this time, was anything said about expenses of coming over from Taunton?—Yes.

3829. By Mr. Jarman?—I think I had better give the evidence myself.

3830. I think you had; I should not be allowed to give it for you?—I think, by your asking me the questions separately, like that, that it might confuse any one; I will give you the evidence if you will allow me.

3831. If you please; I do not want to confuse you, I am sure, and it would be very difficult to do so, I should think: tell my Lord in your

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own way, if you please?—Well, we will commence from the “New Inn,” between the hours of two and four o’clock, on the day of the election, the polling day —

3832. Mr. Justice *Blackburn.*] We must not have it told in that way; I think it will be much better if you attend to the questions put by the learned counsel?—Very well, my Lord.

3833. Mr. Serjeant *Parry.*] I am sure I will not confuse you, and I am sure I cannot, just attend to me for a moment; do you remember anything being said by Mr. Jarman or Mr. Culliford to you about your own vote, and about expenses?—Yes; now we are getting to the point —

3834. If you will not answer my questions, I will sit down, and you may go away, except for my learned friend; did Mr. Jarman say anything to you about your expenses or not?—I had something said to me by another man in the presence of Mr. Jarman.

3835. What was it?—He says, in fact, I was introduced —

3836. Mr. Justice *Blackburn.*] Who was this other man that you were mentioning?—I was introduced by another man, knowing I was a voter; I don’t suppose I was known at the “New Inn.”

3837. Please speak shortly and to the point; who was this man of whom you spoke?—Hill, a wheelwright, introduced me to Mr. Culliford and Mr. Jarman, as being a voter for the borough of Bridgwater, not being generally known, I suppose, in the house.

3838. Mr. Serjeant *Parry.*] Never mind that?—Not being known there —

3839. What did he say?—He says, “This man comes from Taunton, and I believe he is a Liberal;” I was then introduced to Mr. Jarman.

3840. Go on, that is all right now?—The three being present —

3841. Mr. Justice *Blackburn.*] I do not doubt that the three were present; go on and speak to the point; you cannot be so foolish as not to be aware that you are behaving very ill at present; speak to the point and answer the questions shortly?—He says, “Will his expenses be paid him from Taunton, if he votes for the Liberal party?” Mr. Jarman made motions to Culliford, which I considered that he was acting of course under Mr. Jarman’s instructions to that effect.

3842. Mr. Justice *Blackburn.*] To what effect; what motions or signals did he make?—Well, so on (*beckoning with his hand*).

3843. Mr. Serjeant *Parry.*] Did Culliford take you aside?—He says, “What is your name?” But before I answered, and told him what my name was, Mr. Hill supplied him with my name, knowing me probably for about two years or two and a-half years, and he gave him my name as George Woolley. Well —

3844. Mr. Justice *Blackburn.*] Go on, sir?—He says, “I will guarantee —”

3845. Who said, “I will guarantee”?—Mr. Culliford; “I will guarantee, on behalf of the Liberal party, that your expenses are paid from Taunton, and something handsome besides.”

3846. Mr. Serjeant *Parry.*] Now kindly attend to me, and answer this one question of mine: did you see whether Mr. Jarman had any list in his hand, or was taking down the names of anybody?—Culliford was taking down names.

3847. Was it in a little book or not?—A little pocket-book.

3848. You have told us that you voted for Kinglake and Vanderbyl, and I need hardly ask you have your expenses ever been paid, or has anything handsome been given to you?—Not yet.

Cross-examined by Mr. Serjeant *Sargood.*

3849. They have done with you now; just pay attention to me for a minute, will you; what was the name of this inn that you were in and out of so many times during the day?—The “New Inn.”

3850. Have you been there to-day?—No.

3851. What other inn have you been in to-day?—Am I bound to answer that question, my Lord?

3852. If you are ashamed of it, do not; you would rather not answer?—I will rather decline to answer the question.

3853. Very well, I have no objection; supposing you keep the names a secret, how many inns have you been into altogether to-day; perhaps you would rather not tell me that; do not, if you do not like?—I am not sworn to answer that.

3854. You would rather not tell me?—(*After some hesitation.*) If it is a legal question I would answer the question, but otherwise I cannot.

3855. I will assure you that it is a legal question, if you will take my word for it; it is a very legal question; how many inns have you been into to-day before you got into that box?—I think one.

3856. Well, I think more; you know which of us is right?—(*The Witness hesitated.*)

3857. There is nothing to laugh at; you know you ought to have come here in a fit state; is it one or more than one?—I might have been in 20 probably.

3858. Very well; that will do for me; did Mr. Hill, your friend, take you to the “New Inn” on the polling day?—Take me there?

3859. Now, do not repeat my words, but answer the question?—No.

3860. How did you find your way to that particular inn?—Well, I suppose I went down straight, the same as you might do.

3861. But why did you select that particular one out of the number in this town?—Why, of course, when people are going about, of course you must expect your body to go somewhere; I might as well say that I went in there the same as if I went in anywhere elsewhere.

3862. Well, I dare say you may think this very clever, but I do not: I ask you why you went to that particular inn, rather than any other?—I cannot give you any particular reason.

3863. That is an answer; then it was quite by accident that you saw Mr. Hill?—I knew Mr. Hill previously.

3864. Was it quite by accident that you found him at that particular house?—I think I saw him in the town before that.

3865. I thought that was very likely; did he tell you that he should be down at that inn, if you liked to come?—I think we had a little conversation.

3866. And then you did go down, in consequence of that?—I shall not say in consequence of that; I went there.

3867. You do not say “in consequence;” you began by saying you were a Liberal; did you mean

mean it?—I will beg your pardon; I did not say so.

3868. Are you a Conservative, then?—I am just now under a study, and I cannot answer the question.

3869. Assuming that you are in a transition state now, what were you last November, Liberal or Conservative?—Conservative.

3870. You were a Conservative last November?—I beg your pardon, a Liberal-Conservative I was.

3871. Had you come all the way from Taunton, then, in order to support the Liberal-Conservatives?—Not exactly.

3872. Had you any other business in the town that brought you here?—Oh yes.

3873. Might I ask you what it was, without giving you offence?—Oh yes.

3874. What was it?—I manufacture boots and shoes for a man in the town, and I came up on that account; for one thing, in fact.

3875. Then it was partly on trading principles you came?—Well, I came to Bridgwater.

3876. How long is it since you left Bridgwater?—At the end of July; about the end of July.

3877. Did you move away with all your family to another part of the country?—I have not any family.

3878. Did you and your wife move away?—Yes.

3879. Where to?—To Taunton.

3880. Did you and your wife go to Taunton?—Yes.

3881. Are you and she there still?—She is there, I presume; I left her there.

3882. Have you come over from Taunton to give evidence here to-day?—I was subpoenaed.

3883. No doubt you were subpoenaed; and have you come from Taunton to give evidence?—Well, I am giving evidence, am I not?

3884. You know I told you before I do not think this clever, and I do not think any one else will; did you come from Taunton to give evidence?—I did.

3885. Then why did you not say so?—If I answered a question that was not within your meaning, I did not intend to do so.

3886. Do not go on talking, but pay attention; do you mean to tell me that you left this place and took your wife with you to reside somewhere else when you left; now you know I want to know what sort of character you are, and I will ask you a plain question: did not you leave your wife behind, and go away with somebody else?—I shall most respectfully decline to answer your question.

3887. That is quite enough; I wanted to see what sort of a man I had got, that is all. You do decline to answer?—Yes; as far as my knowledge allows me, I do not think I am bound to answer the question you put to me.

3888. You think it might put you in a false position, perhaps?—Of course. I will treat you with every respect in my meaning. Of course I am not confident upon the point, but I don't think that, on the questions the gentleman put to me, I am bound to answer.

3889. You would rather not answer it, in fact?—If my Lord rules that I shall answer the question, I certainly will.

Mr. Justice *Blackburn* informed the Witness that he was not entitled to any privilege in this respect; but he suggested to the learned Counsel that the Witness was not in a fit state to give evidence.

Mr. Serjeant *Parry* explained that the Witness had been under a sunstroke in India, and that this was the explanation of the peculiarity of his manner.

Mr. Serjeant *Sargood* said he felt it was not right to occupy the time of the Court further with this Witness.

[The Witness withdrew.]

HARRIET PARKER, sworn; Examined by Mr. *Collins*.

3890. ARE you the wife of John Parker?—Yes.

3891. And you live in Providence-place?—Yes.

3892. And your husband works, I believe, for Mr. Fox, on the Bristol and Exeter Railway?—Yes.

3893. Were you an acquaintance of the landlady of the "Mason's Arms"?—Yes.

3894. Her name was Mrs. Silk in November?—Yes.

3895. Do you remember going to the "Mason's Arms" on the morning of the polling day?—I do.

3896. At what time did you get there?—I think about 11 o'clock in the morning, as near as I can tell.

3897. When you got there, how many people were there?—I cannot say; there was a great many.

3898. Did you know any of them?—Yes.

3899. Do you know their names?—I know the names of some of them.

3900. Were they voters?—Yes.

3901. Were they being served with any refreshment?—They was taking up drink in the club-room.

3902. Did you go into the club-room?—I did.

3903. About what number of people were there?—About 20 or 30 perhaps; between that, I should think.

3904. And what were they all drinking?—Some were drinking spirits and water, and some beer.

3905. I believe you stayed there during the day, and assisted the landlady?—I stayed there till about half-past two o'clock.

3906. During that time were you assisting in the management of the house and carrying up refreshments?—Yes.

3907. How long did those people stay in the club-room drinking spirits and water and beer?—I cannot say; till they went to the poll, some of them.

3908. At what time did they go to the poll?—Some at one o'clock and some at two o'clock; at different times.

3909. Did you serve those people with refreshments?—I took up some of it.

3910. What did you take up?—Spirits and water.

K 3

3911. What

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H. Parker. 3911. What did you do with the spirits and water that you took up?—Let the men have it.
 3912. Did they pay you for it?—No.
 3913. As far as you could see, did they pay anybody for it?—No, I did not.
 3914. Did other people besides yourself take up refreshments to this room?—Yes, Mr. Silk did.
 3915. The landlord?—Yes.
 3916. From 11 o'clock till half-past two o'clock how many glasses of spirits and water did you either take up or see taken up?—I could not say.
 3917. About how many?—Half-a-dozen trays, perhaps, I should think.
 3918. How many glasses were there on each tray?—A dozen.
 3919. During the whole of that time was any money paid?—I did not see any money paid.
 3920. Was a person named Harris there?—There was.
 3921. What is Harris; a man or a woman?—A man; Mr. Harris I heard him called.
 3922. Was he also employed in taking up grog?—He was.

3923. Then there was Silk and Harris, was there anybody else; was there a Miss Silk?—Yes.
 3924. Did she take up grog?—I do not think she did.
 3925. Mrs. Silk?—Not Mrs. Silk; she was attending to the bar.
 3926. Was any score kept?—Yes.
 3927. Where was the score kept?—On the slate and on the book.
 3928. Who entered them on the slate?—Miss Silk.
 3929. Did you see any colours displayed at this house?—No, any more than what the men wore in their waistcoats.
 3930. What colours did the men wear in their waistcoats?—The buff colours.
 3931. The Liberal colours?—Yes.
 3932. Do you know a gentleman named Hurman?—I do.
 3933. Was he there?—No, not whilst I was.

[The Witness withdrew.]

FREDERICK JEWELL, sworn; Examined by Mr. Collins.

F. Jewell. 3934. You are a shopman in an ironmonger's shop in this town?—Yes.
 3935. I believe that on the night of the nomination, the day before the polling, you went into the "Mason's Arms"?—Yes.
 3936. At what time?—I think it was between one o'clock and two o'clock.
 3937. At night?—At night.
 3938. Or rather in the morning?—In the morning.
 3939. Mr. Justice Blackburn.] Do you mean the Monday morning or the Tuesday morning?—The Tuesday morning.
 3940. That is to say, in the course of the night that began upon Monday?—Yes, the night before the polling day.
 3941. Mr. Collins.] The early morning of the polling day, in fact?—The early morning of the polling day.
 3942. Were there many people in the "Mason's Arms" then?—I did not see many.
 3943. How many did you see?—Only about three or four.
 3944. Do you know the club-room at the "Mason's Arms"?—I know there is a club-room there.
 3945. Did you go into the club-room?—No.
 3946. Can you tell whether or not there were people in the club-room?—There were people in the club-room.
 3947. Did you see people go into the club-room at all?—I saw them coming through the passage.
 3948. That leads to the club-room?—That leads from the front door to the club-room.
 3949. How many did you see go in that way, do you think?—I saw three or four; I did not stop there long.

3950. You went into the bar, I suppose?—Yes.
 3951. Did you see spirits and beer being sent away upon trays?—I only saw beer; I saw beer drawn, not sent away in trays.
 3952. Where was it sent?—Out from the bar, I imagine, into the club-room; but I do not know where it was sent.
 3953. It was sent from the bar in the direction of the club-room?—I do not know where it was sent from the bar.
 3954. Did you see any money pass in payment for this beer?—No.
 3955. After you had been there some little time, did some people come down from the club-room?—Yes, two or three.
 3956. What did they say to you?—They made some remarks.
 3957. About what?—About the election.
 3958. What did they say?—They said it was a Conservative house, and there were parties there that did not ought to be there.
 3959. What house?—A Liberal house, and that there were parties there that did not ought to be there.
 3960. Were you a Conservative?—Yes.
 3961. Were those observations addressed to you?—They were addressed to me through the bar door, or the window, as you may call it.
 3962. I believe upon that you saw you were not wanted, and went away?—I did afterwards.
 3963. Did you see any score being kept there?—They entered it in a little book as it went out.
 3964. Who entered it?—Miss Silk.
 3965. That is the landlord's daughter, I believe?—Yes.

[The Witness withdrew.]

WILLIAM CHORLEY, sworn; Examined by Mr. Collins.

W. Chorley. 3966. I BELIEVE you live at Pig-cross, Bridgewater?—I do.
 3967. And you are a bootmaker?—I am.

3968. Is your house situated next door to the "Mason's Arms"?—Not the next.
 3969. How far off is it?—About 15 yards
 3970. Do

3970. Do you remember the morning of the polling day?—Yes.

3971. Do you know Mr. William Hurman, Mr. Vanderbyl's proposer?—I do, very well.

3972. Did you see Mr. Hurman upon that morning?—I did.

3973. At what time?—Between seven o'clock and eight o'clock. *W. Chorley.*

3974. Mr. Vanderbyl's proposer?—Yes.

3975. Where did he come from?—Out of the "Mason's Arms." *25 February 1869.*

[The Witness withdrew.]

JANE BAKER, sworn; Examined by Mr. Serjeant Parry.

3976. ARE you the daughter of William Baker, who is a shoemaker in Barclay-street, here?—No; I am the wife of William Baker.

3977. Upon my honour, I beg to apologise, I am sure you will excuse me, you look so very young and I thought you were the daughter; are you the wife of William Baker, who is a shoemaker in Barclay-street here?—Yes.

3978. Do you remember the day of the poll at the last election?—Yes.

3979. Were you then in your father's house at Eastover?—Yes.

3980. Can you see from the back window of your father's house the "New Inn"?—In the "New Inn" yard.

3981. Is that a yard attached to the inn?—Yes.

3982. People who are in the inn can come into the yard, I suppose?—Yes.

3983. On the day of the election, did you see a number of men in the yard passing out and in?—Yes.

3984. How many did you see?—I cannot say how many there were.

3985. But were there a large number?—Yes, there were.

3986. Do you remember seeing Mr. Andrew Allan there?—Yes.

3987. Do you know Mr. Stephen Collin Jones?—Yes.

3988. Did you see him there?—Yes.

3989. Do you know Mr. Glanville?—Yes.

3990. Mr. George Kidner?—Yes.

3991. And Mr. Golding?—Yes.

3992. Is that gentleman in Mr. Andrew Allan's service?—I believe he is; he took off his business, I think.

3993. And Mr. John Smith; I think?—Yes.

3994. I particularly ask you as to Mr. Andrew Allan and Stephen Collin Jones; did you see persons going to the poll from that yard?—Yes.

3995. Going towards the poll; I have no right to put it further. How did they go?—In frys, and some walked.

3996. Was there any procession at all formed?—Yes; all in front of the door.

3997. Did you see persons walking from that inn towards the poll?—Yes.

3998. Also making a sort of procession?—I saw them along with Mr. Golding.

3999. That is the gentleman who is either assistant to Mr. Allan or took his business. Did you at all go after the frys to the poll or any of them?—Yes.

4000. Did you go more than once?—Yes; I went several times.

4001. Did you see the voters poll?—I saw them go into the polling-booth.

4002. Do you know a voter of the name of James Hobbs?—Yes, well.

4003. Do you know James Day?—Yes.

4004. Frederick Cooper and others?—Yes.

65.

4005. Did you see them vote?—No, I did not. *J. Baker.*

4006. Were they at the "New Inn"?—Yes.

4007. You know Hobbs; had you spoken to Hobbs on the day of the election about his vote?—Yes; several times.

4008. What had Hobbs told you about his vote?

Mr. Henry James objected to the question.

Mr. Justice Blackburn overruled the objection.

4009. Mr. Serjeant Parry (to the Witness).] You had some conversation with him about his vote. Did he tell you before he voted which way he was going to vote?—Yes, he did.

4010. What did he say?—For Mr. Westropp and Gray.

4011. At what time did he go from the inn to vote?—About half-past three, I should think, as near as I could remember.

4012. Did he go in a fly?—Yes.

4013. Besides telling you that he intended to vote for Westropp and Gray, did he say anything to you about money?—Yes.

4014. What did he say?—He said he should not go to the poll unless he was paid.

4015. I believe you saw him two or three times, did you not, before he voted?—Yes.

4016. Did you speak to him each of those times as to how he was going to vote?—I asked him if he had been to poll; he said no, and he said he should not go; if the blues did not make haste and have him they should not have him at all.

4017. Are you a blue?—Yes.

Mr. Henry James objected that James Hobbs's name was not stated in the list to have been bribed.

Mr. Serjeant Parry replied that the reason why this case was not mentioned in the particulars was that it had been only heard of since yesterday.

Mr. Justice Blackburn overruled the objection, but said that the cross-examination should be postponed, so as to give the learned counsel for the Respondents time to enquire into the case, if requisite.

Cross-examined by Mr. Henry James.

4018. What time in the day was it when you first saw those people at the "New Inn"?—About one o'clock.

4019. What time was it when you saw the procession that you have spoken of formed?—That was about half-past two o'clock.

4020. That was the time when you saw the first procession of persons going to the poll?—I cannot

J. Baker. cannot say; I mean the procession where the band was.
 25 February 1869. 4021. Was that the first procession, or was it the only one?—That was the first that I saw.

Cross-examined by Mr. Serjeant *Sargood*.

4022. You have been telling us all that you saw from the window at the back of your father's house, I think?—Yes.

4023. Is there any street running between the back of your father's house and the "New Inn"?—No.

4024. Then I suppose I am right in guessing that when you look out of the window of your father's house you are looking at the back windows of the "New Inn"?—No; into the yard.

4025. And then, I suppose, at the end of the yard farthest from you the "New Inn" would be standing?—Yes.

4026. Then it has some windows at the back looking into the yard?—Yes; but we cannot see them from there.

4027. From the back of your father's house you can see the yard of the "New Inn," but you cannot see the windows that look over the yard?—No.

4028. Tell me what stands between you and the "New Inn" that should prevent your seeing the windows?—There is a back kitchen against there.

4029. You will not be offended with me if I ask how old you are, I dare say?—Twenty, on the 28th of August last.

4030. We all thought you were older; there is a kitchen built behind the "New Inn" that sticks out into the yard, I suppose?—Yes.

4031. Then when you look out of the back window you look into the yard?—Yes.

4032. The front of the house is altogether on the other side, in another street?—Yes.

4033. I suppose the people going in and out of the "New Inn" generally go in at the front door and out again into the street, do they not?—A great many went out at the back.

4034. You saw a good many come out into the back yard?—Yes.

4035. And then they went in again?—Yes.

4036. And that was the means of your seeing a great many people there?—Yes, and I heard them talking.

4037. How long did you stand at the window watching people coming out of the public-house into the back yard?—I was there from one to four o'clock in and out.

4038. In and out of what?—In and out of my father's house and back again.

4039. Well, then, you mean that between one and four o'clock you went several times to the back window and looked out into the "New Inn" yard?—Yes.

4040. Was that the means which you had of discovering who were there, and the number of people going in and out?—Yes.

4041. And is that all that you know about it beyond speaking to this gentleman, Mr. James Hobbs?—Yes, no more than the men I saw there.

4042. Did he come in to talk to you at your father's house?—No; at the end of the passage that leads into a court.

4043. Where your father's house stands?—Where the side door comes to.

4044. The side door of your father's house?—Yes.

4045. Then you met him by chance in the passage?—He lives in the court.

4046. You spoke to him because he lives close by?—Yes.

4047. Then the people that you saw coming in and out of the public-house into the back yard from time to time may have been the same people coming out over and over again, perhaps?—No; they were strangers to me some, and some I knew.

4048. But when you say there were a great many because they went in and out sometimes, the same people might go in and out two or three times?—But they stood in the yard in great numbers.

4049. They stood and talked to each other?—Yes.

4050. And that is all you know about it, is it?—Yes.

[The Witness withdrew.]

SARAH BAKER, sworn; Examined by Mr. Serjeant *Parry*.

S. Baker. 4051. ARE you the wife of William Baker, who is a shoemaker in Eastover?—Yes.

4052. And the lady who has just gone down is your son's wife, is she not?—Yes.

4053. Do you remember the day of the polling?—Yes.

4054. Was she at your house?—Yes.

4055. Can you see the yard of the "New Inn" from your house?—Yes, very well.

4056. Was your attention at all attracted to it on the polling day?—No, it was not; my daughter-in-law's was, more than me.

4057. Did you see persons there in the yard?—Well, I see different persons there, but I cannot tell any of their names.

4058. Do you know a person of the name of Stephen Collin Jones?—Yes.

4059. Did you see him there?—Yes.

4060. Do you know Mr. Allan?—Yes.

4061. Did you see him there?—Yes.

4062. Was he with the men in the yard, the men that you did not know?—Yes.

4063. And Mr. Jones?—Yes.

4064. Did you know Mr. Golding there?—Yes.

4065. Did you see Mr. Golding do anything with the men in reference to Mr. Allan?—No; they were along with him talking to him together.

4066. Mr. Justice *Blackburn*.] What did you see then?—I did not see anything else.

4067. Mr. Serjeant *Parry*.] Do you know the club-room at the "New Inn"?—Yes, I know it very well.

4068. Did you see any of them?—We could not see them.

4069. But did you see Golding and Allan taking men towards the club-room?—I cannot say they took them to the club-room, seeing them from the back-kitchen window.

4070. They took them from the yard, but you cannot say where?—I cannot say where.

4071. Did

4071. Did you look more than once into the yard in the course of the day?—I may look two or three times.

ing or not in the yard?—They were not drinking, not when I see them.

S. Baker.

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4072. Did you see whether they were drink-

[The Witness withdrew.

EMMELINE HERBERT, sworn; Examined by Mr. Serjeant *Parry*.

4073. ARE you the daughter of Mr. Thomas Herbert, of Binford House?—Binford-place.

They seemed to be staggering up; I should not think by their walking they were sober.

E. Herbert.

4074. On the day of the election, between three o'clock and four o'clock in the afternoon, were you in some upstairs room in your father's house?—I was.

Cross-examined by Mr. *Henry James*.

4075. Can you see the "New Inn" from there?—No.

4087. Your father is a voter and a Conservative, is he not?—He is.

4076. Can you see the yard of the "New Inn"?—No; you can see any one coming from Eastover.

4088. He has Blue ribbons on sometimes, has he not?—Yes, I think he does.

4077. Did you see people coming from Eastover where you were, and all the way from the polling-place also?—Yes.

4089. Was there a band with those gentlemen who were staggering?—No, not any band.

4078. Between three and four o'clock, do you remember hearing a great noise and cheering, and so on?—Yes.

4090. But you say there were more than you could count?—They were only across the river; I was one side of the river, and they were on the other; but they were more than I could count as they went along.

4079. Did you look out to see what was coming?—I was at the back, and I went to the front to see what was coming.

4091. They were all staggering?—Those that were nearest me were staggering.

4080. And did you?—Yes.

4092. Those that you did count?—I did not count any of them.

4081. What did you see?—A procession, or a lot of men arm-in-arm, with Mr. Jones walking in front of them.

4093. Do I understand you to say that this was a procession of men that you could not count, and that as far as you could see they were all intoxicated?—Yes.

4082. Was that Stephen Collin Jones?—The tailor in Eastover; I think that is his name.

4094. The river was between you?—Yes.

4083. He was walking in front of them?—Yes.

4095. And you could observe that they were all intoxicated as they went by?—Yes.

4084. And you say they were walking arm-in-arm?—Yes.

4096. But they were so many that you could not count them?—I could not count them.

4085. Could you tell how many were walking arm-in-arm?—More than I could count.

Re-examined by Mr. Serjeant *Parry*.

4086. I do not know whether they were excited by the election; did you notice at all?—

4097. Did you try to count them as you saw them passing?—No, I did not; I saw them pass.

[The Witness withdrew.

WILLIAM PARKER, sworn; Examined by Mr. *Collins*.

4098. Do you live at Providence-place?—Yes.

4105. What part of the house did you go in?—I went into the kitchen, and I had no time to abide there; they shut me out of doors.

W. Parker.

4099. The night before the polling were you at the "Mason's Arms"?—Yes, I went there, and had a pint of half-and-half.

4100. What time did you get there?—About eight o'clock at night.

4106. What did they call you?—They says, "That is one of the wrong colour."

4101. Mr. Justice *Blackburn*.] Was this on the Monday?—On the nomination-day; the Monday.

4107. What colour did they call you; never mind the epithets?—An "old Blue."

4102. Mr. *Collins*.] Were there many people there?—Yes, a housefull of people there.

4108. Did the landlord say anything to you?—Yes.

4103. Did you know any of them?—I do not know that I did; I know Mr. South, the landlord.

4109. What did he say?—He said it was better to go out quietly; I was the wrong colour, and I was——.

4104. What were those people doing?—They appeared to be tipsy, a great many of them.

4110. And you walked out?—I was shoved out of the door.

[The Witness withdrew.

CHARLES AMES, sworn; Examined by Mr. *Collins*.

4111. ARE you a railway haulier?—Yes.

4116. Did you go to the "Queen's Head"?—I did.

C. Ames.

4112. And you reside in Wellington-place?—I do.

4117. Is that house kept by Dennis Heron?—Yes.

4113. Are you a voter for the borough?—I am.

4118. Is that a Liberal or a Conservative house?—A Liberal house.

4114. You voted for Mr. Westropp and Mr. Gray, I believe?—I did.

4119. You went there about half-past eleven in the forenoon?—I did.

4115. On the Monday, the day of the nomination, did you go to the "Mason's Arms"?—I did not.

C. Ames.
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4120. How many people were there there?—I should think about 20.

4121. Give me a few names?—William Perry was one.

4122. Who else?—James Smith.

4123. Do you remember Crispin?—Henry Crispin.

4124. Codrington?—Those were all I knowed, that I took any notice of.

4125. Were all those men Liberals?—Yes.

4126. Did you recognise most of them you saw there; did you know them as voters?—Yes, the biggest part of them was.

4127. Did Smith ask you to have anything?—He did.

4128. What did he say?—He asked what I would take to drink.

4129. What did you reply?—Ginger brandy.

4130. What room were you in?—The front room.

4131. Was any ginger brandy brought in?—Yes.

4132. In what?—In a glass to me.

4133. After that did you see more ginger brandy served out?—No.

4134. What were the other men doing in the room?—Drinking, and eating, and smoking.

4135. Did anybody else have ginger brandy with yourself?—Not that I know of.

4136. What were they drinking?—Rum and shrub.

4137. Did you have any rum and shrub.—I did.

4138. How much did you have?—I cannot say to a glass or two.

4139. Had you as much as you wanted?—Yes, as much as I minded.

4140. How many glasses of rum and shrub or other spirits and water did you see while you were there?—It was brought in in jugs.

4141. What was; the rum and shrub?—Yes.

4142.—Was the rum and shrub hot or cold?—It was not very cold.

4143. Do they make it with hot water?—No.

4144. It is pure spirit?—Yes.

4145. What size jugs was it brought in?—Quarts and pints.

4146. About how many?—They kept on filling them at different times whilst I was there.

4147. When they were empty?—Yes.

4148. Was anything brought in to eat?—Yes.

4149. What?—There was cheese, and bread, and ham, on the table, and you might help yourself to it.

4150. Were there loaves there?—Yes.

4151. What else?—There was cheese and there was a ham; I should think about 16 pounds.

4152. Did the people help themselves to this bread and cheese and ham?—Yes, they did.

4153. And drink?—Yes.

4154. Was there any beer?—I did not see any beer.

4155. Were there any cigars?—Yes.

4156. How many cigars?—As many as you wanted; I had as many as I wanted.

4157. How many was that?—I should think eight or nine.

4158. Were the cigars brought in in a box?—Mrs. Heron handed me what I had.

4159. Out of the box?—Yes.

4160. An ordinary cigar box?—Yes.

4161. While you were there in this room eating and drinking, was anything said about your vote?—There was.

4162. What did they say?—They wanted me to vote for Mr. Kinglake and Mr. Vanderbyl.

4163. I believe as a fact you voted for Mr. Westropp and Mr. Gray?—Yes, I did not promise any one else.

4164. Mr. Justice *Blackburn*.] Who was it wanted you to vote for Mr. Kinglake and Mr. Vanderbyl?—James Smith and William Perry.

4165. Mr. *Collins*.] How long did you stay there this time?—About half an hour.

4166. During the whole of the time you were there, did you pay anything for what you eat, drank, or smoked?—I did not.

4167. Were you ever asked to?—No.

4168. Did you see any of the other people who were there pay anything, or asked to pay anything?—No.

4169. Did you call again the same day?—I did, in the evening.

4170. About what time?—I think about half-past twelve.

4171. That would be the Tuesday morning?—Yes.

4172. Who did you then see in the house?—I should think there were about ten there.

4173. Were those men voters to your knowledge?—Yes; all of them.

4174. What were those men doing there?—Drinking and smoking.

4175. What were they drinking?—Some one thing, and some the other.

4176. Beer, and spirits and water?—Spirits and water most of them, what sort I cannot say.

4177. Were they smoking?—Yes.

4178. What were they smoking?—Some pipes and some cigars.

4179. Did you have anything?—I did.

4180. What did you have?—A glass of gin and water.

4181. How many cigars?—Three.

4182. Who supplied you with a glass of gin and water, and cigars?—The landlady.

4183. When Mrs. Heron gave you the gin and water, did she say anything to you?—She did.

4184. What did she say?—She axed me whether I was her side or not.

4185. What did you say?—I said, "If I were not I should not be there."

4186. Do you know a man named Codrington?—I do.

4187. Did you see him there?—I did.

4188. How long did you remain the second time?—I should think about half an hour.

4189. During that time did you pay for anything you had?—No.

4190. Were you asked to?—No.

4191. Did you see any of the other persons in the house pay, or asked to pay for anything?—No.

Cross-examined by Mr. *Edlin*.

4192. You told Mrs. Heron the truth then, did you?—I believe so.

4193. For whom did you vote?—For Mr. Westropp and Mr. Gray.

4194. Had they canvassed you?—No; they never came to my house, and never axed me for my vote.

4195. Had you been canvassed for them?—No; never.

4196. Had you promised your vote?—I had promised my vote for Mr. Westropp and Mr. Gray.

4197. When

4197. When had you promised your vote for Mr. Westropp and Mr. Gray?—A fortnight before the election.

4198. And you always meant to keep your promise?—Yes.

4199. When Mrs. Heron asked you if you were her side, you knew which side she referred to?—I said that she asked me if I were her side; I said, if I were not I should not be there.

4200. That was true?—That was something.

4201. Was it true?—That is what I said to her.

4202. Was it true?—I do not know that.

4203. Did you tell her the truth?—I told her that.

4204. Why did you say that which was not true?—I do not know that I did say anything that was untrue.

4205. Have not you waked up to that yet?—No.

4206. You say you promised to vote for Mr. Westropp and Mr. Gray a fortnight before; you always intended to keep your promise, and you went on eating and drinking in this place?—Yes.

4207. And then when she told you if you were not on her side you had no business there, and you said you should not be there if you were not; was that true?—I do not know that it was.

4208. You told her a falsehood?—I said that.

4209. Cannot you let us know whether you told her a falsehood?—I do not know as I did.

4210. Which is the more truthful, what you said then, or what you have been saying now?—I promised Mr. Westropp and Mr. Gray; I did not promise Mrs. Heron.

4211. And you tasted the gin and ginger-brandy and beer?—Yes.

4212. And you cut into the cheese?—Yes.

4213. And you went about for this purpose?—No, I did not go about for this purpose; I did not go into anybody's house besides those.

4214. When did you tell anybody about this?—About a fortnight ago.

4215. When did you get your subpoena?—Last Friday.

4216. You had heard that a good many people had been subpoenaed to come here?—I had not heard of no one myself.

4217. When you received your subpoena last Friday, you had not heard of anyone else being subpoenaed?—I do not know as I had.

4218. Had you heard of anybody that was coming here upon his subpoena?—I cannot say whether I did; I cannot say then I did not know, for I did; that was a neighbour of mine.

4219. What is his name?—Burton.

4220. You had heard of him?—Yes.

4221. He told you he was coming?—Yes.

4222. Did he tell you what he was going to have?—No, he never told me nothing about it.

4223. You thought you would like to come?—No, I would rather not.

4224. That is why you told somebody?—(No answer.)

C. Ames.
—
25 February
1869.

FANNY BAKER, sworn; Examined by Mr. Collins.

4225. Do you live in Barclay-street?—Yes.

4226. I believe you are servant to Mrs. Cooksley?—Yes.

4227. On the Monday, Tuesday, and Wednesday of the election week, were you assisting Mrs. Heron, the landlady of the "Queen's Head"?—Yes.

4228. The nomination day, the election day, and the day after the election day?—Yes.

4229. First, I take you to the Monday—were there many people in the house on the Monday?—There were a great many people there.

4230. About how many people were there?—I could not tell you that, there were so many; the house was very full indeed.

4231. Is there a front room there?—Yes, the parlour.

4232. Were there many people in this parlour?—Yes, it was quite full.

4233. Do you know whether they were voters or not?—I do not know.

4234. Did you hear what they were talking about?—No, I did not hear anything of their conversation.

4235. Was anything taken into the room for them to eat?—Yes; ham, and bread and cheese.

4236. Was it a large ham?—A middle-sized ham; I did not take it in.

4237. Did you see it there?—Yes, I put it away afterwards.

4238. It was not a large ham then?—No; it was nearly gone.

4239. Now about the drink; what did these gentlemen drink?—Brandy and water, and gin and water, and beer.

4240. What sort of spirits do you remember?—Brandy and water and gin and water.

4241. What sort of brandy; do you know what ginger brandy is?—This was light.

4242. Some spirit?—Yes.

4243. How were the spirits taken into the room?—On a little tray, four or five at a time.

4244. About how many did you see taken in, or did you take in?—I did not take in any myself.

4245. How many did you see taken in?—There were a great many taken in; I cannot tell you how many.

4246. A great number of glasses?—Yes.

4247. During the whole of that day, the Monday, did you see anything that was taken into the room paid for?—Not anything; I did not see any money taken; I did not take any, nor did I see any pass.

4248. Until what time in the evening did you stay?—I slept there.

4249. What time did you go to bed?—I really cannot say what time I went to bed on the Monday.

4250. Was it late or early?—It was late.

Mr. Justice Blackburn.] If you propose to make anything of her evidence that she saw no money pass, you must ask what department she was in.

4251. Mr. Collins.] What part of the place were you in?—I was in the kitchen, and I was to and fro in the bar for the drink.

4252. When in the bar for drink, did you see people supplied in the bar with drink?—Yes.

4253. When you saw these people in the bar supplied with drink, did you see them pay any money?—No.

F. Baker. 4254. Did you hear the person who gave them the drink ask them for money?—No.

25 February 1869. 4255. Who supplied the drink?—Mr. Heron.

4256. The landlord?—Yes.

4257. Now I will take the Tuesday; were there many people there on the polling day?—Yes; we could scarcely pass through with the drink.

4258. Was there anything to eat and drink that day?—Yes, bread and cheese and ham.

4259. What part of the house were you in on the Tuesday?—I was just the same on the Tuesday as on the Monday.

4260. In and out of the bar?—Yes, and the kitchen.

4261. Did you see people supplied with spirits at the bar that day?—Yes.

4262. Did you see any person pay the landlord, or hear the landlord ask for the money when they asked for the spirits?—No, I did not.

4263. Do you remember, on the polling day, Mrs. Heron, the landlady, saying anything to her husband about the quantity they were drawing?—I heard her say, "Oh, Denny, why do

you draw so much drink, you will not get paid for it"; and in answer to her question he said Mr. Vanderbyl—

Mr. Serjeant *Sargood.*] I object to this; this is not evidence.

Mr. Justice *Blackburn.*] So far as the conversation between husband and wife goes, showing that they were giving credit for somebody, it is admissible; but it does not prove who had been ordering it.

Mr. Serjeant *Parry.*] I do not suggest that Mr. Vanderbyl himself told this landlord that he would pay this, but it shows that the impression on the landlord's mind was that some one would pay him connected with Mr. Vanderbyl.

4264. Mr. *Collins.*] About the middle of the day, on the polling day, did you hear voters say anything about the state of the poll?—No.

4265. Not at any time on the polling day?—No.

[The Witness withdrew.]

ELIJAH PADDEN, sworn; Examined by Mr. Serjeant *Parry.*

E. Padden. 4266. Do you live in Monmouth-street in this town?—Yes.

4267. You are a striker by trade?—Yes.

4268. Do you remember going to the "Queen's Head" on the afternoon of the day of the nomination?—I do.

4269. Were there many persons there?—Yes, there were several persons there.

4270. Did you know any of the persons who were there, whether they were voters or not?—I knowed two or three of them that were there was voters.

4271. Was John Willis with you?—John Willis was there.

4272. While you were there, did other people come in also afterwards?—Yes, they kept coming in.

4273. And going out?—Yes.

4274. Were the persons present drinking?—Yes.

4275. Was this at the bar?—Yes.

4276. What were they drinking?—Rum, mostly.

4277. Were they drinking it neat or mixed?—Neat.

4278. Were there other spirits besides rum?—Yes.

4279. What else?—Brandy.

4280. And gin, I think?—Yes.

4281. Did you see how the rum was brought in; how was it brought in; was it drawn from a

tap, or how was it brought in?—They had it in in a half-gallon can.

4282. Was it poured out of the half-gallon can into glasses for people to drink?—Yes.

4283. Did you hand some of it round yourself?—No, not the rum.

4284. What did you hand round?—I handed round a quart of gin, and beer.

4285. You partook of all the spirits there, did not you?—Yes.

4286. Were there cigars there while you were there?—Yes.

4287. Did you smoke a cigar?—Yes.

4288. How long were you there?—About an hour and a half or two hours.

4289. During that time did you drink freely or not?—Yes.

4290. Several times I mean?—Yes.

4291. You partook of what there was; the rum, brandy, gin, and cigars?—Yes.

4292. Did you pay for anything you had?—Nothing.

4293. Did you see anyone pay at the bar?—No.

4294. Were you asked to pay by anyone?—No.

4295. Were you a voter?—Yes.

4296. For whom did you vote?—Westropp and Gray.

[The Witness withdrew.]

Mr. CHARLES LE FEBURE, sworn; Examined by Mr. Serjeant *Parry.*

Mr. *C. Le Febure.* 4297. ARE you a clerk in the employment of the Somerset and Dorset Railway Company now?—Yes.

4298. Were you here about the election time last year?—Yes.

4299. Do you remember the election day?—Yes.

4300. Were you staying at the "Queen's Head"?—Yes.

4301. That is Mr. Heron's house?—Yes.

4302. Were you there the night before the poll?—Yes.

4303. I believe Mr. Heron asked you to help him?—If I were disengaged.

4304. Did you help him that night or the next morning?—The next morning.

4305. When did you begin to help him?—I should say about between nine and ten o'clock; I cannot tell exactly the time.

4306. How did you help him; did you draw beer

beer and spirits?—I drew beer and some spirits.

4307. From nine till two or three o'clock did you continue acting in that way?—I cannot say exactly whether it was three o'clock; it was half-past two or three.

4308. Did you, during that time, draw a large quantity of beer and spirits?—Yes.

4309. Were you drawing constantly?—Very nearly.

4310. How much do you think you may have drawn of beer?—It is hard for me to judge, but I was at work as hard as I could go at the engine.

4311. Was this all at the bar?—In the bar.

4312. Was the house full or not during the whole day; people coming in and out?—People were coming in and out during all the day. The bar was pretty full from time to time.

4313. Can you tell at all from the conversation that was going on, whether anything was said about the election; not conversation merely; but was anything said about Messrs. Kinglake and Vanderbyl?—Yes; they were saying they hoped that Kinglake and Vanderbyl would win, as far as I could judge; but I was so busy that I could not pay much attention to the conversation going on.

4314. You did hear that?—Yes, that was the general feeling; they hoped that they would win.

4315. Were boxes of cigars opened?—Yes.

4316. Did you open them, or see them opened?—They were opened; I did not open any of them.

4317. Did you see people taking cigars?—I saw cigars handed to them.

4318. Without their asking for them?—There was an order given by somebody, I do not know who, to give some cigars. I am a stranger in the place.

4319. These people at the bar having spirits, and beer, and cigars, did you see them pay for any?—I received some money, not very much, which I handed to Mr. Heron.

4320. How much in the whole day do you think you received?—Between two shillings and three shillings.

4321. Would that have anything like paid for the beer and spirits that you saw served out?—Oh, no.

4322. Can you give us an idea of the quantity in money of beer and spirits that was handed out?—I have not the least idea, because there are other rooms in the house besides the one I was in.

4323. Did you see persons drinking and smoking who did not pay at all?—I cannot swear whether they did or not pay; I could not swear whether they paid Mr. or Mrs. Heron.

4324. Did you see anybody pay besides the two shillings or three shillings you have men-

tioned?—Not to my recollection; they may have paid in the other rooms.

4325. What was the quantity of cigars handed round; how many boxes do you think?—About five, or six, or seven.

4326. What was the class of men that were there?—There were some very respectable men, generally of the working class of men; they appeared to be very respectable men.

4327. Can you tell us whether any of those respectable men who were there were intoxicated before they went away?—I cannot swear that they were intoxicated; they appeared a little fresh.

4328. Did many of them appear a little fresh, or only a few?—A good many of them.

4329. Can you tell at all from what occurred when they went away whether they went towards the poll?—I heard a good many say that they would go up town to go and see about going to the poll.

Cross-examined by Mr. Serjeant *Sargood*.

4330. You were very busy getting beer out of the cellar?—I was not in the cellar; it was drawn by a pump from the cellar; an engine.

4331. That was more your part of the business than looking after the money?—Yes.

4332. Where you got the money, was that when you handed out something to somebody over the bar?—I handed it to Mrs. Heron, who was next to me.

4333. She would have the money?—Yes.

4334. Some people you served you got money from you say?—Yes.

4335. And you handed it to her?—Yes.

4336. You were busy pumping at this engine?—Yes.

4337. You did not take much notice of what went on?—No.

Re-examined by Mr. Serjeant *Parry*.

4338. Do you know the "New Inn"?—No; I was in there only once when I was at Bridgwater.

4339. You know where it is?—Yes.

4340. In going from the poll to the "Queen's Head," would persons have to pass the "New Inn" or not?—Yes; it depends upon what polling-booth they went to.

4341. Mr. Serjeant *Sargood*.] That is rather vague; there are three polling-places?—Yes.

4342. It would depend upon which they went to?—Yes; there was one between the "Queen's Head" and the "New Inn."

Mr. Serjeant *Parry* stated that he did not propose to offer any evidence whatever respecting undue influence.

[Adjourned till To-morrow, at Ten o'clock.

C. Le Febure.

25 February
1869.

Friday, 26th February 1869.

JAMES BANFIELD, sworn; Examined by Mr. Serjeant Parry.

J. Banfield.
26 February
1869.

4343. WHAT are you?—A Farmer.
4344. Where do you reside?—North Petherton.
4345. Is that close by here?—The adjoining parish.
4346. Are you a voter for the borough?—No.
4347. Do you know the “Duke of Wellington” inn or public-house here?—I do.
4348. Have you been in the habit of frequenting it?—Most market days.
4349. And on other days too, have not you?—No.
4350. Never but on market days?—Never but on market days.
4351. Do you know a person of the name of Dudderidge?—No; I know one Dudderidge at Colthurst’s and Simmons’ brickyard.
4352. Do not you know a Dudderidge at Brown’s brickyard?—No.
4353. James Dudderidge?—I do not.
4354. Thomas Dudderidge?—Neither one.
4355. You do not know a Dudderidge, you say, at Brown’s brickyard?—No.
4356. Do you know Brown’s brickyard?—Yes.
4357. Do you know anyone there?—I do not know that I know anyone there.
4358. If I tell you there is no Dudderidge at Simmons’, as a foreman of the brickyard, is not the Dudderidge you know foreman at Brown’s?—Not that I am aware of.
4359. You do not know whether he is or not?—No, I do not know that he is.
4360. How long have you known him?—I do not see him once in six months.
4361. Have you seen Dudderidge this morning?—Not to my knowledge.
4362. Look at that gentleman with his arm on his face?—I do not know him by his countenance.
4363. Did you ever see Dudderidge or any other man pay any money to any persons on the polling-day at the last election?—I was not in the town of Bridgwater on the polling-day; Neither on the nomination day.
4364. Have you ever said that you did?—No.
4365. You understand the nature of an oath, and I do not suppose you would tell a story to any one that was not true?—Not for 50 l.
4366. You mean you would not for any sum?—No, I would not.
4367. Have you talked about the election, and told people what you saw by way of a joke?—Not whatever I saw or heard at the election, I never have.
4368. Do you know Robert Bussell?—I do.
4369. Do you know Shattop?—Yes.
4370. Do you know Moat?—I do.
4371. Do you know Hawkins?—Yes.
4372. Did you tell Bussell, in the presence of these three men that I have named, that you were at the “Duke of Wellington” inn on the day of polling?—I did not.

4373. Did you say that the whole of the rooms seemed full, apparently of voters?—No.

4374. And that there was drinking on all sides?—No.

4375. Mr. Justice Blackburn.] You are not now asked whether that was the fact, but whether you told that to Bussell?—I never told Robert Bussell that I was there on the day of the election.

4376. Mr. Serjeant Parry.] Did you say you saw Thomas Dudderidge there?—I did not.

4377. Did you say to Bussell in the presence of those men that the drink that was being served out at the “Duke of Wellington” was paid for by Thomas Dudderidge?—No.

4378. Do you know a place called Skittles’ Alley or Skittle Alley close by the “Duke of Wellington;” is there a skittle alley by the “Duke of Wellington”?—I was never in it in my life.

4379. Is there a skittle alley by the “Duke of Wellington”?—I would not swear there was one, or swear there was not one.

Mr. Justice Blackburn.] Are you quite certain that you have the witness whom you meant to call?

4380. Mr. Serjeant Parry.] Yes, my Lord, and I feel I am not likely to make much out of him. (To the Witness.) You say you never were in the skittle alley, and do not know whether there is a skittle alley there or not?—No.

4381. Did not you say you saw 30 or 40 men in the skittle alley at the “Duke of Wellington,” and that Thomas Dudderidge was there with them?—No.

4382. Did you say to those persons—I do not ask you whether it is true or whether it is false; I simply ask you, did you say to Robert Bussell in the presence of Shattop, Moat, and Hawkins, that you saw Thomas Dudderidge give money to those men?—I did not.

4383. Did you say to them that you heard him say this was his birthday, and that you saw him give them 1 l. a piece?—I did not.

4384. Did you say after he had given them the money he said, “Now you will all remember my birthday”?—No.

4385. Did you say or not that the men were afterwards in procession marched to the poll?—No.

4386. Nothing of the sort?—Nothing of the sort; I tell you candidly I was not in the town that day.

4387. That is not the point; did you say this or not?—I did not.

4388. You say you never saw Dudderidge, and never saw anything of this kind going on; but my question to you is, did you say to those persons that you did?—I did not.

4389. Mr.

4389. Mr. Justice *Blackburn.*] Did you see Robert Bussell in company with those people?—I did. I was there myself. There were seven of us there, my Lord.

4390. Mr. Serjeant *Parry.*] When was this?—The Thursday after the election, the 19th of November.

4391. You did see Bussell with those persons?—Bussell rode with me and Hawkins.

4392. Is Hawkins a friend of yours?—He is a farmer.

4393. In your neighbourhood?—No, he is in a different parish.

4394. Is Thursday market-day?—No, Wednesday.

4395. How came you to tell me you were never in the town except on market-days?—I was here the Wednesday.

4396. You have got off the balance?—You asked me whether I went to the “Duke of Wellington,” and I said, “only on market-days.”

4397. You do come to Bridgwater on other days than market-days?—Sometimes, when I have occasion.

4398. Were you at the “Duke of Wellington” with Bussell?—No; I was at Dunmer with Bussell.

4399. Have you ever said to any one that this statement was not true; have you been challenged with making this statement by any one?—By Robert Bussell.

4400. When did Bussell come and speak to you about having made this statement to him?—I think last Wednesday week.

4401. What did you tell him, that you were not in the town that day?—Not the day of the election.

4402. You said that?—Yes.

ROBERT PROLE, sworn; Examined by Mr. *Collins.*

4415. You are the Landlord of the “Sheep Market” inn, Bridgwater?—Yes.

4416. And a voter for the borough?—Yes.

4417. At the last election, did you vote for Westropp and Gray?—Yes.

4418. On the polling day, were you at the “Duke of Wellington” inn?—I went in about half-past 12 to a quarter to 1, and had a glass of beer.

4419. Were there many people in the inn at that time?—I stood fronting the bar, and took a glass of beer through the small opening; Mrs. Cole handed me the beer.

4420. Were there people there?—There were people sitting in the bar; who they were I could not say.

4421. While you were there, did some one come down stairs, from the direction of the stairs?—No, I did not see any one, to the best of my knowledge, come down stairs at all.

4422. Did some one inquire for the landlord?—Some one inquired for the landlord.

4423. Who was that man?—I could not tell; I do not know his name.

4424. Think a moment; do you know that man?—I do not; I could not pretend to say, not at present I could not; but I knew him from recollection at the time; but as for recollecting who he is I cannot say.

4425. Did you know his name at the time?—Yes.

4426. Who was the man; do you mean to say

4403. Were you in the town the day after the election?—I was on the Wednesday.

4404. On the Wednesday and Thursday after the election?—Yes; I passed through the town the second day after the election.

4405. Did you make any statement to Bussell on the Wednesday?—I did not.

4406. Not of any kind?—No.

4407. Nor to Mr. Trevor?—Not that day; I have since; Mr. Trevor came to my house, and made inquiries what I had heard, and whether it was correct; I told Trevor what occurred, and nothing more; I said, “Mr. Trevor, I tell you the whole truth, and what I shall speak when I come to be called.”

4408. Did you say anything to Mr. Trevor about 70 men being treated with a glass of grog?—I was told that the day after the election.

4409. Who by?—By Mrs. Coles.

Mr. *James* objected to the question.

Mr. Justice *Blackburn.*] It is not evidence, but it may be material for after proceedings; that is the reason why Brother Parry has a right to ask it.

4410. Mr. Serjeant *Parry.*] Did you tell Mr. Trevor anything about 70 men being treated to a glass of grog each at the “Duke of Wellington” on the day of the election?—I did; that I was told by Mrs. Coles.

4411. Who is Mrs. Coles?—The landlady.

4412. About 70 men, is that true?—I cannot say.

4413. Is it true that you were told that?—Yes.

4414. Did you tell Mr. Trevor that those electors did not vote till after 12 o'clock?—I did, from Mrs. Coles.

you do not know who he was?—No, I could not pretend to say who he was.

4427. Have you any idea who he was?—No; he came in and inquired for the landlord.

4428. Listen to me, and do not run on like that; when did you forget his name; how long after that day?—I did not take no memorandum.

4429. That is not an answer to my question; when did you forget his name?—I cannot say; I did not think anything more about him; I did not know I was going to be called, or I might mind his name.

4430. Did you know him well?—No, I could not say I did.

4431. How long had you known the man?—I might have known him by sight.

4432. How long had you known him?—I cannot say; I might know you by sight, but not think anything about you after.

4433. Who did the man speak to?—He inquired for Mr. Coles, the landlord; and he came, and they walked out arm-in-arm to the front door.

4434. Did he say anything about voters?—No, I did not hear nothing about voters.

4435. Have you not said that a man came down stairs, or from the direction of the stairs; a man whose name you knew, but that you would not tell until you got into the witness-box?—No.

4436. Nothing of the sort?—No, I have not said the words to no one; I have not been questioned by no one.

L 4

4437. Did

J. Banfield.

26 February
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R. Prole.

R. Prole. 4437. Did the man say to Coles, the landlord, "If you do not do something, I must let my men out"?—No, he did not; Mr. Coles, the landlord, said, "You must see about moving, or doing something, it is no good keeping them penned up no longer;" what he meant I cannot say.

ROBERT BUSSELL, sworn; Examined by Mr. Serjeant Parry.

R. Bussell. 4439. You have been examined before?—Yes.
4440. You are the bailiff of the county court?—Yes.

4441. Do you remember being at the "Duke of Wellington" on the polling-day?—Not at the "Duke of Wellington"; outside.

4442. I meant near?—Yes.

4443. By the "Duke of Wellington" public-house?—Yes.

4444. Do you know a person of the name of Thomas Dudderidge?—I do.

4445. Who is he?—The foreman in Messrs. Brown and Co.'s employment.

4446. Those gentlemen are well known here. They are large brickmakers; they employ a great number of men?—Yes.

4447. Did you see any men in the "Duke of Wellington"?—No.

4448. You were not inside?—No.

4449. Did you see any men belonging to the brickfield whom you knew to be in the employment of Brown and Co. under Dudderidge?—I counted 42.

4450. Where?—Coming from the "Duke of Wellington" passage in couples.

4451. Did you know them to be voters?—I knew a great number of them; they were mostly of Provident-place.

4452. What time of day was this?—It was from two to half-past.

4453. You saw these men coming from the passage; may I call that passage Skittle-alley?—It is the way into the residence, and also into the skittle-alley.

4454. Was Thomas Dudderidge with the men?—He stood at the door.

4455. You say you saw these men coming out of this passage; in what direction did they go?—They went to the polling booth.

4456. Did you see them go to the polling booth; was it near enough for you to see?—It was close by; and I immediately proceeded to the "Clarence" hotel.

4457. Mr. Justice *Blackburn*.] You say Thomas Dudderidge stood at the door and they went to the polling booth; do you mean Dudderidge went with them, or only the men?—Only the men.

4458. Mr. Serjeant *Parry*.] The polling booth is really quite close to the "Duke of Wellington"?—Within 60 yards.

4459. Did you see them go to the booth?—I did; and I afterwards saw some in St. Mary's-street booth; some of the same men that lived in another division of the town.

4460. I do not know whether you took sufficient notice to say whether the men had been drinking or not?—I did not.

4461. Is Henry Chapman Bussell, the keeper of the "Anchor" inn, a relative of yours?—A brother.

4462. Have you missed him from the town for some time?—I have.

4463. When did you last see him in the town,

4438. Mr. Justice *Blackburn*.] What did he say?—I heard the landlord, Coles, say to the man, "You must do something, or else it is no good for me to keep them here any longer; we must let them go." Some similar words to those.

as near as you can recollect?—Just previous to Christmas.

4464. Do you know whether he took an active part in the election for Mr. Kinglake and Mr. Vanderbyl?—He did.

4465. Did you at any time see him canvassing with them?—No, I did not; not at this election.

4466. At any time have you?—In previous elections; but not at this.

4467. Canvassing for the Liberal party?—Yes.

4468. You have seen him canvassing for the Liberal party at previous elections?—I have.

4469. Have you seen him at all in company with Messrs. Reed and Cook, or Mr. Barham, or Mr. Lovibond?—I have seen him with each of the gentlemen.

4470. During this election?—During this election.

4471. How often do you think?—I cannot say.

4472. Perhaps you can give an idea; more than once have you seen him?—Several times, with different gentlemen.

4473. During the election I am speaking of?—Since the addresses were issued.

4474. You mean by Mr. Kinglake and Mr. Vanderbyl?—Yes.

4475. Have you seen him canvassing with them?—No, I have not.

4476. Have you seen him attending any public meetings with Mr. Kinglake and Mr. Vanderbyl?—I have.

4477. Where?—In this hall.

4478. During the election; before the day of the nomination?—It would be before the nomination day.

4479. Have you seen him attending more than one meeting with them?—Every one.

4480. How many meetings have you seen him at with the candidates, Mr. Kinglake and Mr. Vanderbyl?—I should think it would be four or five meetings, but I cannot state the number; it was every meeting that was held in the hall in the Liberal cause.

4481. And Mr. Kinglake and Mr. Vanderbyl were there?—Yes, they were.

4482. Did he himself take any part, or was he a mere silent spectator?—He was not a silent spectator.

4483. What did he do at those meetings?—He took the leading of the hurrahing.

4484. How?—With his Orange colours.

4485. Was it a pocket handkerchief?—A pocket handkerchief.

4486. What used he to do?—To wave his pocket handkerchief; he would wave it and hurrah.

4487. A sort of fogleman?—Yes.

4488. Did you see him on the day of the nomination?—Yes.

4489. Where was he standing as fogleman; was he on the platform or in the body of the meeting?—Once at that corner (*pointing to where his Lordship sat*), but generally at that end.

4490. In

4490. In the gallery?—In the centre.

4491. Mr. Justice *Blackburn*.] I presume the woodwork has been altered; but is there a platform here always?—It is the same, only that bench has been put across.

4492. Mr. Serjeant *Parry*.] Did you see him on the day of nomination?—I did.

4493. Where?—On the hustings.

4494. I believe the nomination took place in the Corn Market?—It did.

4495. Outside?—Outside.

4496. Was he then on the hustings with them?—He was rose above the hustings; he was on the top of the iron railings, holding on to a lamp-post.

4497. Did Mr. Kinglake and Mr. Vanderbyl see him as well as anyone else?—Every one could see him.

4498. What was he doing when the votes were taken; I mean the show of hands?—He ordered the people in the Liberal cause to stand back, the same as I did on the Conservative side; that is, he shouted out, "Stand back, stand back;" I did the same on the Conservative side.

4499. Had he boards in his hand with the names of Mr. Kinglake and Mr. Vanderbyl upon them?—Yes; "Hands up." "Hands down."

4500. Large placards that everyone could see?—Yes; with the words on them, "Hands up." "Hands down."

4501. Is the mayor the returning officer?—Yes.

4502. The returning officer asked those in favour of Mr. Kinglake to hold up their hands?—He did; Mr. Kinglake's name was then presented, "Hands up."

4503. He presented Mr. Kinglake's name upon the placard with "Hands up" upon it?—Yes.

4504. Did he do the same service for Mr. Vanderbyl?—It was done on both.

4505. Mr. *James*.] Did he?—He did; I did the same on the other side.

4506-7. Mr. Serjeant *Parry*.] You say you have seen your brother upon former elections for many years; I may take it that Henry Chapman Bussell, the landlord of the "Anchor" beershop, or whatever it is, has been an active partisan of the Liberal party?—It is not a beershop; there is not a more respectable house in the town of Bridgwater than my brother keeps, and it is not a beershop; I will not allow it to be called a beershop; it is a respectable house.

Mr. Justice *Blackburn*.] It may be material to show the position in life of Henry Chapman Bussell.

R. Bussell.
—
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4508. Mr. Serjeant *Parry*.] Your brother keeps a tavern, or inn?—It is an inn; he is a licensed victualler, and he is also a shipowner.

4509. Do you know who supplied those boards with "Hands up." "Hands down"?—I believe they were supplied through the town clerk for both the Conservatives and the Liberals.

4510. Besides those boards on the day of the nomination, was your brother waiving his handkerchief occasionally?—He was the one that led, as I led on the opposite side.

4511. Led the cheers?—Yes.

Cross-examined by Mr. *James*.

4512. You and your brother have continued on very good terms, have you not?—We have not.

4513. Have you quarrelled?—It was years ago; we never speak now; we had not previously to the last committee, when Mr. Westropp was rejected in London.

4514. I only want to test your knowledge of your brother's position; from your knowledge of him before your quarrel, and since you have known him to be a very active political partisan?—Ever since Mr. Kinglake has been in the borough.

4515. That was in the year 1857?—I believe so; I acted then with my brother.

4516. As far as you know, he was a sincere and active Liberal in politics?—He was for Mr. Kinglake ever since he has been in the town.

4517. As to his means; you have said he keeps a considerable inn, and does a good business there?—He does.

4518. And also to your knowledge he is the owner of parts of several ships?—He is.

4519. Have you known him to be a person with money at command?—He had.

4520. He has some house property, I am told?—He had.

4521. In consequence of what you have told us, you have had no communication with him, I suppose?—I have not since the last petition in London.

4522. That was in the spring of 1866?—It was, I believe.

Mr. FRANCIS DUNN, sworn; Examined by Mr. Serjeant *Parry*.

4523. ARE you a clerk?—I am.

4524. In the Telegraph Office?—I am.

4525. Which office is it; there are two, I understand?—The United Kingdom.

4526. Do you know Henry Chapman Bussell? I do.

4527. Is the United Kingdom Telegraph Office close by Bussell's?—About 20 yards.

4528. In the same street?—It is only a house apart from it.

4529. During the election at any time, neither upon the day of the nomination nor the polling day, did you see Bussell; did he come to your office?—I will not be positive that he came to the office, but I saw him.

4530. My question is confined entirely to whether you saw him at the telegraph office or not?—Not at the office, I did not see him.

4531. Did you receive messages from Bussell, or apparently from him, on the day of the elec-

tion?—I do not believe we did on the day of the election.

4532. On the day before?—We did a few days before; I could not say the day before.

4533. Did Mr. Bussell come to the office a few days before the election?—Yes.

4534. With messages?—I could not say whether with messages or with a message.

4535. A few days before he came with a message?—Yes.

4536. A few days before the election, and during the election, do you know whether he came with more than one message?—I should not like to say; I cannot remember, there were so many brought in.

Mr. Justice *Blackburn*.] I presume there is a record kept of all messages delivered; that would of course enable him to speak to them; they must be produced.

M

4537. Mr.

Mr.
F. Dunn.

Mr. 4537. Mr. Serjeant *Parry*.] Who is the tele-
F. Dunn. graph clerk?—The manager's representative is
 here.

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Mr. EDWARD GREGORY, sworn; Examined by Mr. Serjeant *Parry*.

Mr. *E.* 4539. WHAT is your position in the United
Gregory. Kingdom Telegraph Company?—I am chief
 clerk in the manager's department.

4540. In London?—In London.

4541-2. In answer to a subpoena, do you produce
 certain telegraphic messages you received on or
 about the time of the last election here?—My
 instructions are only to produce those telegraphic
 messages on the express order of his Lordship.

Mr. Justice *Blackburn*.] They must be
 produced, only those that bear upon the
 election; but those that bear upon the elec-
 tion must be produced.

4543. Mr. Serjeant *Parry*.] I cannot give you
 any particular messages, but look from the 12th
 of November up to the day of the election, which
 was the 17th, the polling day, and see if there
 are any messages purporting to come from Henry
 Chapman Bussell to anyone, and if not, from
 anybody else to anyone, relating to the elec-
 tion. Have you an abstract book that would
 assist you?—We have an abstract of the names
 of the senders and receivers of messages, but
 not as to the contents.

4544. Mr. Justice *Blackburn*.] Probably you
 had better see from that whether any messages
 came at that time to or from Henry Chapman
 Bussell: (*The Witness handed the abstract to*
Mr. Collins to look through.)

4545. Mr. Serjeant *Parry*.] Will you look
 from the 12th of November to the 17th of No-
 vember?—Most of the messages were on the day
 of the election.

4546. Look on the 14th, Bussell to Smith?—
 Here is a message from Bussell (*handing the same*
to the learned Counsel).

4547. Have you the paper from which this was
 written?—It was written directly by pencil.
 (*The telegram was read, as follows* :) "Bussell to
 Captain Smith, Swansea." "Burrows offers
 5s. 6d. for culm, for Cork; if he can get you
 5s. 9d., fix with him."

4548. Mr. Justice *Blackburn*.] Have you
 the reply to that?—I see none.

4549. Mr. Serjeant *Parry*.] Are you certain
 that up to the 14th of November, inclusive of
 that day, there is no other telegram you can
 point to or give us any information about from
 Bussell?—I see none.

4550. Mr. Justice *Blackburn*.] Look at the
 15th, 16th, and 17th?—We do not open on Sun-
 days. Here is a message from Bussell to Cap-
 tain Luckes, of Taunton.

Mr. Serjeant *Parry* read the same, as fol-
 lows, dated November the 16th:—

"Bussell, Bridgwater, to Captain Luckes of
 Bridgwater.

"West Dock, Cardiff.

"You and any other captain that is
 there, or any other voter, must come home
 before noon to-morrow.—Mind Meaker."

Mr. Serjeant *Parry* stated that there was

4538. Who is it that produces the telegrams?
 —I believe Mr. Gregory.

a voter of the name of Josiah Meaker, Bris-
 tol-road, who voted for Mr. Kinglake and
 Mr. Vanderbyl.

4551. Mr. Serjeant *Parry*.] Was there any
 answer to that?—I do not find that there was;
 but I come upon another immediately afterwards
 (*handing the same to the learned Serjeant*).

Mr. Serjeant *Parry* read the same, as fol-
 lows, dated November the 16th:—

"Bussell, Bridgwater, to Captain Jones, 'William
 the Fourth,' Southampton.

"If Tarr can be here by noon to-morrow,
 and he is right for us, let him come."

Mr. Serjeant *Parry* stated that Tarr was
 a voter, and voted for Kinglake and Van-
 derbyl.

4552. Mr. Serjeant *Parry*.] Have you any
 others from Bussell on the 16th?—No others
 from Bussell on the 16th.

4553. Have you any on the 17th?—I have
 some here giving the results of the state of the
 poll, and making a few remarks.

4554. First, I wish to know whether there are
 any others from Bussell?—There are no others
 from Bussell on the 17th.

4555. There is one on the 18th to Jones, of
 Southampton?—Before I come to that, here is
 one from Bussell to Captain Smith, of Swansea.
 I think it is a business message, "Shall the mate
 bring down another man with him, as he can
 ship one.—Reply."

4556. Now look for one from Bussell to Jones,
 Southampton, November the 18th?—I do not
 see one.

4557-8. Just look over those telegrams relating
 to the election?—I have folded down some that
 relate to the election; there are several messages
 ordering people to come up, and so on.

Mr. Justice *Blackburn*.] Instead of having
 them read, let Mr. Collins look at those you
 have folded down, and he will say which of
 them requires further inquiry.

Mr. Serjeant *Parry* proposed to read a
 telegram from Mr. Kinglake to a relative of
 his at Taunton.

Mr. Justice *Blackburn* stated that it would
 be better to reserve this until Mr. Kinglake
 was examined.

4559. Mr. Serjeant *Parry* (to the *Witness*).] Would you have the original messages sent to London?—Yes, those are the original messages as handed in at Bridgwater. Those are the actual written messages as written by the senders.

4560. There is another telegram, I believe, to which I must call your attention, but I do not want you further, I think, at this moment.

[The *Witness* withdrew.]

FRANCIS DUNN, re called; further Examined by Mr. Serjeant *Parry*.

4561. DID you receive messages for Mr. Bussell, which you took to the committee-rooms at the "Globe"?—No.

4562. Did you receive messages for any persons on the day of the election, or the day of the nomination, which you took to the meeting at the committee-room in the "Globe"?—Yes.

4563. You had occasion to go to the committee-room?—Yes, with messages.

4564. Was that the nomination day or the election day?—The election day.

4565. Whom did you see there?—I saw several people there.

4566. Did you see Mr. Bussell there?—I did.

4567. Henry Chapman Bussell?—Yes.

4568. Mr. Justice *Blackburn*.] Where did you see him?—In the committee-room.

4569. Mr. Serjeant *Parry*.] Did you see him at any time on that day in the committee-room when the candidates were present?—I could not say the candidates were present.

4570. Do you know Messrs. Reed and Cooke?—Yes.

4571. Were they there?—Yes.

4572. Do you know Mr. Lovibond?—Yes.

4573. Was he there?—Yes.

4574. Do you know Mr. Barham?—I know Mr. Barham.

4575. Was he there?—I cannot say he was.

4576. Had you occasion to go more than once?—I had.

4577. How many times?—Well, I should say three or four times.

4578. How many times did you see Bussell there?—Only once.

4579. Do you know Mr. Andrew Allan?—I do.

4580. Did you see him there at any time?—I cannot say that I did.

4581. Do you know Mr. Jarman?—I do know him, but I did not see him there.

Mr. Justice *Blackburn* directed that the two original messages of November the 16th, should be handed to the Witness.

4582. Mr. Serjeant *Parry* (to the Witness).] Just look at those two documents (*handing two documents to the Witness*); can you see by any mark or from memory whether they passed through your hands?—I sent one of those myself, and Mr. Squires sent the other.

4583. Who is Mr. Squires?—A clerk.

4584. That you can remember?—Yes.

4585. Mr. Justice *Blackburn*.] Do you see by some mark on it that it was sent by you?—Well, we put our initials on it.

4586. That initial of course tells you that it passed through your hands; are you able, either from the handwriting or from memory, to say who brought it?—I can tell this from memory perfectly well.

4587. Who brought that?—Mr. Bussell himself.

4588. Mr. Serjeant *Parry*.] Is that the one to Captain Luckes?—Yes.

4589. That you say Bussell brought himself?—He did.

4590. The other one was taken by Mr. Squire?—Yes, I did not take it or send it.

4591. Is Mr. Squire here?—He is; they are both in his writing.

4592. You say you only saw Bussell once at the committee-room?—Only once.

4593. You say that Reed and Cooke and Mr. Lovibond were there?—Yes.

4594. Were they conversing together?—They were.

4595. Did you hear what they were talking about?—I did not.

Cross-examined by Mr. *Henry James*.

4596. In relation to that telegram sent by Mr. Kinglake, the time appears on the face of it; did you put the time correctly down when the message was sent?—Yes.

4597. I suppose that when you were in the committee-room there were a great many people in the committee-room?—There was.

4598. What time of the day was that?—I really could not say.

4599. I presume, as usual, there were people going in and out; whoever took an interest in the cause, and wished to go in, could go in?—I suppose so; I really could not say whether they was allowed to go in or not; but I had a message, and I thought that was my passport.

4600. You walked in?—I walked in; I was asked going upstairs where I was going; and I said I had a message.

[The Witness withdrew.

Mr. Serjeant *Parry* proposed then to call Squires, a clerk in the telegraph office, to prove the sending of the other telegram.

Mr. Justice *Blackburn* said that he believed this point was not disputed.

Mr. Serjeant *Sargood* said he would admit the other telegram.

CHARLES HALLIDAY, sworn; Examined by Mr. *Collins*.

4601. You live at Cornhill, Bridgwater, I believe?—I do.

4602. On the day of the polling, the 17th of November, did you go to the "Globe" hotel?—I went over the bridge.

4603. Did you go to the "Globe"?—I called there.

4604. At what time of the morning was that?—That was somewhere about ten o'clock.

4605. I believe at that time you saw there were a number of people there, and you only

just went in and came out again?—There were a great many about the bridge; and I called in at the "Globe," and I was there about five minutes, and I walked out.

4606. Did you go there again a little before 12 o'clock?—I did.

4607. Is there a large stable attached to the "Globe"?—A coach-house and stable.

4608. Were there any people in the stable or the coach-house?—I saw two gentlemen walk into

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C. Halliday. into the coach-house from the entrance; I was then in the road.

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4609. Who were those gentleman?—Mr. Mogg and Mr. Henry Nichols, and Mr. Reed, and Mr. Cooke; I believe Mr. Reed was not present, but Mr. Cooke was.

4610. Mr. Justice *Blackburn.*] Then there were three gentlemen, and not two?—Three.

4611. Mr. *Collins.*] The Mr. Cooke you mean is that gentleman (*pointing to a person in Court*), a partner in the firm of Reed and Cooke?—Quite so.

4612. Did you afterwards see anybody else go into the coach-house?—I did not.

4613. Did you look in the coach-house?—I did not.

4614. Did you see anybody else there at all?—Afterwards?

4615. Yes. Did you see anybody go into the stable or coach-house?—No, I did not.

4616. Do you know Mr. Lovibond?—I do.

4617. Was he there on that day at the "Globe"?—I saw him walk down over the bridge with Mr. Sealy arm-in-arm.

4618. At what time?—That was somewhere about half-past 12 o'clock, I should think. They separated at the "Globe," and Mr. Lovibond went into the "Globe," and Mr. Sealy returned.

4619. After you saw that, did you return to the "Globe" again?—I did not go into the "Globe" again.

4620. Soon afterwards, did you go back to the "Globe"?—No; I went into the "Globe" and remained there about five minutes, and I came out, and I went over to Mr. Waddon's.

4621. Mr. Waddon's shop is opposite, I believe?—Mr. Waddon's is opposite.

4622. And then I believe it was that you saw Mr. Sealy and Mr. Lovibond?—Just before I saw them.

4623. Mr. Justice *Blackburn.*] Then, if I understand you aright, you went into the "Globe" twice before you had seen Mr. Lovibond?—I had been into the "Globe" twice before I saw Mr. Lovibond.

4624. Did you go in a third time after you saw him?—No, I did not.

4625. Mr. *Collins.*] At any time did you try to go up the stairs to the large room?—Yes.

4626. When was that?—That was just afterwards.

4627. Just after you saw Mr. Lovibond?—Yes.

4628. Then you misunderstood my Lord's question?—

4629. Mr. Justice *Blackburn.*] You must have gone into the "Globe" a third time if you did that?—I think it was after I had been in the second time that I walked upstairs, and that I met Mr. Cooke.

4630. You have told us, as I understood, that you went in about 10 o'clock to the "Globe Inn," and stayed for five minutes and came out; is that right?—Yes.

4631. Then, I understand you to tell us again that you went in a little before 12 o'clock, and saw three gentlemen going into the coach-house; is that right?—That is quite right.

4632. Then, you told us that you saw Mr. Lovibond walk up and go into the "Globe" about half-past 12 o'clock. With regard to what you are now going to say about going upstairs; is that supposed to have happened at the time when you saw them going into a coach-house, or at a subsequent time?—Subsequently.

4633. Then you went into the "Globe" again after seeing Mr. Lovibond?—After seeing Mr. Lovibond.

4634. Mr. *Collins.*] Did you walk upstairs then?—I walked upstairs.

4635. As you were walking upstairs whom did you see?—Mr. Cooke.

4636. Who was with him?—A Dr. Kinglake, from Taunton.

4637. Dr. Kinglake is the brother of the Member, I believe?—I believe he is.

4638. What did Mr. Cooke say to you?—Mr. Cooke said, "Really Mr. Halliday, you have no business here; it is a private room; I must beg that you will go downstairs." I said, "I beg pardon Mr. Cooke," and I retired.

4639. Do you know a man named Henry Chapman Bussell?—Yes.

4640. Do you also know a man named James Honeyball?—Yes.

4641. Did you see those two men upon that day?—I did.

4642. Where did they come from?—They came out from the "Globe."

4643. Mr. Justice *Blackburn.*] Together or separately?—One after the other.

4644. Do you mean just immediately one after the other?—Yes; Bussell came out first, and Honeyball directly after; I was then in the room opposite Waddon's.

4645. Mr. *Collins.*] At what time was this?—This was about a quarter past one o'clock, as near as I can recollect.

4646. From where you were standing, could you see from what part of the house those men came?—I could not.

4647. Has the large room a separate entrance?—Yes; I believe there is an entrance to the large room from the large entrance out into the yard on the left.

4648. You say you saw Bussell and Honeyball come out of the "Globe"; can you say whether or not they came from any particular part of the house?—I cannot.

4649. From what direction did they come?—Well, they came from the left.

4650. Would that be anywhere near those stairs that lead from the large room?—Yes.

4651. And do those stairs lead to any other place but the large room, as far as you know?—As far as I know, there is a room from the large room into the house.

4652. Out of the large room?—Yes; out of the large room.

4653. Do those stairs only lead to those two rooms?—I believe so.

4654. You say there are two rooms there; must you get into the large room before you can get into the small room?—Yes.

4655. There is no separate entrance?—No.

4656. Then it comes back to the original question, that the staircase only leads to this large room?—To the large room.

Cross-examined by Mr. Serjeant *Sargood.*

4657. I may presume that you are a Conservative?—I always was.

4658. You always have been a consistent man, then?—Always, and always hope to be so.

4659. That being so, I may be wrong in assuming that it was inconsistent your intruding into the Liberal committee-room; but what were you

you doing at the "Globe"?—Well, nothing particular.

4660. So it seems; but, "particular" or otherwise, do tell me why you, a consistent Conservative, were going up into the Liberal committee-room if you had not been stopped?—I should not have thought of taking the liberty of going into that committee-room.

4661. But what were you going up for?—Oh, just out of curiosity.

4662. But just let me understand the geography of this place, if I can. This is an inn, the "Globe," is it not, in the main thoroughfare, near the bridge somewhere?—I believe it is.

4663. You have seen it?—I have.

4664. And you are a townsman here, are you not?—Yes, I am.

4665. When you stand opposite the house and look at it, I suppose there is a large doorway, an entrance into the house, like all hotels have?—Yes.

4666. Is there a carriage entrance as well, leading to the stable-yard, and so forth?—Not that I am aware of; the carriage entrance is through the doorway.

4667. You do not drive a carriage in at the street door?—The large entrance you mean; you drive carriages in there.

4668. There is an entrance where you would walk in if you wanted to order your dinner, or anything of that sort?—That is at the front door.

4669. At the side of that, a little to the left, is there not a gateway leading into the stable-yard?—Yes.

4670. Into which, if you were driving, you would drive?—Yes.

4671. You have talked of a staircase leading to the large room; is that the staircase that you can see at the street door entrance, or is that a staircase under this archway going up separately into the big room?—Leading from the archway.

4672. So that you may get into this large

public room or whatever it is (I have never been in it), by going into the archway and up a staircase quite unconnected with the street door and the private staircase?—Yes.

4673. Then, when you speak of seeing somebody come out from the house, apparently from the left, and as you supposed from that big room, you were speaking of that outlet by the courtyard from the big room and not from the main front of the house?—No.

4674. Then, as I understand you, you went in and were going upstairs, but were reminded that that was private; was that the staircase up to the big room, or the private part of the house?—The staircase up to the large room.

4675. At the gateway?—Yes.

4676. Then your point of curiosity seems to have culminated by seeing three gentlemen talk together near the carriage-house in the yard?—I was then opposite, at Waddon's.

4677. You were opposite and could see up the gateway?—I could see up the gateway.

4678. And I suppose there were a great many people walking about there?—I believe there were.

4679. Then all you know on the other occasion is, that you saw certain gentlemen whose names you mention, Bussell, and somebody else, come out apparently from the big room?—Yes.

4680. I need hardly suggest that you had no conversation with any of them?—Not one; I never spoke to anyone.

4681. And it was really nothing but "consistent" curiosity which led you into the committee-room of the Liberals or near it?—Just so; I had been in and had a glass of sherry at about half-past 11 o'clock.

4682. That is in at the street door?—Yes.

4683. You had had your glass of sherry at the bar, I suppose?—Yes.

[The Witness withdrew.]

JAMES LUCKES, sworn; Examined by Mr. Serjeant *Purry*.

4684. ARE you generally known as "Captain Luckes"?—There are several Captain Luckes's in the town.

4685. But were you at Cardiff on the 16th of November last?—I was.

4686. Just look at this message, will you (*handing a telegraphic message to the Witness*); do you know Mr. Henry Chapman Bussell?—I do.

4687. Did you receive a message from him?—I received a message from Bussell, not knowing whether it was Henry Chapman Bussell or any other Bussell in the town.

4688. It does not matter a fig what you know, you see; you received a message, however, from Bussell, not knowing who it was?—Yes.

4689. Do you know a person of the name of Meeker?—I do.

4690. "Mind Meeker," was that a part of the message?—It was.

4691. Did you mind Meeker; did you look after Meeker at Cardiff?—I told Meeker I had a telegram from Bussell, "You will be wanted to-morrow," and that was all.

4692. There is no harm whatever, and no imputation upon you of any kind; did you come up from Cardiff to Bridgwater yourself, or did you remain at Cardiff?—I came to Bridgwater.

4693. Did you bring Meeker with you, or did

he come in your company?—Meeker came in my company.

4694. What is Meeker?—A master mariner.

4695. I suppose you both paid your own expenses?—I paid mine.

4696. Did you pay Meeker's?—No.

4697. Who paid Meeker's?—I do not know.

4698. When did you arrive at Bridgwater?—I arrived at Bridgwater at 15 to 9 o'clock on the nomination evening.

4699. Did you call upon Bussell?—No.

4700. What did you do then?—I went home and had refreshments.

4701. You did not go to Bussell's at all?—I did not.

4702. Do you know whether Mr. Meeker did?—I do not know.

4703. You never heard, I suppose, from Bussell whether he had seen Meeker or not?—I never seen Bussell that evening.

4704. Did you the next day?—I did.

4705. Did you know then from Bussell whether Meeker had been there?—He only spoke a few words to me.

4706. Did you from him at all whether Meeker had been there?—No.

4707. Did you know what Meeker was wanted for?—No.

4708. Will

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J. Luckes.

J. Luckes. 4708. Will you venture to swear that?—I will.
 26 February 1869. 4709. Did you speak to Bussell about the telegram?—I never spoke to Bussell that evening.
 4710. But the next morning?—No.
 4711. Did you speak to him at any time about the telegram?—I spoke to him on the polling day.
 4712. What did you say?—Captain Bussell was going over the bridge at about 15 to 3, and he says, "Luckes, have you polled?" I said,

"Hours ago, sir." That is all I said to Bussell, and all Bussell said to me.

4713. You did not ask him, I suppose, about the telegram?—I did not know why Bussell sent me the telegram. The telegram was headed from Bussell.

4714. Do you know now what Bussell sent it to you?—I do not.

4715. You are in such a state of ignorance indeed, that I will not trouble you any further.

[The Witness withdrew.]

THOMAS WOOD, sworn; Examined by Mr. Serjeant Parry.

T. Wood. 4716. ARE you the Driver of the Mail Cart to Watchet?—Yes.
 4717. Do you know Mr. Henry Chapman Bussell, of the "Anchor"?—Yes.
 4718. Before the election, did he ask you for your vote, or canvass you?—He asked me for my vote either the Thursday or Friday night before the election.
 4719. What did he say to you about it?—I told him I could not come without I had my expenses paid from Watchet.

4720. When he asked you for your vote, for whom did he ask you to vote; for Kinglake and Vanderbyl, I suppose?—Yes.

4721. What did he say when you said you could not vote without your expenses?—He said he would meet me on the platform at a quarter to 12 o'clock, and pay my expenses up from Watchet.

4722. I believe he never met you?—No, he did not; and I never seen him afterwards.

[The Witness withdrew.]

ROBERT HARDEN, sworn; Examined by Mr. Serjeant Parry.

R. Harden. 4723. I THINK you live at Bower, near Bridgewater?—Yes.
 4724. And are a yeoman?—Yes.
 4725. Were you in Bridgewater a few days before the last election?—I was.
 4726. How many days?—I should think five or six days; in fact I was in the town every day for 10 days, I suppose, before the election.
 4727. During the time that you were there, did you see the Members canvassing at any time?—Several times.
 4728. Mr. Kinglake and Mr. Vanderbyl?—Yes.
 4729. Whom did you see with them?—Not always the same; sometimes one and sometimes another.
 4730. At any time did you see Mr. Henry Chapman Bussell with them?—I did.
 4731. Whilst they were canvassing?—Whilst they were canvassing.
 4732. When was that, as nearly as you can recollect?—I cannot tell the date.
 4733. Perhaps you can tell within a day or two?—Well, I should think it must be five or six days.
 4734. Do you remember meeting Mr. James Morrish?—I do; I was passing up the street from the "White Hart." I put my horse in at the "White Hart," and I had business up town, and I was walking up rather fast, in fact, and I saw Mr. Morrish taking notice of those canvassers, and I said to Mr. —

between 12 o'clock and 1 o'clock, or somewhere past 12 o'clock, at all events.

4737. In what quarter of the town were they at this time?—Eastover.

4738. Mr. Justice *Blackburn.*] I do not know enough of the town to know whether Eastover is a district, or a particular street; can you give anything more to fix the part of the town where they were?—Eastover is the other side of the bridge from here; Eastover is in the parish of St. John's.

4739. Mr. Serjeant *Parry.*] Eastover is over the bridge, is it not?—From this way it is the other side of the bridge.

4740. Does it lead up towards the railway station?—Yes.

4741. Is the whole of that long street or road called Eastover?—Oh, no.

4742. How far does Eastover extend from the bridge?—Well, we have heard a good deal about the "Queen's Head"; I think about the "Queen's Head" ends Eastover.

4743. Mr. Justice *Blackburn.*] Am I to understand that it was near the "Queen's Head" that you saw them canvassing?—No, it was near the bridge, between where I put up in Eastover, the "White Hart," and the bridge.

4744. Mr. Serjeant *Parry.*] Do you know Stephen Collin Jones?—I do.

4745. Did you, or did you not, see him at this time with them canvassing?—I do not know whether it was the same time; I saw them at another time, if not at the same time; I will not be sure whether it was at the same time or not.

4746. You saw Stephen Collin Jones canvassing with Messrs. Kinglake and Vanderbyl?—I did, and Mr. Sully with them.

4747. Mr. J. W. Sully?—Yes.

Cross-examined by Mr. *Henry James.*

4735. We cannot have what you said; you saw Mr. Morrish taking notice of the people canvassing; I suppose it attracted notice; as the Members were passing through the town canvassing, everybody looked?—I dare say they did, but I was more likely to take notice than the people in the town, because I did not see them so often.

4748. When you saw Mr. Bussell with Mr. Kinglake

Kinglake or Mr. Vanderbyl, was that near to Bussell's house, the "Anchor"?—No: he lives one side of the river, and this was the other.

4749. But the bridge is between?—Yes.

4750. Was it close to one end of the bridge?—Well, not very close, I think; I cannot state exactly; it was going up to the bridge; it was between my quarters, the "White Hart" and the bridge.

4751. You say you saw him with those gentlemen when they were canvassing; do you mean that you saw them going from house to house with Bussell, or that you only saw Bussell for one moment standing with them?—I did not hardly make a stop; I merely spoke to Mr. Morrish, and I said, "Here are certain parties," and men that I knew pretty well; Mr. Bussell makes himself very handy at elections.

4752. You understand what is the difference between persons going together from house to house, which probably means canvassing; did you see that, or did you only see Bussell in company with Mr. Kinglake and Mr. Vanderbyl standing in the street?—I believe the candidates came out of a passage that is called Austiss's-court, and I believe Mr. Bussell was a little way from them, towards somewhere about Roberts's, the coachbuilders.

4753. He was in the main street?—Yes.

4754. They came out of the passage, and then, I suppose, you passed on, so that you cannot tell me what became of Bussell, or of Mr. Kinglake, or of Mr. Vanderbyl?—I did not stop to make it my business at all; I saw him with them, and then I went on.

4755. I am sure you will state truly; did anything more that you saw take place between Bussell and Mr. Kinglake and Mr. Vanderbyl than would have taken place between them if Mr. Kinglake and Mr. Vanderbyl had met Bussell in the street by accident?—No, I do not know anything about it; I suppose it was their business altogether, and I did not ask them their business at all.

4756. Assuming that Mr. Kinglake and Mr. Vanderbyl had been canvassing up that passage, and that Bussell was passing along the main street when they came out, did you see anything more taking place than would be consistent with the position of those gentlemen?—I did not see anything more take place than I saw them, and I considered they were canvassing, and there was an end of it.

4757. Did you see Mr. Kinglake and Mr. Vanderbyl knock at one door and go into one

house whilst Bussell was with them?—Oh, they had got their books, canvassing. *R. Harden.*

4758. But Bussell had got no book?—I did not see a book in Bussell's hand. *26 February 1869.*

4759. Did you see Mr. Kinglake and Mr. Vanderbyl go to one house and knock at the door and go into it whilst Bussell was with them?—I saw them as they came out of one house, and they knocked at the next door.

4760. What became of Bussell whilst they did that?—I do not know; I did not stop five minutes.

4761. You cannot tell me whether Bussell, after he had said good morning to those gentlemen, passed on and went over the bridge?—I went over the bridge; he did not go the same way as I did.

4762. Had Bussell got his hat on, or was he without a hat?—I think he had a low hat; in fact, I would not swear what kind of a hat he had on at all.

4763. It is not an immaterial matter; had he got any hat on at all?—Well, I daresay he had a hat on; I would not swear that he had or had not; I know the man perfectly well, and have known him for many years.

4764. Do you recollect now whether he had his hat on or his hat off, as if he had just come out of his house and was going back again?—As I said before, I did not notice whether he had it on; I did not notice his clothes; I just saw that it was Bussell.

Re-examined by Mr. Serjeant *Parry*.

4765. How long was your attention directed to the Members and Mr. Bussell and others?—A minute or two; I did not stop to take particular notice of anybody.

4766. Were you coming over the bridge in this direction?—I was coming up to my brothers.

4767. If Bussell had been going to his house at the "Anchor" he would have come over the bridge in the same direction as you were going?—Yes.

4768. He was going in the other direction?—Yes; the way they was walking canvassing.

4769. You say you saw the Members go in with their books into one house; did you see them go into more than one house while you looked on?—I did not, because they all stopped together at one house, and I went on.

[The Witness withdrew.]

JAMES MORRISH, sworn; Examined by Mr. Serjeant *Parry*.

4770. You are an Innkeeper, I think?—Yes.

4771. What is the name of your house?—The "Dolphin"; is the right name, but they call it the Porter Stores.

4772. Do you remember, a little before the last election, whether you saw Messrs. Kinglake and Vanderbyl canvassing at any time?—I did.

4773. Do you remember meeting the last witness?—Yes.

4774. In what part of the town was it that you saw Messrs. Kinglake and Vanderbyl canvassing?—I saw them at different places, but this particular place was in Eastover.

4775. That is the other side of the bridge?—Yes, leading to the station.

65.

4776. Do you know a place called Austiss's-court?—Yes. *J. Morrish.*

4777. How far on the other side of the bridge is Austiss's-court?—Half-way down the street from the bridge to Monmouth-street; we will say to the corner; about half the distance.

4778. How far from the bridge is Austiss's-court?—About 200 yards, I should imagine.

4779. Did you see them go into any house to canvass?—Well, I did not take particular notice where they came out, but I saw them stop at Mr. Roberts's, and there was the two Members, and there was Mr. Bussell, and Jones, the tailor, and others; they were outside, and stood under the verandah.

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4780. While

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1869.

4780. While the Members went in?—Yes, they were gone in.

4781. You mean Stephen Collin Jones and Bussell, of the "Anchor"?—They were talking before they went in, and then they went in, the Members did.

4782. Did you see the Members talking to Bussell and Jones?—They were all talking together.

4783. Had the Members their canvassing books in their hands at the time?—Yes.

4784. And then they went into Roberts's, and the other two stayed outside?—Yes.

4785. Did you go on then?—When they went in I went on with Mr. Harden, and I left Mr. Harden there.

4786. Did you notice whether Mr. Reed was with them at this time?—Well, I would not swear it was Mr. Lovibond or Mr. Reed; I did not know I was coming here, or else I would have taken more notice.

4787. Have you, at any other time, seen Bussell, or only this time?—Oh, yes; I had seen him two or three times before.

4788. With the Members?—Yes.

4789. How many times, do you think?—Well, I can say twice, but I would not say further.

4790. Perhaps you could say where?—In, coming out of Castle-street, as I was going down the quay.

4791. With Messrs. Kinglake and Vanderbyl?—Yes; I saw them together.

4792. And Mr. Bussell?—Yes, Mr. Bussell.

4793. Were any other persons with them?—Mr. Lovibond, to the best of my knowledge.

4794. In Castle-street; were they then canvassing?—Well, I did not see them canvass there; I only met them coming down.

4795. Did you see Bussell with them at any other time?—I did.

4796. Where was that?—That was at Ritson's yard, just by the counting-house, just inside the gates, as I passed.

4797. Was Bussell with them then?—He was; I will swear he was there then.

4798. Mr. Justice *Blackburn*.] But what was he doing then?—I think the Members were gone in the yard, or in the office; I could not see the Members; I saw them go in.

4799. Mr. Serjeant *Parry*.] You did not see their faces?—I did not.

4800. Is Ritson's yard a place where men are employed who are voters?—Yes; it is only a small gate to go in.

4801. The two Members went in, and Bussell went with them?—Yes.

4802. Mr. Justice *Blackburn*.] What was Bussell doing?—Henry Chapman Bussell; he was there looking on, like the others, you know.

4803. Did he go into the office, or not?—I did not see him.

4804. As to Ritson's yard; what is Ritson's yard?—A large timber yard.

4805. Is there an office there?—Yes.

4806. Are persons employed in that timber yard who are voters?—I have no doubt.

4807. You saw the two Members go in; before they went in, could you see whether they spoke to Bussell or to Lovibond?—They were speaking together.

4808. As I understand you the Members parted, and went in at this little gate; is that so?—It is a large gate, a plough can go in, a waggon can go in; Bussell went inside.

4809. The office is a small office?—It is larger than you might imagine outside; I have been there once.

4810. Is it a very large place?—No; it is only for mere ordinary business, only to take the time of the men; there is the private office of Ritson's and another for the clerks.

Cross-examined by Mr. *James*.

4811. About how many people were there there, where you say Bussell went in?—Five or six.

4812. Mr. Justice *Blackburn*.] Where?—At Ritson's yard, there were about five or six gentlemen; I noticed Mr. Vanderbyl and Bussell.

THOMAS WINTER, sworn; Examined by Mr. Serjeant *Parry*.

T. Winter.

4813. WHAT are you?—I work at the sawmills at Ritson's yard.

4814. Do you remember seeing Mr. Vanderbyl and Mr. Kinglake at any time come to your yard?—Yes.

4815. Were they canvassing or not?—Yes.

4816. Can you tell me whether Bussell was with them?—He was.

4817. Was there any other gentleman with them besides Bussell?—Yes; Mr. Jones, the tailor, down in Eastover, and young Mr. Lovibond.

4818. Mr. George Lovibond?—I don't know his name; young Mr. Lovibond.

4819. How did you see them, did you see them come into the yard?—I see them come to the top of the yard and stop.

4820. Were they walking together before they came to the top of the yard?—They were walking together so far as I could see them.

4821. Then they came to the top of the yard?—Yes.

4822. Did you see the canvassers go into the yard?—Yes.

4823. Ritson's yard is a considerable distance, is it not, from Bussell's house?—Yes.

4824. Is it on the same side of the river as his house, or the other side?—The other side.

4825. Eastover way?—Yes.

4826. How far off from his house do you think it is?—I should think 500 or 600 yards; you must go over the bridge to go to it.

SIMON STEPHENS, sworn; Examined by Mr. Serjeant *Parry*.

S. Stephens.

4827. ARE you a servant now in the employ of Dr. Farmer of Bridgwater?—Yes.

4828. A medical gentleman?—Yes.

4829. Were you, at the time of the election,

in the employment of Mr. Hodges, a gentleman who lets out flies, and coaches of all kinds?—Yes.

4830. Is that the "Railway Hotel"?—Yes.

4831. Was

4831. Was Mr. Kinglake staying at that hotel?—Yes.

4832. Did you receive any orders on the day of the poll, to go out with a fly to take voters?—Yes.

4833. To take up voters to the poll?—Yes.

4834. Did you take up a great many voters in the course of the day to the poll?—Yes; I never went out till one o'clock.

4835. You know Mr. Bussell?—Yes.

4836. I mean Mr. Bussell of the "Anchor"?—Yes.

4837. Did you see him at all at his place, the "Anchor"?—Yes.

4838. Did you take any voters from there?—Yes; a great many.

4839. About how many do you think you took from the "Anchor"?—I cannot say exactly how many; I went there five or six times, and I took some every time.

4840. Did you take more than one at a time, or did you take only one at a time?—Sometimes I had not but one, and sometimes I had two or three.

4841. Was this all after one o'clock?—This was all after one o'clock.

4842. Did any one help them, or come out of the "Anchor" to help them into the fly?—Yes.

4843. Who did?—Mr. Bussell came out most of the time.

4844. Did you see a man named Honeyball there at all?—Yes; once I saw him there.

4845. James Honeyball?—He is employed by Mr. Brown, I believe.

4846. What time of day did you see him there; was it after one?—Yes; it was during the afternoon.

4847. Did he or not help any voters in?—He helped one out.

4848. Were you engaged all the afternoon, up to four o'clock, taking voters?—Yes; I was very busy from the time I went out till the poll was closed.

4849. Give us an idea altogether of the number of voters you took up?—I cannot remember all; I can remember the first few.

4850. I do not want to know the names so much as how many voters altogether you took up to the different polls?—I cannot say that.

4851. About how many?—I could not say; not how many it was; I picked them up anywhere about the town.

4852. As to the voters whom you took up, did you notice anything about them; I may ask you as to their freshness?—No, they were not very fresh after two o'clock; not after half-past two.

4853. What were they?—Some of them were very tipsy; they had to be helped into the fly, some of them.

4854. Were any of the voters that Mr. Bussell helped into the fly in that state?—Yes; Mr. Crocker, that was examined yesterday morning or the morning before; the stout man.

4855. You know Mr. Andrew Allan?—Yes.

4856. Did you see him or not at the "New Inn" on that day?—Yes.

4857. Did you see him more than once, or only once?—I saw him several times; he was in my fly at times, sometimes inside; he would get in along with the voters after he had helped them in.

4858. You took up several voters from the "New Inn"?—Yes.

4859. Andrew Allan helped them in and got in with them sometimes?—Yes.

65.

4860. In what state were they?—Not very fresh; not those I took from the public-houses. *S. Stephens.*

4861. What do you mean by a man not being very fresh?—He had more than he could get into the fly properly by his own help. *26 February 1869.*

4862. Do you know a voter of the name of Samuel Warren?—Yes.

4863. Where does he live?—In John-street, near the "Exeter Inn."

4864. Did you go to fetch him to the poll?—Yes, more than once.

4865. How often did you go, do you think?—I should think I went two or three times during the afternoon; I called for him coming back that way.

4866. Did anyone go with you to fetch him?—Not particular.

4867. When did he go in your fly to the poll?—He did not go in my fly after all to poll; he would not go.

Cross-examined by Mr. Serjeant *Sargood.*

4868. Do I understand you that you fetched people from the "New Inn," as well as from Bussell's house?—Yes.

4869. How many places did you go to altogether to fetch people?—I cannot say how many places I went to altogether.

4870. You went to some of them at their houses?—Yes, at the first going off, three or four.

4871. Do you mean in the afternoon?—As I went out first, just after one o'clock; people who were ill, who could not walk to the poll.

4872. You started about half-past one?—About one.

4873. Then your first job was to go round to various private places to fetch persons who could not walk?—Yes.

4874. Do you know how many persons you fetched up in that way?—About three.

4875. Were they at a distance, or whereabouts?—Not very far off; one was in Union-street, another in Bath-road, and the other in Williton-street.

4876. Did you take one at a time?—I took one first to the poll, and then I took him back, and then took up another.

4877. When you drove up one to the poll, did you wait for him till he came out again?—Yes.

4878. How long did that take?—Just time enough for me to turn my fly; a minute or a minute and a-half.

4879. Your first hour was occupied in going to those different places?—No, it did not take me an hour to pick up three people and take them back again.

4880. You think three was all that you took up in that way?—Three is all I recollect; the others I took up at public-houses.

4881. Where did you go to first after you took those three to the poll?—I went to the "New Inn."

4882. You did not see Bussell at the "New Inn"?—No.

4883. How did you find your way to the "New Inn"?—I knowed my way to the "New Inn." One with me would say, "Go to the 'New Inn,' there is a lot of them there penned in." There were plenty round the polling-booth.

4884. Then you went to the "New Inn"?—
N Yes,

S. Stephens. Yes, and as soon as I went there they brought them out, and pulled them in.

26 February 1869. 4885. Into the carriage?—Yes.

4886. How long were you going backwards and forwards to the “New Inn”?—I do not know; I had to pass the “New Inn” to go to the “Anchor” over the bridge; so I called there, and if there was nobody particular to take up there I would go to the “Anchor”; I did not wait about.

4887. It depended upon who was ready?—Yes.

4888. Were the “New Inn” and the “Anchor” the only houses you were kind enough to assist?—They were not the only houses I went to, I went to other parts; I cannot say exactly where I went to.

4889. Cannot you remember others?—Those were the two most places I went to.

4890. You went to them more often than the others?—Yes.

4891. How many people do you think you took from the “New Inn” altogether?—I cannot say.

4892. Sometimes you had one in your fly, and sometimes three?—Sometimes three, and sometimes four.

4893. Did you have five at times?—No.

4894. You say they were not particularly fresh; what do you mean by that?—Partly drunk.

4895. Not drunk enough to be fresh?—They were so drunk, that they were not capable of getting into the fly, most of them, by themselves.

4896. You mean they had been drinking up to that hour in the day?—Yes.

4897. If they could not get in, which is a less difficult operation than getting out, how did they manage to get out?—There were plenty to help them out at the pooling booth; there was generally a crowd round there.

4898. There was no difficulty about it?—No.

4899. You did not see anyone in particular doing that kindness for them; the crowd were quite willing to help?—There generally used to be one on the top just to help them out and see them to the poll.

4900. One who was at leisure would go with the fly?—Yes.

4901. You did not know who they were?—Not particularly.

4902. Who did you see at the “New Inn”?—Andrew Allan.

4903. Where was he at the “New Inn”?—He was inside and outside at times.

4904. How often did you see him?—Several times when I went there after voters.

4905. Sometimes outside?—Yes.

4906. You could not see him when he was inside?—Yes, I could.

4907. How?—Through the window, and I could see him in the kitchen.

4908. He did not go with you on the fly?—At times he did.

4909. Allan went with you to the poll?—Once or twice; I cannot be sure which it was; he got in the fly besides some one he helped in.

4910. Are you in the same employment now that you were in last November?—No.

4911. Who are you with now?—Dr. Farmer.

4912. He is a true Blue?—I do not know; it makes no difference to me if he is.

4913. When did you tell Dr. Farmer this?—I did not tell him at all.

4914. Whom did you tell?—I told no one particular; they subpoenaed me through knowing that I was driving my fly about during the election.

4915. Did not they come to you to take down what you knew?—A clerk came to me to tell what I knew.

JAMES CREEDY, sworn; Examined by Mr. Serjeant Parry.

J. Creedy. 4916. You are a labourer?—Yes.

4917. Did you see Mr. Kinglake and Mr. Vanderbyl canvassing during the last election?—I seen them coming along on the quay, direct from the “Lions” towards the bridge.

4918. Is the “Lions” on the other side of the bridge?—The “Lions” is on this side of the bridge.

4919. You saw them coming up in the way you have described: who was with them, do you know Henry Chapman Bussell?—I do.

4920. Was he with them at that time?—He was.

4921. Who else was with them?—Mr. Reed.

4922. Who else?—Jones.

4923. Colin Jones, the tailor?—Yes; and Messrs. Kinglake and Vanderbyl.

4924. Did you see what they were doing?—No.

4925. Were they standing still or walking on?—They were walking on.

4926. Together?—They were not so very far apart; Jones and Bussell was rather behind the candidates and the attorneys.

4927. That is all you saw at that time?—Yes.

4928. Did you see them another time together?—I saw them towards the post office, on the other side of the river, in the direction towards Mr. Ritson’s yard, what they call the East Quay.

4929. Were the same persons together?—The same persons were together.

4930. You did not see them do anything then?—No, I could not see anything against Mr. Bussell, because he has business to call him each side of the river, in the shipping way.

4931. But Messrs. Kinglake and Vanderbyl had no business in the shipping way, though Bussell has business to call him each side of the river, in the shipping way?—Yes.

4932. Is he well known over that way?—Yes, by the captains of vessels.

4933. Do the captains live over there?—Their business calls them there.

4934. Mr. Jones had no business to call him there?—No.

4935. Nor Mr. Kinglake, nor Mr. Vanderbyl?—No.

JAMES FORD, sworn; Examined by Mr. *Collins*.

4936. You are an Innkeeper, and you live in Wembdon-road?—That is right.

4937. Do you remember some days previous to the election seeing Mr. Kinglake and Mr. Vanderbyl?—Yes.

4938. Where were they when you saw them?—I saw them go into Smith's shop, the other side of the bridge.

4939. Where is Smith's shop?—Over the East Quay.

4940. Who did you see with them?—Mr. Jones.

4941. Stephen Colin Jones?—Yes.

4942. Was he with them?—He was with them.

4943. Did you see whether or not Colin Jones went into the house with them?—He did.

4944. Do you know a man named Henry Chapman Bussell?—I do.

4945. On the occasion you mention, did you see Bussell?—Not along with them.

4946. Where was Bussell?—I saw him come along the quay afterwards; and went over the bridge, and went into the house.

4947. Into Smith's house?—Yes.

4948. Were the candidates and Stephen Colin Jones still in the house?—Stephen Colin Jones was outside the door at that time.

4949. Did you see Bussell go in?—Bussell went into the house.

4950. Mr. Justice *Blackburn*.] Were Mr. Vanderbyl and Mr. Kinglake still in the house?—Still in the house then.

4951. Mr. *Collins*.] Some little time after that, did you see Mr. Vanderbyl and Jones come out?—I did.

4952. Did they go away together?—I saw them standing outside the door.

4953. Mr. Justice *Blackburn*.] You saw whom come out; who did you see come out of the house?—Mr. Vanderbyl.

4954. Who else?—Jones was outside; they stood outside the window; Jones and Mr. Vanderbyl stood outside the window.

4955. Mr. *Collins*.] Did you see at that time where Mr. Kinglake and Mr. Bussell were?—I saw Mr. Kinglake come out, but Bussell did not come out with them.

4956. Before Mr. Kinglake came out of the shop, did you see him speak to Bussell?—I did not.

4957. Do you know what became of Mr. Vanderbyl and Jones?—No.

4958. You left then?—Yes.

4959. Mr. Justice *Blackburn*.] When you left, were Mr. Vanderbyl and Jones still standing there?—They were standing just outside Smith's window, a little towards the post office.

Cross-examined by Mr. *Edlin*.

4960. How long before the election was this?—I cannot tell how many days it was before the election.

4961. Are you a voter?—Yes.

4962. Blue, of course?—Yes.

4963. What were you doing the morning you saw them?—I am a mariner; I get my living standing about there; we have to stand and wait for our work.

4964. Who is this Mr. Smith; he keeps a grocer's shop, does not he?—He does.

4965. It is a large window, is not it?—Yes.

4966. And you can see pretty well into the shop from the outside?—You can now, but could not then, I think; his window has been altered.

4967. He has got a fine new window?—Yes.

4968. You told us you saw Mr. Kinglake and Mr. Vanderbyl go into the shop; I did not understand you to say that you saw anyone go in with them?—Jones went in with them.

4969. The tailor?—Yes.

4970. After them?—He went in with them.

4971. The same time?—The same time.

4972. Then he seems to have come out without them?—He did come out without them.

4973. Did he go in to buy anything?—I do not know; he may or may not.

4974. When he came out, do you say he stood outside?—He stood outside.

4975. And then was it after that, that Bussell came up to the place and went into the shop?—Bussell came into the shop just as Jones came out; he came up the quay and went over the bridge; they were all in the shop before he went in.

4976. Could you see whether he went to that part of the shop where Mr. Kinglake and Mr. Vanderbyl were?—I cannot say, because Bussell might go in there 20 or 30 times a-day.

4977. Were there many people going about with the candidates?—I never saw anybody going about with them, no more than people of my own sex standing about the quay.

4978. It seems they came out and left Bussell in?—Bussell was in the shop; Bussell never came out with them.

4979. Did they go down the quay alone?—I did not see them go down the quay.

4980. Who went away with them when they went away from Smith's shop?—I did not see anyone at all.

4981. You did not see Jones?—No; Jones was outside. I never saw him go anywhere with them.

4982. Do you know whether Jones is a friend of Smith's?—I cannot say.

4983. When were you first asked to come here and give this evidence?—I cannot say what day it was.

4984. You got a subpoena, did not you?—Yes.

4985. How many days ago?—Last Friday or Saturday.

4986. You got your subpoena not before Friday?—Friday, I think.

4987. Is not the door of this grocer's shop kept open?—Most always open.

4988. Is it not very much frequented?—Yes.

J. Ford.

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EDWIN EVANS, sworn; Examined by Mr. Collins.

- E. Evans.* 4989. You are a cordwainer?—Yes.
 26 February 1869. 4990. You live at Bailey's-court, West-street?—Yes.
 4991. Do you remember the afternoon of the 13th of November?—Yes, I remember the 13th of November.
 4992. You were near the bridge at that time, I believe?—I do not speak positively to that day. I was at the bridge.
 4993. On the 13th?—It may be that day or before. I was there several days about that time.
 4994. Did you see Mr. Kinglake?—On several occasions.
 4995. You know Henry Chapman Bussell?—Yes.
 4996. Did you ever see Henry Chapman Bussell with Mr. Kinglake?—Yes.
 4997. About the 13th of November?—I will not speak positively to the day of the month.
 4998. In which direction were they going?—Coming from the West Quay over the bridge, from the direction of the West Quay over the bridge towards Eastover.
 4999. How were they walking?—Close.
 5000. Together?—Three gentlemen in company.
 5001. Who were the three?—Mr. Kinglake and Bussell; the other gentleman I do not know. I might have known him. I did not take particular notice.
 5002. Those three gentlemen were walking together?—Yes.
 5003. Do you remember on any occasion seeing

Mr. Kinglake and Mr. Bussell walking together, and Mr. Vanderbyl coming up?—On that same occasion, at the same time, Mr. Vanderbyl was close in the rear, coming up from the same direction and going in the same direction; coming from the West Quay over the bridge towards Eastover.

5004. That was going away from Bussell's?—Coming from the direction of it.
 5005. And going away from it?—Yes.
 5006. Do you know Mr. Henry Jarman?—Yes.
 5007. Do you also know Mr. Eustace Barham, the election agent?—Yes.
 5008. Did you ever see Messrs. Kinglake and Vanderbyl in North-street with either of those gentlemen?—Yes.
 5009. With both of them?—With Mr. Jarman and Mr. Barham.
 5010. The two candidates?—Yes.
 5011. When you saw those four gentlemen what were they doing?—Canvassing from house to house soliciting for votes.
 5012. Mr. Justice *Blackburn.*] What street did you say it was?—In North-street, West Bow-terrace.
 5013. Mr. *Collins.*] Do you know a gentleman named James Allway?—Yes.
 5014. Have you ever seen the Liberal candidates with James Allway?—I think I did on one occasion, but I could not positively state the exact time.

GEORGE KNAPPER, sworn; Examined by Mr. Collins.

- G. Knapper.* 5015. ARE you a carter, and do you live at West-street?—Yes.
 5016. Did you ever see Mr. Kinglake and Mr. Vanderbyl on the West Quay?—Yes.
 5017. Do you remember the street they came out of?—Castle-street.
 5018. What were they doing on West Quay?—Calling at the neighbours' houses; calling at the doors.
 5019. Do you know Henry Chapman Bussell?—Yes.
 5020. Was he with them?—Yes.
 5021. Did he go into any houses with them?—He went into one of them.
 5022. What did he do when they went into the others?—He stood outside the other two doors.
 5023. And did he join the Members when they came out?—Yes.
 5024. How long were you watching them?—About a quarter of an hour.
 5025. During all that time Bussell was with them?—Yes.

ANNA MARIA SMITH, sworn; Examined by Mr. Collins.

- A. M. Smith.* 5026. Do you remember the Thursday before the last election, before the polling day?—Yes.
 5027. Were you in a street called Monmouth-street?—Yes.
 5028. Where is that?—You go down Eastover and turn by the "Queen's Head."
 5029. Is that the other side of the bridge?—Yes.
 5030. How far from the bridge the other side?—I think about a quarter of a mile.
 5031. Did you see the candidates, Messrs. Kinglake and Vanderbyl, there?—Only Mr. Vanderbyl.
 5032. Do you know Henry Chapman Bussell?—Yes.
 5033. And Mr. Stephen Colin Jones?—Yes; I know him, but I did not see him.
 5034. Was Mr. Bussell with Mr. Vanderbyl?—Yes.
 5035. What were they doing?—They were walking through the streets and talking; it was a Thursday or a Friday; they were walking through the streets and talking.
 5036. At the same time, and near the same place did you see Jones?—No.
 5037. You only saw Bussell and Mr. Vanderbyl?—Yes, and the other gentlemen.
 5038. Who were the other gentlemen?—I cannot say.
 5039. You know Bussell, I suppose?—Yes.
 Cross-examined by Mr. Serjeant *Sargood.*
 5040. Whereabouts was this?—Opposite Mr. Young's in Monmouth-street.
 5041. Was

5041. Was it near the bridge?—Near the turnpike gate in Monmouth-street.

5042. Was it near the bridge; how far from the bridge?—I suppose about a quarter of a mile.

5043. And Eastover is over the bridge?—Yes.

5044. Mr. Justice *Blackburn.*] Is this Monmouth-street on the same side of the river we now are, or on the other side?—The other side.

5045. Not the same side as the “Anchor”?—No.

5046. Mr. Serjeant *Sargood.*] Do I understand this was on the polling day?—No, the Thursday or Friday before.

5047. What were you doing at this time?—Walking along the street.

5048. Were you walking in the same direction as those gentlemen, or were you meeting them?—They were going down and I was going up.

5049. You were coming towards them?—Yes.

5050. Meeting them?—Yes.

5051. Were you out taking a walk, or out on business?—Out on business.

5052. You did not stop to speak to them or to stare at them?—No.

5053. You continued to walk along the road?—Yes, I done my business where I had to go.

5054. How many people were about at that time?—I did not see many about; I did not see any one I knew.

5055. Were there half-a-dozen altogether, or more than that?—I did not notice.

5056. You do not remember?—No.

5057. You know Mr. Bussell, I suppose, by his being a person who lives in the town?—Yes.

5058. Mr. Vanderbyl being the popular Member, you would know him, I suppose?—Yes.

5059. Did you know anybody else?—No, I did not know the other gentlemen.

5060. All you know is that as you walked down the street you saw them coming up, and they were talking?—Yes, I met them.

5061. When did they give you the trouble to tell them all that and write it down?—Last Saturday.

WILLIAM POOLE, sworn; Examined by Mr. Serjeant *Parry.*

5062. ARE you by calling a tailor?—Yes.

5063. Living in John-street?—Yes.

5064. About a week before the election, do you remember seeing Mr. Kinglake and Mr. Vanderbyl canvassing?—Yes.

5065. Who was with them that you recollect?—Mr. James Sully, and Mr. Stephen Jones, and Mr. Henry Bussell, and I think one or two others, that I do not recollect the names of; there were five or six.

5066. Where was this that you saw them?—I saw them go into George Falconer's house.

5067. Where is that?—Opposite where I live in St. John's-street.

5068. How far is where you saw them canvassing with Bussell from Bussell's house, the “Anchor”?—I should think a good half-mile.

5069. It is over the bridge in Eastover?—In St. John's-street.

5070. Over the bridge?—Yes.

5071. Tell us what you saw?—I saw them go into the next house to Falconer's, the “Sailor's Home.”

5072. Mr. Justice *Blackburn.*] You say “they,” who went in?—I think they all went in with Mr. James Sully.

5073. Mr. Serjeant *Parry.*] Were those the two houses you saw them go into?—Yes, they turned back after they had finished those two.

5074. They came back this way?—Yes, the

men was coming up from the foundry at the time, about two o'clock.

5075. You know Stephen Jones?—Yes.

5076. The tailor?—Yes

5077. Did he canvass you for your vote?—He was the first of the party that came into the shop.

5078. Mr. Justice *Blackburn.*] Do you mean your shop?—Yes, where we work.

5079. Mr. Serjeant *Parry.*] That was not the same time you saw the others?—That was the Saturday before the election, I cannot be positive to the other day; that was Saturday.

5080. Who was with Mr. Jones; the candidates?—Yes.

5081. Mr. Kinglake and Mr. Vanderbyl?—Yes.

5082. Were others with them?—Mr. Henry Lovibond's son was one.

5083. Mr. Justice *Blackburn.*] What was done when they came to your shop?—Mr. Vanderbyl it was that solicited me for my vote; I told Mr. Vanderbyl I had promised to vote for Mr. Westropp; Mr. Vanderbyl asked me if I had promised the other; I said, “I had not”; then he said, “You will give one of us your other vote,” then I did not say good or bad to that.

5084. What did Jones, who came in with them, do or say?—When he came in he said, “I have brought the honourable gentleman to you.”

ROBERT POTTER, sworn; Examined by Mr. *Collins.*

5085. YOU are a carpenter, and you live at No. 7, Edward-street, in this town?—Yes.

5086. You work at some carriage sheds?—Yes.

5087. Whose carriage sheds are those?—The Bristol and Exeter Railway Company's.

5088. On a Saturday afternoon, shortly before the last election, where you in St. John's-street?—Yes.

5089. Which side of the river is St. John's-street?—Towards the station.

5090. On the other side of the river?—Yes.

65.

5091. How far from Bussell's house?—A quarter of a mile; it may be more.

5092. Mr. Justice *Blackburn.*] Is this the same street as the other witness spoke to; St. John's-street?—Yes.

5093. Mr. *Collins.*] Poole lives in that street?—Yes; he works in it.

5094. Did you see Mr. Kinglake and Mr. Vanderbyl there?—Yes.

5095. Do you know Henry Chapman Bussell, of the “Anchor”?—Yes.

N 3

5096. Was

A.M. Smith.

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W. Poole.

R. Potter.

R. Potter. 5096. Was he there?—Yes.
 5097. Were the Members with him?—Mr. Vanderbyl was coming out of the house when I saw him.
 5098. What house?—A house in St. John's-street; I did not take particular notice what house it was.
 5099. Mr. Justice *Blackburn.*] You say you saw Mr. Kinglake and Mr. Vanderbyl there; where were they?—They were in John-street.
 5100. In the street?—Yes.
 5101. Where was Bussell?—Bussell was outside; outside the door, waiting till they came out.
 5102. Then they were not in John-street; they were in the house?—Yes.
 5103. Mr. *Collins.*] Did you see them come from anywhere?—I saw Mr. Vanderbyl come out of a house; Bussell was in the street, waiting till Mr. Vanderbyl came out.
 5104. Had the Members anything in their hands?—Mr. Vanderbyl had a red book in his hands.

Mrs. HENRY SARAH HOBBS, sworn; Examined by Mr. Serjeant *Parry.*

Mrs. H. S. Hobbs. 5114. ARE you the wife of Henry Hobbs, of Eastover?—Yes.
 5115. You know the "Globe Inn"?—Yes.
 5116. On the polling day of the last election, did you notice people coming in and going out of the "Globe Inn"?—I did.
 5117. Where is your house in reference to the "Globe Inn"?—Directly opposite.
 5118. Whom did you see going in and out?—There were so many going in and out.
 5119. There was a great deal of bustle, of course?—Yes.
 5120. Do you know Henry Chapman Bussell?—Yes.
 5121. Did you see him go in and out?—I did.
 5122. What time of day was that?—I cannot tell exactly, because I saw him so many times go in and out.
 5123. Did you know the room which was used as the committee-room of the Liberal party?—The large room, called the Assembly-room.
 5124. Did you or did you not see him go in and out of that room?—I saw him go up the stairs, and after he was in the room I could see him from my bedroom window, and also from my sitting-room window.
 5125. What time of the day of the election was this; was it the morning or afternoon?—I saw him go in before dinner more frequently than after dinner.
 5126. Did you always see him going in this room?—Yes.
 5127. Mr. Justice *Blackburn.*] What is your dinner-time?—Our usual dinner-time is from one to two o'clock.
 5128. Was it on this occasion?—I saw him more frequently before one or two than after.
 5129. Mr. Serjeant *Parry.*] You used the expression, "You saw him so many times"; give me how many times you think you did see him?—At least half-a-dozen times.
 5130. Do you know Mr. Lovibond?—I do.
 5131. Did you see him there?—Yes; I saw him go in under the archway, and I cannot see the stairs, but when they are in the room, I can see them again.
 5132. When you saw Bussell in the room, whom did you see in the room also; did you see

5105. Was Mr. Kinglake there?—I believe he was.
 5106. When Mr. Vanderbyl came out of the house, what became of him and Bussell?—I do not know.
 5107. Did they join?—I do not know whether they joined or not; I was walking along in a hurry; I was walking along fast.
 5108. How long have you known Bussell?—Three years.
 Cross-examined by Mr. Serjeant *Sargood.*
 5109. Did you speak to him?—No.
 5110. You were going along the road on business?—I was going along the road on business.
 5111. You saw him standing there; that was all?—Yes.
 5112. You went on, and did not speak?—I went on, and did not speak.
 5113. When did they catch you, to tell them all this; when did you tell the other side this wonderful news?—Last evening.

Mr. Lovibond?—I saw him once during the time Bussell was there.
 5133. Mr. Justice *Blackburn.*] Which Mr. Lovibond?—Henry Lovibond.
 5134. The father or the son?—The father.
 5135. Mr. Serjeant *Parry.*] Did you see Mr. Reed at all there?—Yes.
 5136. Did you see Bussell in his company also?—I saw them in a group altogether; I saw Mr. Henry Bussell in the group with several other gentlemen; Mr. Henry Lovibond with them.
 5137. Mr. Justice *Blackburn.*] You said something about Mr. Reed also?—I saw Mr. Reed there also.
 5138. In the room?—In the room; Mr. Reed saw me.
 5139. Mr. Serjeant *Parry.*] Did you see Mr. Cook there?—I did.
 5140. Did you see Mr. Bussell also with him, or not?—Yes; at the same time.
 5141. Is that what you call the group?—Yes.
 5142. Mr. Justice *Blackburn.*] I thought you said room?—I said in the group altogether.
 5143. Mr. Serjeant *Parry.*] Did Mr. James Wood Sully form one of the group?—Not at the time that I particularly noticed.
 5144. At the time you saw this group with Bussell, Lovibond, and Cook, could you tell us about what time that was?—I think it was between one and two, because of a niece that comes from school at that time, she was home.
 5145. Mr. Justice *Blackburn.*] Explain how your niece, coming home at that time, fixes the time?—I am not sure to the precise time, I know she was home at her dinner; she is sometimes home at twelve, sometimes one, but she always stays till two.
 5146. Mr. Serjeant *Parry.*] It was while your niece was with you?—Yes.

Cross-examined by Mr. *James.*

5147. This room is a large room, this Assembly-room?—It is.
 5148. Is the window a large bay-window?—No; there are three windows one side of the room.

5149. Is

5149. Is that the side upon which you were looking?—Yes.

5150. You live the other side of the street?—I live directly opposite.

5151. You could see in through those windows?—I could see more distinctly from one than the other two, because there is a light directly opposite.

5152. There was no blind or concealment?—No blind whatever.

5153. So that you could see in quite openly?—Yes.

5154. There were a great many people there?—A great many; the room at one time was very much crowded.

5155. In the ordinary events as the day got on towards the close of the poll, towards four, more people came than would come in the morning?—Not so many towards the close of the poll.

5156. At the time you mention, between one and two and three, the room was very much

crowded?—Very much crowded; there was a great deal of bustle and movement going on.

5157. Those people you saw in this room altogether were all talking openly in the room, so far as you saw?—What I particularly noticed in this group was a gentleman holding a small piece of paper and the others all round him.

5158. You do not know what a state of the poll is?—No; I guess what it is: I had the impression that it was the state of the poll they were looking at.

5159. Even you ventured to look at the state of the poll that day?—I did not; I heard it mentioned.

5160. Mr. Justice *Blackburn.*] I thought you said, when you saw Reed in the group, Reed saw you?—Not at the particular time I noticed this group, but Mr. Reed noticed me once; he was leaning at the window, and I was looking out of my window.

5161. Not at the time of the group?—No.

[The Court adjourned for a short time.

Mrs.
H. S. Hobbs.

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Mr. Serjeant *Sargood.*] Since the Court adjourned, I have had an opportunity, in conjunction with my learned friend, Mr. Edlin, who is my junior, of communicating with my learned friend, Mr. James, who appears on behalf of Mr. Kinglake, and perhaps I owe your Lordship a personal apology, if, in the course of an inquiry, which certainly has been one of very deep anxiety, but somewhat tedious, one has been tempted to go out of that which is the strictly judicial atmosphere, and to say or to do occasionally a few things which seemed to lighten the burden of the day. But notwithstanding that, it has not been without very deep anxiety that my learned friends and myself have watched the course of this inquiry. Of course the opening of my learned friend, Mr. Serjeant Parry, necessarily relieved us considerably: he, with his usual candour, at once said that the sitting Members personally were in no way impeached; but of course the circumstances which he stated he hoped to be able to bring out in evidence, and unquestionably, if coupled with sufficient agency to render certain consequences inevitable, have given us the very deepest anxiety; and the course of the inquiry to-day has been such that, in consultation with my learned friend who represents the other Member, he and I have both felt that, in point of law, we could not expect to convince your Lordship that there was not sufficient connection between the parties who have been implicated in this matter, and who, my learned friend says, are absent, and the active supporters of the candidates who were successful, for your Lordship to say that the agency had not been proved; and though I very deeply regret, as no doubt many others do, that the indiscretion of absent parties may have brought about such a result, I feel that it would be inconsistent with that respect which is due to your Lordship, and to the tribunal before which we appear, to go through the simulation of contesting that which we feel we ought not any longer to contest, and therefore I feel it my duty to tell your Lordship, that in the present state of the evidence, after what we have heard to-day, I cannot feel that I should properly occupy your Lordship's time and the public time by longer contesting the course of this petition. I do so with very deep regret; but I feel it is only what is due to your Lordship, that I should frankly state the impression on my own mind upon the matter, and not attempt longer to go through the simulation or affectation of resisting that which I felt could not, and ought not, to be any longer resisted.

Mr. James.] My Lord, under ordinary circumstances I should not seek to add one word to what has been stated by my learned friend, but I am sure, my Lord, your Lordship will forgive me if, perhaps, from over anxiety at this moment, I ask leave to say one word on behalf of Mr. Kinglake. My Lord, so long as my learned friend's case was unfinished in respect to the allegation of corrupt practices that could be proved, it was the wish of Mr. Kinglake, and every one connected with him, that no step should be taken to stay this inquiry; but, my Lord, it may now be taken that every fact that can be brought forward to prove that corrupt practices prevailed within this borough has been placed before your Lordship, and, my Lord, the only one thing to deal with now is the personal honour of Mr. Kinglake. It is, therefore, I would wish to say, if your Lordship will allow me, a few sentences, and a few sentences only, on the position in which Mr. Kinglake has been placed. It is true he is a Somersetshire man by birth, but now, my Lord, he has attained an almost European reputation, and the personal honour of such a man is not to be lightly dealt with. His connection, too, with this town—now the principal town of his native county—is, of course, such a connection that the honour and reputation of others has become dear unto him; and, my Lord, it is on their behalf too, that he would wish to say one word.

My Lord, as far as Mr. Kinglake is personally concerned, he has been absolved by my learned friend, and the evidence proves that that absolution was justified. It was when he thought that the battle had been lost that he deserted the field, but only when he believed it was hopeless; and if there had been an intention to be a party to any corrupt practices he would not have deserted the field which he was in hopes to win; but it was after he had left this town that these corrupt practices took place that have been pointed at, and which we have come to the conclusion your Lordship would think have taken place, not by one supporter of any particular member, but an over-zealous friend of the cause. My Lord, Mr. Kinglake feels, acting upon our advice, that legally now, by the evidence

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given this morning, it is impossible for us to resist the proof placed before your Lordship, and, therefore, my Lord, I simply say he is anxious to place before you and the public that he has had no heart or part in such transactions—that he knew nothing of them. He now, my Lord, respectfully bows his head before the current that he cannot stem, and simply is anxious to express his regret that on this day there should be a parting under such circumstances with those who have gained from him something more than sympathy, almost affection, and, my Lord, to whom he will always have to express his deepest gratitude. With your Lordship's permission I will ask a few questions of Mr. Kinglake.

Mr. Serjeant *Sargood*.] I need hardly probably add that I intended to ask permission of your Lordship to call Mr. Vanderbyl.

Mr. Justice *Blackburn*.] Very well.

ALEXANDER WILLIAM KINGLAKE, Esq., M.P., sworn; Examined by Mr. *James*.

A. W.
Kinglake,
Esq., M.P.

5162. YOU have represented this borough in Parliament since the year 1857, I believe?—Yes.

5163. As we are aware, you were a candidate at the last election, in conjunction with Mr. Vanderbyl, in the Liberal interest?—I was.

5164. From the state of the poll and other things, I believe you left the town by the mid-day train?—Yes.

5165. Had you the slightest knowledge, directly or indirectly, of any corrupt practices existing, or being about to exist, at this election?—I believed that I knew the reverse at the time of my departure.

5166. Had you taken every step, by directions to every one about you, to secure a pure election here, whatever might be the result?—I think I must do the justice to Mr. Lovibond—

5167. Just take it generally, please?—The determination to conduct the election within the strict bounds of legality originated, I must say, with Mr. Henry Lovibond, my head agent.

5168. If you will pardon me, we will take you very shortly through this. Had you any knowledge whatever, from instructions given, or from communications, that there was the probability or the possibility of Bussell or any one resorting to any corrupt practices?—None whatever.

5169. Did you strive, by direction and by personal interference in every way you could, to secure a pure election in this borough?—I did.

5170. This evidence has brought facts to your knowledge of which you were perfectly ignorant?—Entirely.

PHILIP VANDERBYL, Esq., M.P. sworn; Examined by Mr. Serjeant *Sargood*.

P.
Vanderbyl,
Esq., M.P.

5171. YOU were the colleague of the last Witness, Mr. Kinglake, in the recent election?—I was.

5172. You also had the pleasure of sitting for this borough previously?—I had.

5173. Did you, as well as Mr. Kinglake, give to your agents direct instructions to avoid all such

irregularities as might place the election in jeopardy, if you succeeded?—I did.

5174. Had you any personal knowledge of these matters at that time; these transactions by Bussell and other parties?—I had not.

5175. Did you give any instructions or authority to any person in the world who could have sanctioned them?—I never did.

Mr. Serjeant *Parry*.] My Lord, after the course that has been taken by my learned friends, and which I may say I had rather anticipated, without receiving from them any communication, I have only a very few words to add. Your Lordship observes that I have not cross-examined either Mr. Kinglake or Mr. Vanderbyl. If this inquiry were still being contested, I should, of course, have felt it my duty to put questions to those gentlemen, in order to see how far the agents that were at work for them after the middle of the day in the election, were recognised by them as agents, and if either Mr. Kinglake or Mr. Vanderbyl were at all aware of what those agents were doing.

My Lord, it is impossible to doubt the word of a gentleman like Mr. Kinglake. If even without being upon his oath he came forward and stated before your Lordship and the high tribunal you represent, upon his honour, that a fact was so and so, I believe there is no man in this country but would believe him. I have, therefore, felt it my duty to abstain from putting any questions to Mr. Kinglake or to Mr. Vanderbyl. The sole object of this Petition was to show to your Lordship that the seats of these gentlemen had been obtained by corrupt practices. If the inquiry had continued I should have had to lay before your Lordship a body of evidence which, if any natural doubt now exists, or could by possibility exist, as to what took place at the last election, would have satisfied your Lordship, and would have satisfied everybody, that the case which I originally laid before your Lordship of corrupt practices by means of bribery, and by means of extensive treating on the part of well-known agents of the sitting Members, had really prevailed, and that therefore they were not entitled to hold their seats any longer.

The course that my learned friends have taken relieves me from the necessity of placing that evidence before your Lordship; and if your Lordship is satisfied that the course that has been taken by my learned friends is the right one, I am perfectly satisfied also. That being so, I do not, and those who instruct me do not, desire in any way to prolong this inquiry. I can only say, my Lord, it is a painful position at all times for counsel to be placed in, to have to make charges of the kind that are alleged in this Petition. Though no doubt in this Petition there are charges of personal corrupt practices on the part of the sitting Members, your Lordship will bear in mind that I entirely aban-

doned

done that, in the statement which I had made to you in opening this case; and having looked at the whole of the evidence that was laid before me, I could sincerely say, as I did say, and as I say now, that at that time I had not the slightest idea that there was any personal corruption against either of the gentlemen who are Members for this borough.

Having said that before, and saying it now, I presume really it is not for me hardly to make any further observation. The Petition that has been presented to your Lordship's Court has succeeded; the defence is abandoned, and the object of the Petitioners is gained. I well know that Mr. Westropp and Mr. Gray cannot feel at all any gratification at the result. It is impossible that they should do so, but I believe they do feel that in what they have done they have performed a public duty. That was their sole intention, and in performing that public duty I hope they have satisfied your Lordship of this, that the seats of the two sitting Members are utterly untenable.

Mr. Justice *Blackburn.*] There are one or two smaller matters which, not expecting this course, I have not quite determined, but upon the important part of the inquiry I can express my determination at once.

The law requires that when an inquiry upon an election petition has been heard, the judge should in the first instance determine whether or not the two Members were duly returned and elected. As to that, the law is very clear, and it has long been clearly established, that where there is bribery or corruption, the seat obtained by the bribery or corruption cannot be supported. I believe the law to be, though I do not think it has been distinctly settled, that if the bribery or corruption was to such an extensive degree (though it was not shown to be in any way connected with the agents or persons belonging to the Members) as to show that it was not a fair and open election, but a corrupt election, or if it was shown that corrupt practices of any sort, however small, were committed by an agent of the sitting Member, the seat is vacated; and it has been established that it is not at all necessary and essential that the agent should have been acting with the knowledge or consent, or with the request, of the Member; if he abuses his authority, and commits corruption, it equally vacates the seat as if the corrupt practices had been committed by the express direction and authority of the Member. It has never yet been distinctly and precisely defined what degree of evidence is required to establish such a relation between the sitting Member and the person who had been guilty of corruption, as should constitute agency. I do not pretend to be able to define it, certainly; no one yet has been able to go further than to say, as to some cases, that enough has been established to make the seat vacant, and in some other cases, enough has not been established to make the seat vacant; this case is on the right side of the line, and that is on the wrong side of the line; but the line itself has never yet been definitely drawn, and I profess myself to be unable accurately to draw the line. But, in the present case, certainly, I believe quite sufficient *prima facie* evidence has been given to call for an answer; enough *prima facie* evidence has been given to show that those who have been shown to be guilty of corrupt practices here were agents of the Members, and no doubt counsel were perfectly well advised when they advised their clients that that *prima facie* case of which evidence had been given, could not be rebutted or overset, and, consequently, that the seat was lost.

But the Legislature requires me to go further. Where any charge is made on a petition that any corrupt practices have been committed at an election, the judge has to return: first, whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice. Now, upon that there was no evidence whatever produced before me to show that either of the sitting Members in any way had a personal knowledge of, or consented to, the corrupt practices. There was no evidence that could have justified such a finding, and as both the Members have been called to deny that there was such a thing of which there has been no evidence, I need not say that I have great pleasure in certifying that there was no corrupt practice proved to have been committed by, or with the knowledge and consent of, any candidate at such election.

Then the Legislature requires me to go further, and to state the names of all persons, if any, proved at the trial to have been guilty of corrupt practices. Before I state precisely the names of those persons, I shall require to look over my notes, and consider the evidence which has been given with respect to the cases of those persons. It is likely that with respect to some of those persons, I may be inclined to think that no case at all has been made with respect to them; and, with regard to others of them perhaps, I should rather hesitate and doubt, and say the cases were not proved, rather than that the men were innocent. But there are some with respect to whom I have no doubt at all, and particularly there can be no doubt that, upon the evidence as it stands, Henry Chapman Bussell was shown to have been guilty of bribery.

With respect to the case of the man Palmer, though he received the money, I do not think he can be properly said to have been guilty of bribery, because he never took the money with the intention to influence his vote.

With respect to Captain Crocker, who, by his own confession was guilty of bribery, I must return his name as having been guilty of corrupt practices; but, as he spoke the whole truth, he is entitled to apply for a certificate of indemnity, which will relieve him from all possible penalties. But with respect to Henry Chapman Bussell, who has not come forward and spoken the truth, I must, according to the Act of Parliament now in force, return his name to the House of Commons, in order that it may be laid before the Attorney General to consider whether the evidence is sufficient to support a prosecution. As he has chosen to leave the country, and not to come forward and obtain a certificate, he will be liable to that prosecution; and, I presume, unless he chooses to be an outlaw for life, he will be prosecuted when he does return. I mention all this, because it is very desirable that subordinate agents and others should be aware that, as the law now stands, they do not baffle justice by leaving the country and refusing to come and give their evidence; there will be clearly a case as against him.

26 February
1869.

As to Andrew Allan, I must look carefully at the evidence, in order to see whether I should report his name as having been proved to have been guilty of corrupt practices.

I think, as at present advised, that I shall report the name of James Hayward, the captain who was at Swansea, who positively swore that he was not bribed. I think, on the evidence, I should come to the conclusion, that he was; I believe he was seeking to get paid for his vote; he was chaffering for it, and offering it for sale, and having professed to be going to vote for the Tories, on his way to the poll he spoke to Bussell, and then went and voted on the other side. I will consider the evidence, but at present I am inclined to think that I must return his name as having been bribed, though in doing so, if I do come to that conclusion, I must make the direct assertion that I believe him to be not only guilty of bribery, but also guilty of perjury. There are several others with respect to whose cases I must look into the evidence before I say whether I shall report them to have been guilty of corrupt practices.

Now, I come to another very important matter. The third thing which I am called upon to report is, whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the Petition relates. The object of that return is to guide the House of Commons in considering whether or no the place where the election took place is so corrupt that an inquiry should take place with a view to arriving at a conclusion whether the franchise should be continued or not; and, upon that, which is a very important subject of inquiry, we have had sufficient evidence. If there were any ground to think the case had not been complete upon that, I should not have allowed the inquiry to stop now. Upon that I am sorry to say I must come to the conclusion, that corrupt practices have extensively prevailed. The evidence has satisfied me of this, that a very considerable proportion of the voters in this borough were, during the day of the election, making inquiries in the phrases which have been used, "Whether anything was going?" "What stuff was going?" and phrases of that sort. The evidence also satisfied me that a considerable number of people, some of whom no doubt, would have been made out to be agents of the sitting Members, others of whom, probably would not, did repeatedly hold it forth, and the belief got amongst the people, that if anything was going, those who voted first should be paid as well as those who voted later, and received payment. If a single case of such a promise as that, a qualified promise, that if others get bribes you shall get one, proved against an agent of the sitting Member, would vacate the seat as much as if the bribe were actually handed over (which, however, I am not at present considering); treating such promises as corrupt practices, I believe from the evidence there certainly was reason to believe that they did extensively prevail at the last election. We find the consequence, and the result of the prevalence of this belief, in the state of the poll. Somewhere about one o'clock, Mr. Westropp and Mr. Gray were in a large majority; the majority for Mr. Westropp being 148, and for Mr. Gray, 129. Immediately after that time bribes were given, which were proved to have been given by Bussell; and no doubt as soon as ever there was any payment at all, it became generally known that "money was going." And then we find, as soon as that became known, very few votes indeed were polled for Mr. Westropp and Mr. Gray. At one o'clock, the highest number of votes on the Conservative side, namely, those recorded for Mr. Westropp, was 607, and at the close of the poll he had no more than 681. From one o'clock, therefore, to the close of the poll, there were only 74 votes polled for Mr. Westropp. On the Liberal side, the highest number of votes recorded at one o'clock (namely, those for Mr. Kinglake), was 465, and at the close of the poll it reached 731; consequently, there were 270 votes polled for Mr. Kinglake between one and four. It is impossible to resist the conclusion I draw, that the previous promises and holding forth that if anything was going all should be treated alike, and the actual bribery, which probably did not extend to a very large sum in gold that was parted with, but actual bribery in making that contingent promise at once absolute and unconditional, resulted in this, that a very considerable number (perhaps not all) of those 260 voters, who polled after one o'clock, were influenced by corrupt reasons.

Taking that view of the matter, the conclusion I come to is, that I must report to the House that, in my opinion, corrupt practices have prevailed, and that there is reason to believe that corrupt practices have extensively prevailed in the borough at the last election. What the House of Commons may do upon that, it will be for the House to consider.

I need hardly say that in a case like this, where the Petitioners have succeeded, the ordinary rule is that the Petitioners have costs; and as there is no reason to depart from the ordinary rule, of course the Petitioners must have costs.

BRIDGWATER ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

BRIDGWATER ELECTION PETITION.

(1869.)

*Ordered, by The House of Commons, to be Printed,
5 March 1869.*

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COPY
OF
MINUTES OF THE EVIDENCE
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THE TRIAL
OF THE
CASHEL ELECTION PETITIONS.
(1869.)

*Ordered, by The House of Commons, to be Printed,
2 April 1869.*

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R E P O R T.

PARLIAMENTARY ELECTIONS ACT, 1868.

In the Matter of an Election Petition for the Borough of Cashel, between *Henry Munster*, Petitioner, and *James Lyster O'Beirne*, Respondent.

And of another Election Petition for the said Borough of Cashel, between the same Petitioner and the same Respondent.

I do hereby certify to the Right Honourable The Speaker, that the Election Petitions above-mentioned were tried together before me, at Cashel, upon the 16th, 17th, 18th, 19th, and 20th days of February, 1869; and that at the conclusion of the said trial I did, on the said 20th day of February, determine that the said James Lyster O'Beirne was not duly elected or returned to serve in Parliament as Member for said Borough of Cashel, at the election to which said Petitions relate. And further, that the said Henry Munster was not duly elected, and ought not to have been returned to serve, as aforesaid, inasmuch as the said Henry Munster was not proved to have had a majority of legal votes, and was moreover proved at the said trial to have been guilty, by his agents, of bribery at the said election. And further, that the said election was void.

And, in addition to the above certificate, I do report—

1st. That the corrupt practice of bribery was proved to have been committed by and with the knowledge and consent of the said James Lyster O'Beirne at the said election; such bribery consisting in the payment to voters of alleged claims of money against the said James Lyster O'Beirne, arising out of a previous election for the said borough, in the year 1865; and also in the paying, and agreeing to pay, large sums of money to voters for the hire of apartments in the houses of such voters, colourably for the purpose of committee or tally rooms; such payments and agreements respectively being made in order to induce such voters to vote for the said James Lyster O'Beirne at the said election. And further, that no corrupt practice was proved to have been committed by or with the knowledge or consent of the said Henry Munster at the said election.

2nd. That the several persons hereinafter named, and all of whom are mentioned and described in the evidence given at the said trial, were proved at the said trial to have been guilty of corrupt practices. That is to say, Simon Tracy, Patrick Laffan, and Patrick Cunningham, of bribery, under the 2nd section of "The Corrupt Practices Prevention Act, 1854;" and Michael Hanley, Michael Ryan, Thomas Murphy, Michael Coffey, and Edward Walshe, of bribery, under the 3rd section of the same Act; but that all said several persons, except the said Simon Tracy and Patrick Laffan, were examined before me as witnesses at the said trial, and were, in my opinion, respectively entitled to certificates under the 33rd section of "The Parliamentary Elections Act, 1868."

3rd. That, from the evidence given at the said trial, I have reason to believe that the corrupt practice of bribery did extensively prevail at the election to which the said Petitions relate.

Copies of the said Petitions, and of the evidence given at the said trial, as taken down by the deputy of the shorthand writer of the House of Commons, accompany this my Certificate and Report.

Given under my hand, at Dublin, on the Twenty-second day of February, One thousand Eight hundred and Sixty-nine.

F. A. FITZGERALD,

A Baron of the Exchequer in Ireland, and one of the Judges for the time being for the trial of Elections Petitions in Ireland, pursuant to "The Parliamentary Elections Act, 1868."

To the Right Honourable
The Speaker of the House of Commons.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION for the Borough of *Cashel*, holden on the 18th day of November 1868.

THE PETITION of *Henry Munster*, of 5, Paper Buildings, Temple, in the City of London, also of Sillwood Lodge, Brighton, England, now of Abbey View, Cashel, Barrister-at-Law, whose name is subscribed.

1. Your Petitioner is a person who was a candidate at the above election.
2. Your Petitioner states that said election was held on the 18th of November 1868, on which day your Petitioner and James Lyster O'Beirne, Vincent Scully, George Henry Moore, Very Reverend Archdeacon Quirk, P.P., Very Reverend Dean Cantwell, Captain Dudley Byrne, and John L. Scallan, were all duly proposed and seconded as candidates.
3. On the show of hands being taken, the High Sheriff declared the show of hands to be in favour of your Petitioner.
4. A poll was therefore demanded on behalf of the said James Lyster O'Beirne, which was granted by the High Sheriff.
5. The polling took place on the 20th November 1868, when the said James Lyster O'Beirne polled 100 votes and your Petitioner polled 84 votes; no votes were given for any of the other persons proposed.
6. The Returning Officer has returned the said James Lyster O'Beirne as being duly elected.
7. Your Petitioner states that before, and at, and during, such election the said James Lyster O'Beirne, by himself and his agents, promised money to several electors of the said borough in order to induce them to vote for the said James Lyster O'Beirne.
8. That before, and at, and during, such election the said James Lyster O'Beirne, by himself and his agents, gave money to several of the electors in order to induce them to vote for him, the said James Lyster O'Beirne.
9. That before, and at, and during, such election the said James Lyster O'Beirne, by himself and his agents, promised to procure employment for divers of the electors, and did, in fact, give and procure employment for divers others, in order to induce them to vote for the said James Lyster O'Beirne.
10. That since the said election divers sums have been corruptly paid by the said James Lyster O'Beirne, and by persons on his behalf, to divers electors of the borough on account of their having voted for the said James Lyster O'Beirne at the said election.
11. That in the said several respects, and also in other respects, the said James Lyster O'Beirne was, by himself and his agents, guilty of bribery before, and at, and since said election.
12. That before, and during, and after, the said election the said James Lyster O'Beirne, by himself and his agents, provided meat, drink, and entertainment for divers persons, in order for him, the said James Lyster O'Beirne, to be elected for the said borough, and in like manner provided meat, drink, and entertainment for divers electors of the said borough in order corruptly to influence them to vote for the said James Lyster O'Beirne, and in like manner corruptly provided meat, drink, and entertainment for divers electors on account of their having voted for the said James Lyster O'Beirne; and the said James Lyster O'Beirne, by himself and his agents, has paid the expenses of corruptly providing meat, drink, and entertainment for all the purposes aforesaid, and for the corrupt practices connected with the said election, and the corrupt influencing of persons to vote for the said James Lyster O'Beirne, and to refrain from voting for the Petitioner.
13. In these and in other respects, the said James Lyster O'Beirne has been guilty of treating.
14. The said James Lyster O'Beirne, before and during the said election, threatened to inflict violence, harm, and loss upon several of the electors, and otherwise practised intimidation upon the electors, in order to induce them to vote for him, the said James

Lyster O'Beirne, or to refrain from voting for the Petitioner; by means of such practices the said James Lyster O'Beirne was incapable of being returned at the said election, or of sitting in the House of Commons, and his election and return is altogether void.

15. Your Petitioner further states that several persons voted at the said election for the said James Lyster O'Beirne, who had corruptly accepted meat, drink, and entertainment, corruptly given to them in order corruptly to influence them to give their votes for the said James Lyster O'Beirne.

16. Several other persons voted for the said James Lyster O'Beirne who had received or agreed for money, or had received or agreed for employment or other valuable consideration, or who had been promised money, employment, or other valuable consideration, for voting at said election.

17. Several other persons voted for the said James Lyster O'Beirne who, before the said election, had been retained as agent, for hire and reward, for the said James Lyster O'Beirne, and for others of the candidates at the said election.

18. The majority of votes for the said James Lyster O'Beirne was only a colorable majority, and was made up of the votes of persons who had so corruptly accepted meat, drink, and entertainment as hereinbefore stated, and who had received or agreed for money, employment, or other valuable consideration, for voting at such election, or who had been retained or employed as agents, for hire and reward, for the said James Lyster O'Beirne, or some other of the candidates, at the said election, and whose votes were null and void.

19. And your Petitioner further states, that the votes of Charles Bianconi, John Graham, and William Murphy were improperly received and recorded at said election in favour of the said James Lyster O'Beirne, the said persons, and each of them, claiming to vote and being allowed to vote as "freeholders," and no other title appearing for them on the register of voters, whereas there is no such thing as a freehold franchise in or for the Borough of Cashel, and the reception of such voters was duly objected to on behalf of your Petitioner when such votes were tendered at the poll.

20. The majority of good and lawful votes at the said election were given for your Petitioner, and your Petitioner was duly elected by a majority of such lawful votes, and ought to have been returned.

Your Petitioner therefore prays that it may be determined that the said James Lyster O'Beirne was not duly elected or returned, and that your Petitioner was duly elected and ought to have been returned, or that the election was void.

HENRY MUNSTER.

Signed by the said Henry Munster in presence of

John L. Scallan,

10, Fleet-street, Dublin.

John Talbot Scallan, Attorney,

No. 10, Fleet-street, Dublin.

Received 18th December 1868,

W. F. Cooke, Master's Clerk.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION for the Borough of *Cashel*, holden on the 18th day of November 1868.

THE PETITION of *Henry Munster*, of 5, Paper-buildings, Temple, in the City of London, also of Sillwood Lodge, Brighton, England, now of Abbey View, Cashel, Barrister-at-Law, whose name is subscribed.

1. Your Petitioner is a person who was a candidate at the above election.

2. Your Petitioner states that said election was held on the 18th of November 1868, on which day your Petitioner and James Lyster O'Beirne, Vincent Scully, George Henry Moore, Very Reverend Archdeacon Quirk, P.P.; Very Reverend Dean Cantwell, Captain Dudley Byrne, and John L. Scallan, were all duly proposed and seconded as candidates.

3. On

3. On the show of hands being taken, the High Sheriff declared the show of hands to be in favour of your Petitioner.

4. A poll was therefore demanded on behalf of the said James Lyster O'Beirne, which was granted by the Sheriff.

5. The polling took place on the 20th November 1868, when the said James Lyster O'Beirne polled 100 votes, and your Petitioner polled 84 votes; no votes were given for any of the other persons proposed.

6. The Returning Officer has returned the said James Lyster O'Beirne as being duly elected.

7. Your Petitioner states that before, and at, and during, such election the said James Lyster O'Beirne, by himself and his agents, promised money to several electors of the said borough in order to induce them to vote for the said James Lyster O'Beirne.

8. That before, and at, and during, such election the said James Lyster O'Beirne, by himself and his agents, gave money to several of the electors in order to induce them to vote for him, the said James Lyster O'Beirne.

9. That before, and at, and during such election the said James Lyster O'Beirne by himself and his agents, promised to procure employment for divers of the electors, and did, in fact, give and procure employment for divers others, in order to induce them to vote for the said James Lyster O'Beirne.

10. That since the said election divers sums have been corruptly paid by the said James Lyster O'Beirne, and by persons on his behalf, to divers electors of the borough on account of their having voted for the said James Lyster O'Beirne at the said election.

11. That in the said several respects, and also in other respects, the said James Lyster O'Beirne was, by himself and his agents, guilty of bribery before, and at, and since said election.

12. That before, and during, and after, the said election the said James Lyster O'Beirne, by himself and his agents, provided meat, drink, and entertainment for divers persons, in order for him, the said James Lyster O'Beirne, to be elected for said borough, and in like manner provided meat, drink, and entertainment for divers electors of the said borough in order corruptly to influence them to vote for the said James Lyster O'Beirne, and in like manner corruptly provided meat, drink, and entertainment for divers electors, on account of their having voted for the said James Lyster O'Beirne; and the said James Lyster O'Beirne, by himself and his agents, has paid the expenses of corruptly providing meat, drink, and entertainment for all the purposes aforesaid, and for the corrupt practices connected with the said election, and the corrupt influencing of persons to vote for the said James Lyster O'Beirne, and to refrain from voting for the Petitioner.

13. In these and in other respects, the said James Lyster O'Beirne has been guilty of treating.

14. The said James Lyster O'Beirne, before and during the said election, threatened to inflict violence, harm, and loss upon several of the electors, and otherwise practised intimidation upon the electors, in order to induce them to vote for him, the said James Lyster O'Beirne, or to refrain from voting for the Petitioner.

15. By means of such practices, the said James Lyster O'Beirne was incapable of being returned at the said election, or of sitting in the House of Commons, and his election and return is altogether void.

Your Petitioner therefore prays that it may be determined that the said James Lyster O'Beirne was not duly elected or returned, and that the election was void.

HENRY MUNSTER.

Signed by the said Henry Munster in presence of

John L. Scallan,

10, Fleet-street, Dublin.

Michael J. Laffan, Attorney,

10, Fleet-street, Dublin.

Received 18th December 1868,

W. F. Cooke, Master's Clerk.

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MINUTES OF EVIDENCE

TAKEN before the Honourable Baron *Fitzgerald*, on the TRIAL of the ELECTION
PETITIONS for the BOROUGH of CASHEL, at the Court House, Cashel.

Monday, 15th February 1869.

HENRY MUNSTER	-	-	-	-	-	-	-	Petitioner.
JAMES LYSTER O'BEIRNE	-	-	-	-	-	-	-	Respondent.

15 February
1869.

Mr. *Butt*, Q. C., Mr. *Heron*, Q. C., and Mr. *Carton* appeared as Counsel for the Petitioner. Mr. *Laffan* and Mr. *Scallan* appeared as Agents for the two Petitions.

Mr. *Hemphill*, Q. C., and Mr. *Curtis* appeared as Counsel for the Respondent. Mr. *Peirce Grace* appeared as Agent.

Mr. *Hemphill* applied that the two Petitions should be tried together.

Mr. *Heron* opposed the application.

After some discussion,

Mr. Baron *Fitzgerald* decided that the two Petitions should be opened together, but that he would reserve his decision upon the future course of proceeding.

Mr. *Hemphill* stated that an affidavit was in process of being drawn up, upon which to apply for a judge's order to subpoena witnesses living in England. One witness was Mr. Richards, the expense agent of Mr. Munster, and the other was a lady living in Brompton-square, London.

Mr. *Butt* applied that all the Witnesses on both sides should leave the court.

Order accordingly.

Mr. *Butt* was heard to open the case on behalf of the Petitioner.

RICHARD WITHEROE, sworn ; Examined by Mr. *Heron*.

1. WHERE do you live?—At Rohan Clough.
2. I believe you play on the fiddle?—Yes.
3. Do you remember the night before the election; the election was on the 20th November?—Before the polling day?
4. Yes?—Yes.
5. Were you on that evening in Miss O'Dwyer's house?—Yes.
6. Who employed you to go there?—Miss Kate O'Dwyer told me I might bring the violin there.
7. At what hour did you go there?—I was there during the day.
8. And during the evening?—Yes.
9. And were you there all night?—Yes.
10. During the day and during the evening, were a number of people, of the electors, coming in?—They were coming in in the evening.
11. Do you know Dennis Diery?—I do.

12. Was he there?—He was.
13. Do you know Patrick Welch, of Lady's Well?—Yes.
14. Was he there?—Yes.
15. Do you know John Phelan, of Main-street?—Yes.
16. Was he there?—Yes.
17. Do you know Patrick Brien, of William-street?—Yes.
18. Was he there?—Yes.
19. Do you know Michael Coffey, of Main-street?—Yes.
20. Was he there?—Yes.
21. Do you know William Gormer, of Friar-street?—Yes.
22. Was he there?—Yes.
23. Do you know Michael Quirke, of Lower Gate?—Yes.
24. Was he there?—Yes.

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Mr. *Hempton* objected to the course of examination, and stated that it would be better to ask the Witness the names of those present.

Mr. *Heron* was heard in support of his line of examination.

Mr. Baron *Fitzgerald* sustained the objection.

25. Mr. *Heron*.] The last man you named was Michael Quirke, of Lower Gate; mention now to his Lordship any other that you remember to have been there, and I will try to supplement them?—Mr. Farrey and his son.

26. What is his Christian name?—I. K.

27. What is his son?—I. R. Farrey.

28. Go on; any more?—Mr. Welch, of Lady's Well.

29. You have mentioned him already?—Mr. James Brown.

30. Is that James Brown, of Bank-place?—Yes.

31. Mr. Baron *Fitzgerald*.] Do you remember any other names?—I do not remember them at present.

32. Mr. *Heron*.] Do you know Mr. James Heaton, the son of Thomas Heaton?—Yes.

33. Was he there?—Yes.

34. Do you know Cornelius Carlew, of Lower Gate?—Yes.

35. Was he there?—Yes.

36. Do you know Dr. Daniel Maloney, of John-street?—Yes.

37. Was he there?—Yes.

38. Michael Stapleton, of the Green?—Yes.

39. Do you know John Nolan, of Bank-place?—Yes.

40. Was he there?—Yes.

41. Was Pat Maher there?—Yes.

42. Do you know John Ryan (Going), Main-street?—Yes.

43. Was he there?—Yes.

44. Do you know Mr. Maloney's two sons; were they there?—I do not know them.

45. Malochnoy?—Yes.

46. Was he there, and his two sons?—Yes, and two sons.

47. Do you know Tom Connell's, at Mr. Henly's?—Yes.

48. Was he there?—Yes.

49. Do you know Richard Stapleton, of the Commons?—Yes.

50. Was he there?—Yes.

51. Do you know Michael Henly, of John-street?—Yes.

52. Was he there?—Yes.

53. And Martin Ryan, of John-street?—Yes.

54. Was he there?—Yes.

55. Do you remember any other?—No.

56. Were there any other people there?—There were some more people than that, but I do not know their names.

57. Was there any other music there except yours?—No.

58. At what hour did you begin to play the violin?—About 11 o'clock at night.

59. Was it after the dinner party?—Yes, a good while.

60. Had you seen the dinner going on, and the drinking; were you present at that?—Yes.

61. And were those voters that I have named there, and dancing after dinner?—Yes; I think the drink came after dinner; I do not know how much.

62. Mr. Baron *Fitzgerald*.] You mean that they all dined together?—Yes, my Lord.

63. Mr. *Heron*.] After the violin began to play, had you any dancing?—Yes.

64. I believe at first there were no ladies there, were there?—I cannot remember.

65. You say you began playing the violin about 11 o'clock?—Yes.

66. In what room were you playing the violin?—In the Rock club-room.

67. At what hour did the dancing commence?—About 11.

68. Were the voters dancing with one another?—They were, I believe; I do not remember their names.

69. You saw some of these people dancing?—Yes.

70. What were they dancing; jigs?—Jigs and reels.

71. While the dancing was going on, was there some drinking also?—I did not see any.

72. Do you know Mr. O'Beirne?—Yes.

73. Do you remember his coming there?—I remember seeing him there.

74. At what hour did Mr. O'Beirne come there?—I cannot say.

75. How long was it after the music began; was it an hour; was it about 12 o'clock?—No; Mr. O'Beirne was there before the music came on.

76. Did he remain long?—I think he went away about 11 or half-past 11.

77. Was he there the whole time of the dinner?—Yes, I think so.

78. And he went away at half-past 11?—Yes.

79. Did you see Mr. O'Beirne with any list of names in his hand, calling out the roll?—I saw him calling the names.

80. Where was it that the names were called?—In the Rock club-room.

81. Where did Mr. O'Beirne stand when he was calling out the names?—On the middle of the floor, as far as I could remember.

82. Did he read out the names from the paper, or did he know the names himself?—He read them out of a book.

83. You say that Mr. O'Beirne left about half-past 11?—Yes, to the best of my knowledge.

84. Was there anyone in charge after he left?

Mr. Baron *Fitzgerald*.] I do not know what you mean by that.

85. Mr. *Heron*.] Did you see anything done about the lock of the door?—I think the door was locked.

86. When was the door locked?—

87. Mr. *Hemphill*.] Did you see it locked?—

88. Mr. *Heron*.] At what hour was the door locked?—I could not say what time it was locked.

89. At all events it was locked?—Yes.

90. Was it locked before or after Mr. O'Beirne left?—I could not say.

91. Was it kept locked after he left?—Yes, it was.

92. Do you know who had the key of it?—Some men were going out; I think Mr. Gyry had the key.

93. Is that Mr. Dennis Gyry, of Canopy-street, whom I have already named?—Yes.

94. Was the Rock club-room the room in which the dinner had taken place?—It was not.

95. Did they come into the Rock club-room after they had had dinner?—Yes.

96. Was

96. Was the Rock club-room, the room the door of which was locked?—No.

97. Which was the door that was locked?—The street door.

98. You mentioned a man of the name of John Phelan; was he a voter?—Yes.

99. Do you remember him wanting to get out at any time?—He wanted to get out in the morning for a wash.

100. Was he let out?—No, he had to wash inside.

101. Do you know Dan Dwyer, a voter; was he there?—He was.

102. Did he want to get out?—No, not to my knowledge.

103. Mr. Baron *Fitzgerald*.] You are speaking of getting out of the hotel, not out of the room?—I did not see him wanting to get out.

104. Mr. *Heron*.] Do you know Pat Welsh?—Yes.

105. Did he want to get out?—Not to my knowledge.

106. Did you see his wife come in there?—Not to my knowledge I did not.

107. In what room were the voters during the night?—They were up and down stairs.

108. Was drinking going on?—I did not see it.

109. Was dancing going on?—Yes.

110. How long did you keep up the dancing?—I believe till about five o'clock in the morning.

111. Were you playing the violin in the Rock club-room from half-past 11 till five?—I was; I had a rest between it.

112. During all this time were there none but men dancing; were there no ladies dancing?—I did not see any; only Miss Kate O'Dwyer came in now and then.

113. During that time did you get some refreshment, in order to put some resin to the bow?—I got a cup of coffee.

114. Are you a teetotaler?—No.

115. Besides the amusement of dancing, was there any speechifying going on?—They were speaking upstairs; I was downstairs. I do not know what it was.

116. Did you hear occasionally speeches and chatting upstairs?—I did, I think.

117. You said Mr. Gyry had the key at one time; do you remember who had the key in the morning?—I cannot say.

118. Who let the men out?—I cannot say; I went home early.

119. At what hour did you go home?—About seven o'clock. The door was open then.

120. Do you know where the men were brought to out of that; did you see any of the voters brought away?—No, I stopped at home then.

121. When you left, were all the voters left behind?—They were, to the best of my knowledge.

122. So far as you know, none of these people went to bed that night?—Not so far as I know.

123. Before seven o'clock, was there breakfast, tea and coffee?—Earlier than that.

124. What hour was the breakfast?—I could not say what hour it was exactly.

125. It was after the dancing stopped?—I saw no breakfast, but I think they got coffee some part of the night.

126. You spoke about John Farren; who stopped John Farren from getting out?—To the best of my knowledge it was Mr. O'Connor told him not to go till they would be altogether.

127. Who was Mr. O'Connor; what is his Christian name?—I do not know.

128. Were you paid for your night's work?—Not yet.

Cross-examined by Mr. *Hemphill*.

129. You had a very pleasant evening that evening, had you not?—Yes.

130. Was not this a subscription dinner got up to entertain the candidate?—As far as I heard, it was.

131. A dinner got up by the supporters of Mr. O'Beirne?—Yes; 5 s. a man.

132. At this hotel?—Yes.

133. Do you remember whether this Mr. O'Beirne sat to the right of the chair as the guest of the evening?—I think he did.

134. You have told us already that Mr. O'Beirne left in the evening at about half-past 11?—To the best of my knowledge.

135. Do you recollect was it Mr. Farrey that was in the chair?—Yes; he was in the chair.

136. Was it Mr. I. K. Farrey?—Yes, he was in the chair.

137. You say that Mr. O'Beirne left before the music began?—I think he did.

138. Did you see him in the music-room, in the Rock club-room?—Yes.

139. Miss O'Dwyer keeps "the Hotel" in Cashel?—Yes.

140. Do you recollect when you began to play the violin, whether your sweet notes did not attract a great crowd at the door; was not there a great crowd outside listening to the music and dancing?—I believe there was.

141. Do you recollect the crowd, whenever they saw a chance, trying to get in through the hall door?—Yes; I saw one coming through the window.

142. Was not it to prevent them coming in that the door was locked?—I cannot say, but I daresay it was.

143. You saw a crowd outside, and you saw one trying to get in through the window?—He did come in through the window.

144. Was he a voter?—No.

[The Witness withdrew.

THOMAS CUMMINS, sworn; Examined by Mr. *Carton*.

145. WHAT are you?—I am a gardener by trade.

146. Were you in Miss O'Dwyer's hotel the night before the polling?—Yes.

147. What were you doing there that night?—I was asked by Miss O'Dwyer to attend the voters' dinner.

148. What time was the dinner?—To the best of my knowledge, about eight o'clock.

121.

149. Were you there all night?—Yes.

150. Were you there when Witheroe was playing the fiddle?—I was.

151. In what room were you during the greater part of the night?—I was in every room partly, as far as I can guess.

152. You were in every room during the greater part of the night?—Yes.

A 2

153. What

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153. What was going on there that night?—There was a dinner for the voters, and Mr. O'Beirne came in there to dinner; he was invited, and when he came in some one spoke to him, and said, "Mr. O'Beirne, you be at the head of the table." He said, "No, I cannot go to the head of the table, as I am a guest." Well, then, he turned to Dr. Maloney, and Dr. Maloney said he was unable to stay, that he had some business; then he sat down, and Mr. O'Beirne went to the side of the table and sat down, and took some dinner with the voters; they had meat, potatoes, and bread, and some drink.

154. Had they plenty of drink?—They had ale with their dinner.

155. Had they anything after dinner?—They had.

156. What had they after dinner?—I suppose some of them had punch, and some had not.

157. Anything they chose to call for?—Anything they chose to call for.

158. Anything they chose to call for they had?—Yes, till about eight or nine o'clock.

159. How many were dining there altogether?—I cannot say; I did not count them.

160. To the best of your recollection?—I should think, to the best of my recollection, from 35 to 40. I could not well count them, there was such a crowd.

161. Did you see Mr. O'Beirne have any book or paper that night?—No, I did not.

162. You were there during the whole night you say?—Yes, I was.

163. Was the door of the hotel locked?—It was locked; I locked the door, and I kept the key.

164. About what hour did you lock the door?—I do not think I locked the door till eight or nine o'clock.

165. Who told you to lock the door?—I came and I asked Miss O'Dwyer. At one time there was a great crowd belonging to Mr. Munster at the door; they were rushing so much about the door, that I thought it was better for them to shut the door; there was so much noise with the parties within; they were annoying the parties within at the time.

166. Was the key taken out of the door?—Yes, I took it out one time and put it back again, and then I found the door was opened

and people were coming in, and then I took out the key and put it in my pocket.

167. Could not you fasten the door on the inside without taking the key?—Yes, but they went out again and left it open.

168. Was there any drinking going on there during the night?—No, except coffee and tea.

169. Do you know a man of the name of Phelan?—I do.

170. John Phelan?—Yes.

171. Did you see him there that night?—Yes.

172. Did he try to get out?—Not to my knowledge.

173. Do you know a man named Welsh?—Yes.

174. Do you recollect Welsh's wife coming to the house looking for her husband?—No; I heard she did come, and he was upstairs. I did not come down to them.

175. Did you see her there?—No, I did not.

176. Do you know a man named Dwyer?—No.

177. Do you know what time the door was opened in the morning?—The door was opened at day in the morning, just when it was clear daylight in the morning.

178. That was about eight o'clock?—No; it was earlier than eight o'clock.

179. Was it a November morning?—Yes; but it was earlier than eight.

180. Do you know whether the people that were there all night went away in a body?—They did not go in a body; Phelan, the man you spoke about, was the last man I saw there looking for grilled turkey or some more meat.

181. Did he get the grilled turkey?—No; but he seemed to be very hungry very often, and he wished to stay inside more than to go out.

182. Did all those people that were there go away all together in the morning?—No, they did not go altogether; some went in dozens and some in half-dozens. I do not know how they went out; they quitted the house, and said they were going to the Court House; that was the day of the polling, and I suppose they went and voted for whom they liked after; I did not go to the Court House at the time; they all had plenty of time to go and vote for whoever they liked; Mr. O'Beirne himself left the house about half-past 11 o'clock or earlier.

[The Witness withdrew.]

GERALD FITZGERALD, Esq., sworn; Examined by Mr. Heron.

*G.
Fitzgerald,
Esq.*

183. You are the sub-sheriff of the county?—Yes.

184. Was any account of the expenses for the election sent into you on behalf of Mr. O'Beirne?—No.

185. Have you the appointment of expense agent?—I have.

186. Mr. Patrick Connor is the name?—Yes; I believe that is the gentleman.

Mr. Hemphill.] You are quite right.

187. Mr. Heron.] He was appointed expense

agent at the last election for Mr. O'Beirne?—Yes.

Cross-examined by Mr. Curtis.

188. Was there any account of expenses sent in by Mr. Munster?—Not till about three days ago.

189. You have those?—Yes; I have them here.

[The Witness withdrew.]

Mr. PATRICK CONNOR, sworn; Examined by Mr. Butt.

*Mr.
P. Connor.*

190. ARE you an elector of this city?—I am.

191. Did you vote at the last election?—I did, and the election before.

192. Did you vote at the last election?—I did.

193. Were you appointed expense agent for Mr. O'Beirne?—Yes.

194. When

194. When did he appoint you expense agent, do you remember; who told you of it?—Mr. Grace told me of it; I had no conversation with Mr. O'Beirne.

195. Did you get any money for the expenses of the election?—Not a farthing in my life did I receive from Mr. O'Beirne, but I received 4 l. some time after the election from Mr. Grace to pay two clerks; I paid Yoniack and another.

196. I ask you if you ever got, from any person, any money to pay the expenses of the election?—No; but I expected to get it.

197. I did not ask you what you expected; answer my question?—No.

198. You got 4 l.?—Yes; six weeks after the election I got 4 l. from Mr. Grace to pay two clerks.

199. Did you spend the 4 l.?—I paid the two clerks.

200. Who were the two clerks?—McGreehy and Yoniack; one was a check clerk, I think.

201. Do I understand you distinctly to say that you have not paid any other expenses, or have any other money but that?—Not a farthing in my lifetime did I receive from Mr. O'Beirne or from Mr. Grace before or after the election.

202. Or anybody else?—No.

203. Have you made out any account of expenses incurred at the election?—Indeed, I have not.

204. Have you received any bills?—No.

205. No person has ever sent you any bills?—Never.

206. Did you know that you were election agent for election expenses?—Mr. Grace told me so, that is all I know about it.

207. Did anybody tell you that you were bound, under the Act of Parliament, to give an account of the expenses?—No.

208. Did you know it?—I did not know it.

209. Do you swear that?—I do.

210. Do you know it now?—Yes, I do.

211. When did you first know it?—Mr. Grace told me of it.

212. When?—I think about five or six weeks ago.

213. What did Mr. Grace tell you five or six weeks ago about the election?—He told me it was necessary, under the Act of Parliament, that an agent should be appointed to pay election expenses.

214. Five or six weeks ago?—Yes; I think so.

215. How long since; was it five or six weeks ago that he told you that, under the Act of Parliament, it was necessary?—Yes, it was.

216. And not before?—I have no recollection of his having told me before.

217. For what did you think you were agent, when he appointed you?—He told me that he appointed me for paying the election expenses of Mr. O'Beirne.

218. What did you think you were appointed for?—For paying election expenses.

219. Did you know that it was necessary to appoint you under the Act of Parliament?—No, I did not.

220. Did you ever ask Mr. Grace what you were to do?—No.

221. Five or six weeks ago, when he told you it was necessary to give him an account, did he not tell you?—He did not tell me it was necessary to give him an account.

121.

222. Do you know now that it is necessary to give an account?—I do not know whether it is or not.

223. Did you tell me just a moment ago, that it is necessary?—I do not know whether it is necessary for me or not.

224. Do you swear that?—Yes, I swear it.

225. Did anybody tell you that you ought to give it in?—No, certainly not.

226. What did Mr. Grace say when he spoke to you, six weeks ago?—He told me that I was the agent appointed for paying the election expenses for Mr. O'Beirne.

227. What did you say to him?—I said, "Very well, I am satisfied."

228. That is six weeks ago, after the election?—Yes.

229. Six weeks after the election?—I cannot say that; my memory of it is, that it was after the election, at all events.

230. You were at a dinner party at Miss Kate O'Dwyer's?—I was.

231. How many people were there?—Indeed, there was a good many.

232. How many?—I did not keep an account.

233. How many do you think?—I cannot say.

234. Were you appointed agent for election expenses when you were there?—I did not know it then.

235. When did you first know it?—Four or five weeks after the election.

236. You did not know it till after the election?—I do not think so.

237. When did you first know it?—I cannot say.

238. How long after?—Five or six weeks.

239. And you did not know after the election to that time, that you were appointed election agent?—No; I did not.

240. How many people were at that dinner?—I do not know.

241. Were there 50?—I do not know.

242. Mr. Butt.] We put in this Witness's appointment, but there is no date at all to it. (To Mr. Gerald Fitzgerald.) When did you receive it, Mr. Sub-Sheriff? (The Sub-Sheriff.) On the day of the nomination; the proper day.

243. Was it given you on that day?—(The Sub-Sheriff.) It was. (The learned Counsel read the document.)

244. Mr. Butt (to the Witness).] Were there 50 people at the dinner?—I do not know; I have told you that.

245. Did you dine there?—I did not.

246. Did you see them at dinner?—I did.

247. Can you tell me on your oath whether there were 50 people or not?—I cannot, upon my oath.

248. Can you tell me whether there were 40?—I do not know how many.

249. Were there 40?—I suppose there were about 30 or 40, as well as I can recollect.

250. How long did you stay there?—Until morning, and went to bed then.

251. What time did you go to bed?—About two o'clock.

252. What were you doing until two o'clock?—I was looking about. I was not drinking or dancing; I drink no liquor whatever.

253. I did not ask you what you were not doing; I asked what you were doing?—Looking about.

254. At what?—I was looking at everything; and

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and looking at parties dancing, and I would look at them again.

255. At the next election, perhaps?—And before it.

256. How many people were there when you were looking at them dancing?—I think about five or six were dancing at a time.

257. There was a piper there?—There was a sort of fiddler there.

258. Do you know him?—Yes.

259. He played?—I saw him playing.

260. And heard him?—Indeed I did.

261. Was Mr. O'Beirne there himself?—He was there some time.

262. When was Mr. O'Beirne there?—He was there at dinner.

263. Was he sitting and eating his dinner?—He was.

264. Did you see him after that?—I did some time after that.

265. Do you remember his having a list in his hand?—Oh, yes.

266. He had a list in his hand?—Yes.

267. Do you remember his reading out the names of voters from the list of the persons there?—He did.

268. Could you recollect about how many names he read out from the list?—I cannot.

269. There were a good number?—There were.

270. Was any answer made as he read out the names?—He read out the names, and the parties replied.

271. What did they reply?—That they were there.

272. It was a kind of calling the roll?—Yes.

273. When did you leave in the morning?—I left to come up here to poll.

274. At what hour?—Something like eight o'clock.

275. Did anybody come with you?—Not one. I went up to Mr. O'Beirne. I left Miss Kate O'Dwyer's about half-past seven or a little before eight o'clock. I went up to Mr. O'Beirne's place where he was, at Dunn's Hotel, and I came from that by myself up to the court-house to poll.

276. Did you leave many people in Miss Kate O'Dwyer's behind you, of the company of the previous night?—I left a reasonable share.

277. How many?—I do not recollect.

278. Had many gone before you came?—I do not recollect that.

279. Was the door locked at all that night?—It was locked now and again, not to let blackguards in from the street; and every man could go out when he liked. I went out three or four times myself, but there were a lot of blackguards, and they were afraid there would be a rush made, and we were afraid the mob might come in and beat us, and beat us they would, beyond any doubt. There is no doubt of that.

280. Therefore you kept the door locked?—At times; but every one that wished to go out could go out when they liked.

281. Did anyone but yourself go to bed there that night?—Yes; I saw John Ryan, of the Race-course, in bed also. He slept in the same bedroom, and Mr. James Farrey.

282. Did all the people that remained there go to bed?—I do not know; and when I was in bed I did not know who went to bed when I was sleeping.

283. Do you believe the people went to bed there?—I cannot say.

284. When you got up in the morning, did you see any of them?—I did.

285. Where were they when you saw them?—About the houses.

286. Did you see any of them lying in the place asleep?—I did not.

287. How many people did you see when you got up on that morning?—I cannot say the exact number.

288. Were most of the persons who were there the night before there when you got up?—No.

289. How many?—There were a good many left.

290. What were the people who were left doing when you came down in the morning?—Perhaps some were looking at one another, and perhaps some were reading the paper; it is not any one thing they were doing; some were reading the paper, and some were dancing.

291. Were they dancing in the morning?—They were not dancing in the morning.

292. Did they look as if they had gone to bed?—I do not know that, of course.

293. Could you judge whether they had been sitting up all night?—I could not.

294. Do you mean to say that you can form no opinion whether they were sitting up all night?—Well, I do not know about that, but I do not know whether they went to bed or no; they might have been in bed unknown to me; when I went to bed I fell asleep, of course.

295. Was there any breakfast?—There was.

296. Did you see any of them eating their breakfast?—Indeed I did.

297. Were they at their breakfast when you came down?—Some were.

298. Where was the breakfast laid?—In the kitchen.

299. Was there any breakfast laid upstairs?—I did not see it.

300. Can you say whether there was or not?—I cannot; I did not see it.

301. You did not dine there?—No.

302. Did you breakfast there?—I took a cup of coffee or tea.

303. Did you pay for your bed and breakfast?—I was to pay for it.

304. Did you pay for it?—I did not; she sent to me for the payment of it, and I will pay it; in the court she asked me to send down 5s., and I said I would at any time when I was passing the place, and I will pay for it.

305. When did she ask you for the payment of it?—Some time after the election.

306. How long?—I think she asked me the day Mr. O'Beirne was declared here as Member; there was a breakfast there, or a luncheon, for the high sheriff, and I was there at the luncheon, and she asked me to send 5s.

307. Did you tell me that it was some time after the election that she asked you?—And was not that after the election?

308. Was it some time after the election?—It was some short time after the election; the election was before it; and on another occasion she was here in this court, and she said I had not sent down the 5s.; I said "No," and I swear, upon my oath, I will pay it.

309. Will you swear now that she asked you for payment on the day of the declaration of the poll?—She did not ask me for payment, but she said, "You owe me 5s. for being here last night." "Very well," said I, "but, at the same time, I

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ate nothing, but for stopping there I will pay the 5 s."

310. How did you come to owe her 5 s.?—I do not know; that was what she said; I stopped there, and went to bed there.

311. Do you owe her 5 s. for your bed?—Whatever she charged me I will pay.

312. Do you owe her 5 s. for your bed?—I do not know what she will charge me for bed and breakfast.

313. Do you owe her 5 s. for bed and breakfast?—Five shillings she said.

314. Do you owe her 5 s. for bed and breakfast; that is a very plain question?—Respecting that, if she charges me more I will pay it, and if she would take less I am willing to give her less.

315. Have you a brother called Thomas Connor?—I have.

316. Was he at Miss Kate O'Dwyer's that night?—He was.

317. Did he dine there?—I do not know; I do not think he did.

318. Did you ever speak to Mr. O'Beirne about your having been appointed his agent for election expenses?—No, never.

319. Up to this moment?—Never.

320. Did you see Mr. O'Beirne during the election?—Of course I did.

321. Did you see him often?—Indeed I did.

322. Did you have a conversation with him about the election?—Of course I had.

323. And you were doing your best to return him?—I was not his canvassing agent in any one way, but of course I had a wish that he should be elected.

324. Answer my question; were you doing your best to return him as Member for Cashel?—My best was no best.

325. Were you doing your best to return him as Member for Cashel?—I was not doing my best, because my best was nothing; I voted myself for him independently; and I swore on this table before Mr. Rolliston last June, when I was cross-examined, that I would vote for Mr. O'Beirne in preference to any member who came against him, because I think him a good member for the country, and I stuck to my oath.

326. Did you do anything to try and return him?—I did not do anything to try and return him because I had no influence.

327. You did not?—I did not ask any man to vote for him.

328. You did not?—No; on my oath.

329. What did you go to him for on the morning of the polling?—I went to tell him the electors were gone up, and I went to him for one of the registries to know how they would vote.

330. How who would vote?—How the electors would vote, both sides.

331. You went up to tell him the electors were gone up?—Yes, some of the electors.

332. What electors?—The electors that would vote for him.

333. What electors that would vote for him?—Some of his own electors.

334. Who were they?—I did not name them.

335. What electors had gone up that you went to tell him about?—That they were to go up.

336. Do you mean to say that you went to tell Mr. O'Beirne, the candidate, that some of the electors were to go up?—Yes, the electors that were at Kate O'Dwyer's I asked to go up, and I kept an account of those who would vote for him and against him.

337. You went to tell him that the electors at Kate O'Dwyer's were going up?—What I went there principally was for the registry list.

338. Did you tell me you went to tell him that the electors were going up; give a straightforward answer?—I am inclined to do so.

339. Were those the electors who were at Kate O'Dwyer's you went to tell him about?—I did not go to him to tell him particularly that the electors were going up; the principal thing I went for was the registry list.

340. Did you tell me that you went to tell him the electors were going up?—I did not tell him—

341. I did not ask you that?—The answer I gave was that I went for the registry list, and I told Mr. O'Beirne the electors were going up.

342. What electors did you tell him were going up?—The electors at Kate O'Dwyer's.

343. Were you ever at the commons before the election?—I live on the commons of Cashel.

344. Did you ever see your brother Tom out there?—Did I ever see my brother Tom there? We live in the same house.

345. Where does your brother Tom live?—He is doing business at Mr. Mat Handel's at Cashel.

346. Where did he live at the time of the election?—At Mr. Mat Handel's.

347. Did you ever see your brother at the commons of Cashel for a month before the election?—Indeed I did.

348. How often?—I do not keep an account of where my brother goes.

349. Was he in your house?—He is welcome to go anywhere.

350. How often was he at the commons the week before the election?—I cannot say; he could go there many times without my seeing him.

351. But did you see him the week before the election?—I do not remember that I saw him the next week before the election.

352. You say you never asked one of your neighbours in the commons to vote for Mr. O'Beirne?—Never at this election; I did at the election before this.

353. Are you farming on the common?—Indeed I am.

354. Have you given up the law entirely?—What do you mean by "law"?

355. Were you ever engaged in the law?—I was some time a clerk to an attorney, some years ago, and then I went to a farm when my father died.

356. You are now a farmer entirely?—That is all.

Cross-examined by Mr. Hemphill.

357. I think you said there was a great mob outside Kate O'Dwyer's?—There was.

358. Were they shouting against anybody?—They were shouting, "Here is Munster against O'Beirne."

359. They were in favour of Mr. Munster?—Yes, there was a rush came to the door, and they thought to break in the door; I was near the door when the rush came to it, and they thought of pushing in the door on us; we were afraid to have such a hired mob going through the town night and day.

360. Did the mob want to beat the people inside?—That was my opinion.

361. Were all the people there at the dinner voters

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Mr. voters of Mr. O'Beirne?—There were some who
P. Connor. were not voters at all.
 362. Those who were voters were supporters
 15 February of Mr. O'Beirne?—They were.
 1869. 363. Do you know what got up the dinner?—
 Yes, there were subscriptions made by the
 electors themselves, and some paid, and those
 who did not pay owed it to Miss O'Dwyer; they
 were determined to give Mr. O'Beirne a dinner
 the night before the election, and they paid it out
 of their own pockets; some of them paid, and I
 heard those who did not pay will pay.

364. It was a subscription dinner?—Yes.
 365. Did you dance yourself at all?—I am not
 a dancer unless I caper about.
 366. It is in that house that the Rock Club
 meet?—Yes.
 367. Whenever there is a public dinner it
 generally takes place at Miss O'Dwyer's?—Yes.
 368. There is a good room there, and there is
 a good cook?—Yes.

[The Witness withdrew.]

MICHAEL RYAN, sworn; Examined by Mr. *Heron*.

M. Ryan. 369. You are a voter?—Yes.
 370. And you voted at the last election for
 Mr. O'Beirne?—Yes.
 371. You are Michael Ryan, of Main-street?
 —Yes.
 372. Have you any one living in the house
 with you who has also a vote?—Yes.
 373. What is his name?—Michael Murnan.
 374. Is he a lodger?—Yes.
 375. Were your rooms placarded for O'Beirne
 as committee-rooms?—Yes.
 376. From the top to the bottom of the house?
 —Yes.
 377. Who took your committee-rooms from
 you?—Mr. O'Beirne.
 378. Mr. O'Beirne himself did it?—Yes.
 379. How much was he to pay you for them?
 —£.60.
 380. When were they taken?—Two or three
 days before the election.
 381. Where was it Mr. O'Beirne took them
 from you?—At Mr. James Dunn's.
 382. Who were by?—I think Mr. Grace.
 383. Mr. Grace, the conducting agent?—Yes.
 384. Who else was by?—I could not say, except
 Mr. O'Connor.
 385. Is that the expense agent?—No; I think
 he was there; I cannot say.
 386. What hour of the day was it?—It was
 about 12 o'clock or 1 o'clock in the day.
 387. Were you sent for to go to this house?—
 Yes.
 388. Who came for you?—I believe Mick Ive.
 389. What is his Christian name?—Michael.
 390. Who else?—A Captain Graham.
 391. That is Captain John Graham?—Yes.
 392. Was it Captain Graham that spoke to you
 about your rooms first?—Mick Ive and Captain
 Graham.
 393. They both spoke to you?—Yes.
 394. At that time had you made up your
 mind; come, you know what I mean. On your
 oath, at that time had you made up your mind?
 —To set the rooms?
 395. Had you made up your mind to set your
 rooms and your vote, or does your vote go with
 the rooms?—No, I only set the rooms.
 396. At the time that Captain Graham came
 to you about your rooms, had you made up your
 mind which way you would vote?—No, I did
 not mind; I only set my rooms.
 397. Mr. Baron *Fitzgerald*.] You are asked
 had you promised to vote before that, or had you
 made up your mind how you would vote?—No,
 I was not asked before anything about it.
 398. Mr. *Heron*.] Were you paid the 60 l.?—
 Yes.
 399. By whom?—By Mr. O'Beirne.

400. When?—I could not say; two or three
 days before the election took place.
 401. Mr. Baron *Fitzgerald*.] Was that at the
 time they were hired?—Yes, my Lord.
 402. Mr. *Heron*.] Was it paid in notes or by
 cheque?—Notes.
 403. What sort of notes?—I think they were
 Bank of Ireland notes.
 404. Were they 5 l. notes, or were they 20 l.
 notes, or what?—I think they were 5 l. notes.
 405. Did you give a receipt?—No.
 406. Did you put any writing under your hand
 at all?—No.
 407. You have said that Murnan was a lodger
 with you?—Yes.
 408. At the time your rooms were hired, had
 Murnan made up his mind which way he would
 vote?—No.
 409. How much did Murnan pay you for your
 lodgings?—He pays me 20 l. a year.
 410. For lodgings and board?—Board and
 lodging; in all, about that.
 411. He pays you in all about 20 l. a year for
 board and lodging?—Yes.
 412. That is a little over 1 s. a day; 1 s. a day
 is 18 l. 5 s. a year?—A little over it; not much.
 413. Did you give any of the 60 l. to Murnan?
 —No, my Lord, I did not.
 414. How much rent did Murnan owe you at
 the time of the election?—I believe he owed
 20 l.; he paid it since.
 415. You say at the time you got the 60 l.,
 which was on the same day you made the bargain,
 that Murnan had not made up his mind how to
 vote; after that, did you ask Murnan to vote for
 Mr. O'Beirne?—No, never.
 416. Do you mean to tell his Lordship that you
 never spoke to Murnan before or after the election
 about his vote?—No.
 417. Where were the committee-rooms?—Up
 on the first landing.
 418. A drawing-room?—Yes.
 419. And is there a bedroom behind?—There
 is, and a back room.
 420. Were the committee-rooms this one draw-
 ing-room?—There were two others attached to it.
 421. He had the use of two other rooms?—
 Yes.
 422. Do you remember the day of nomination?
 —Yes.
 423. Were the rooms taken the day before the
 nomination?—Yes.
 424. The nomination was on the 18th, and the
 polling was on the 20th; do you know that?—
 Yes, I do.
 425. Your rooms were taken on the 17th?—I
 could not exactly say, but they were taken two
 or three days before the nomination.

426. Had

426. Had Mr. O'Beirne a committee at all, that you know of?—There is a hall going in and behind the shop; I was busy, and they may pass up to the rooms unknown to me.

427. You did not notice them passing up?—They could pass up, but I did not see any; they could pass up the shop and the hall too.

428. From that day to this did you ever see Mr. O'Beirne or anybody else in the house from the day they took the rooms?—They called, but I did not see any one.

429. What rent do you pay for your house?—£. 18 10s. a year.

430. How many rooms are there in the house?—Seven or eight rooms; eight, I think.

431. There is a little hall door beside the shop?—Yes.

432. There was a servant who opened that door if any one chose to come in?—Yes.

433. Did you supply any pen, ink, or paper for the committee?—No.

434. Did you do anything to the rooms for the committee?—Yes; it was cleaned out.

435. And I suppose the servant washed out the service?—Yes.

436. Who was the servant who was to open the door for the gentlemen, if any of them came?—They were not hired servants, they would be weekly.

437. At the time was there a servant to open the door if anybody knocked at the door?—There were women hired weekly.

438. Is there a knocker to the hall door?—Yes.

439. I presume the same knocker is there still, and was not injured by the number of knocks at the election?—Yes.

440. Can you name to his Lordship any other voters who were present on that occasion when your rooms were taken?—No, I think not.

441. Before Captain Graham came to you on that day, had he often been with you about the rooms?—He spoke about them.

442. How much did you ask for the rooms; at first did you not ask 75*l.*?—I could not say now; I think I did something that way.

443. You asked Captain Graham?—Yes.

444. Had you ever asked Mr. O'Beirne to give you 75*l.*?—No.

445. How much did you ask when the rooms were taken?—£. 60.

446. I ask you before you go down, how long before the election did Captain Graham first offer you anything for your rooms?—He spoke to me a long time before.

447. Did he speak to you a month before the election; I want to know what was the first offer Captain Graham made to you?—£. 35 or 40 *l.*

448. And you refused to take it?—I did not.

449. Would you have taken 30*l.* for your rooms?—No.

450. Did Captain Graham ever speak to you about Murnan?—No.

Cross-examined by Mr. *Curtis*.

451. At the time you let the rooms as you have said, was there any bargain whatever about your vote, or was your vote mentioned at all?—Not the least.

Re-examined by Mr. *Heron*.

452. How soon after the rooms were let did you make up your mind to vote for Mr. O'Beirne?—It did not enter into my mind at all; the rooms were taken simply. Any more than that there was nothing else said to me but taking the rooms.

453. Mr. *Curtis*.] Whether you let the rooms or not, would you not have voted for Mr. O'Beirne?—I had an inclination that way.

454. Do not you know that you would?—I had an inclination for voting for him, but I did not say so to Graham.

455. Mr. *Heron*.] Did not you already say that you had not made up your mind?—No; I had an inclination, but I never set the rooms.

[The Witness withdrew.

Mr. HENRY M. BARRON, sworn; Examined by Mr. *Carton*.

Witness.] WE are bound to secrecy in the bank; must I show the books?

456. You are Manager of the National Bank in this town?—Yes.

457. Do you know Mr. O'Beirne?—Yes.

458. What books have you here?—The current account ledger, in which Mr. O'Beirne's account is kept.

459. Find that account and tell his Lordship when that current account was opened?—The first entry is October 1868.

460. What date?—The 12th of October.

461. The account was opened by a lodgment?—Yes.

462. What was lodged on that day in October?—The lodgment was 200 *l.*

463. How long does the account continue down to; have you totted the debit and credit side of the account?—Yes; October 12th 1868 to December.

464. What date in December?—The 31st of December it was closed.

465. What is the whole amount of lodgment during that period?—812*l.* 19*s.*

121.

466. Does it appear by that book how that money was paid out from time to time?—By cheques.

467. Drawn by Mr. O'Beirne?—Yes.

468. Have you the cheques?—No; the cheques were given up.

469. What became of them?—They were sent to Mr. O'Beirne.

470. Have you the receipt of Mr. O'Beirne for them?—Yes, "28th of December 1868.—I have examined my account at the National Bank of Cashel to the 22nd of December 1868, and find the balance from that date to be 4*s.* 10*d.* which I hereby admit to be correct.—James L. O'Beirne."

471. That is not a receipt for the cheques, but the cheques were given up that day?—Yes; when an account is closed, we send them the receipts.

472. According to the practice of your keeping your books, does this account represent the date of the payment or the date of the cheque?—The date of the payment of the cheque.

B

Mr.

M. Ryan.

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Mr. H. M.
Barron.

Mr. H. M.
Barron.
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Mr. Butt (to Mr. Baron Fitzgerald.) We have served Mr. O'Beirne with a subpoena to produce the cheques.

473. Mr. Carton (to the Witness.) When were the other sums lodged?—October 19th, 199 l. 19 s 6 d.; upon the 27th, 100 l.; November 16th, 199 l. 19 s. 6 d.; November 19th, 30 l.; November 28th, 83 l.

474. Whose duty is it to pay the cheques into the bank? Has Captain Graham an account in the bank?—Yes.

475. When was that opened in the bank? Look in the months of October and November, the same dates as Mr. O'Beirne's accounts, have you any transactions upon Captain Graham's account during the period covered by Mr. O'Beirne's account?—

Mr. Hemphill objected to the question.

Mr. Baron Fitzgerald ruled that the question could not be put.

476. Mr. Butt.] Was there any sum transferred from Captain Graham's account to Mr. O'Beirne's, or *vice versa*, about that time?—There was.

477. Mr. Carton.] Was it transferred from Mr. O'Beirne's to Captain Graham's, or from Captain Graham's to Mr. O'Beirne's?—There was a lodgment made by Captain Graham for Mr. O'Beirne.

478. On what date?—The very last.

479. What is the amount of that and the date?—£. 83.

480. How was that lodgment made?—By a cheque of Captain Graham's.

481. What is the exact amount?—£. 83.

482. Was it the balance of any other account?—Not that I am aware of; certainly not in the bank.

483. I ask whether, during the period covered by Mr. O'Beirne's account, there are any transactions in Captain Graham's account?—

Mr. Hemphill objected to the question.

484. Mr. Baron Fitzgerald.] Captain Graham has had an account here for many years?—Yes; he is residing here.

Mr. Baron Fitzgerald (to Mr. Butt.) You want to know whether between the 12th of October and the 31st of December he drew any cheques; is that what you want to know?

Mr. Butt.] We think we are entitled to know what cheques he drew.

Mr. Baron Fitzgerald ruled that the question could not be put.

485. Mr. Butt (to the Witness.) Do you know, of your own knowledge, whether Captain Graham paid any money on account of the election expenses?—I do not.

Cross-examined by Mr. Hemphill.

486. You said that there was a lodgment by Captain Graham of 83 l.?—Yes.

487. On what date?—The 28th of November.

488. Was that the balance of the debit side of the account against Mr. O'Beirne?—Yes, it was the balance of Mr. O'Beirne's account; it had been overdrawn.

489. Had you written to Mr. O'Beirne, mentioning that he had overdrawn, and asking for the balance before that lodgment?—Yes.

Mr. Hemphill stated that he would wish to recal the Witness at a future stage of the proceedings.

[The Witness withdrew.]

Upon Michael Murnan being called, and not answering to his name,—

MICHAEL RYAN, re-called; Examined by Mr. Butt.

M. Ryan.

490. WHEN did you see Murnan last?—He is living with me.

491. Where did you see him this morning?—In his bed.

492. Has he been out of his bed?—He got up a little on Saturday.

493. What is the matter with him?—A paralytic stroke.

494. When did he get it?—A week ago.

495. Did any doctor attend him?—I think Dr. Wood.

496. Do you know whether any doctor attended?—All I know is, the doctor did not attend at the house; he is on the bed in the house, and he got up and he strode over to Dr. Wood's, and he got into bed again, and I am telling you the truth.

497. Did any doctor come to your house to attend him?—No.

498. At all?—No, I did not see him.

499. But do you know?—No, I did not see a doctor come.

500. Do you know whether any doctor came or not?—The doctor would not come to the house.

501. Then there is no doctor attending him?—No; Dr. Wood, I think.

502. He went to Dr. Wood?—Before he got very ill he went to Dr. Wood; he is very bad.

503. Mr. Curtis.] He is an old man?—Yes.

[The Witness withdrew.]

JOHN DUNN, sworn; Examined by Mr. Butt.

J. Dunn.

504. YOU have been in court here?—Yes.

505. You were not subpoenaed?—No.

506. Where is your father?—At home.

507. Has he been subpoenaed?—Yes.

508. I hope he is well?—Pretty well, considering.

509. Considering what?—He was bad lately.

510. Mr. Baron Fitzgerald.] Why is he not here?—I do not know.

511. Mr. Butt.] When did you see him last?—About two o'clock.

512. Were you talking to him at all about coming up here?—No.

513. Did

513. Did you tell him you were coming up here?—Yes.

514. What did he say?—Nothing.

515. He did not say whether he was coming himself, or not?—No.

516. Did Mr. O'Beirne stop in your father's house at the time of the election?—Well, he did.

517. Are you sure?—Yes.

518. When did he come to stop there?—I do not know, really.

519. How long before the election was he there?—For a good while.

520. For a month?—I think he was.

521. Had he rooms in your father's house?—Yes.

522. What rooms had he?—He had a sitting-room and a bedroom.

523. Anything more?—I do not know of anything more; there is a parlour adjoining the drawing-room.

524. Had he a committee-room?—I do not know whether he had or not.

525. You do not know?—No.

526. You are assisting in your father's business?—In the way of farming.

527. And in your father's hotel?—No.

528. Do you never help him in the business of the hotel?—Never.

529. Where is his farm?—About a mile from Cashel.

530. You live in your father's house?—Yes.

531. When Mr. O'Beirne was there, did many people visit him?—Yes, they did; a good many.

532. In the evening did many people visit him?—Yes.

533. How many people would visit him in the evening?—I do not know.

534. Ten or twelve?—Yes; they may or not; some evenings no people may visit him; he may go out to dine.

535. When he was there, did you see or know of any person getting drink in his room?—Yes; I did.

536. How often may that have happened?—It may occur every evening he was there, but I may be amusing myself in some other way than looking at Mr. O'Beirne or his supporters.

537. You might be amusing yourself in some other way than looking at Mr. O'Beirne or his supporters?—Yes.

538. Were they voters that used to come and see Mr. O'Beirne?—Some were and some were not.

539. Can you give me the names of any of the voters that used to come?—Yes.

540. What names?—Dr. Maloney and Mr. Michael Hawley came, and several others that I cannot remember.

541. Used they stay late at night?—I do not know that really; they may stay till 10 or 11.

542. And you say that you saw drink?—I did.

543. Were you in the room when drink was taken?—Yes; some evenings.

544. How many were there in the room with Mr. O'Beirne when there was drink given?—I do not know how many.

545. Half-a-dozen?—I think there was.

546. Probably there might be 10 or 12, some evenings when drink was given?—I cannot say.

547. Something between half-a-dozen and 10?—Yes.

548. Who asked you to go up?—Nobody asked me.

549. You walked up to Mr. O'Beirne's room

uninvited?—Yes; because when I went to go to bed, my room was opposite the parlour Mr. O'Beirne had, and I might be asked to sit down; we may have had a song there or two. We had a piano.

550. Upon evenings when you were in, how many people were there taking drink with Mr. O'Beirne?—I cannot say.

551. Were there ever so many as a dozen?—Yes.

552. Were there ever so many as 20?—I cannot say that.

553. You never remember 20?—I may remember, but I cannot say there were 20.

554. You will not say there were not 20?—No.

555. Might there be 30 people in the room in one evening?—I cannot say.

556. There might be?—Yes.

557. You are not sure?—No.

558. Then there were a number of people there; might there have been 30 people that you have seen in that room?—Yes.

559. There might have been 30; you will not swear there were not 30?—No, because I was not there every evening.

560. The evenings you were there, yourself, might there not have been 30 people?—Yes.

561. You could not count them?—I may be able to count them, but I did not count them.

562. You mean that you cannot say how many people there were?—No.

563. What had the 30 people to drink when they were there?—I cannot say.

564. Was it whiskey?—I cannot say.

565. What did you get?—I might have got a glass of sherry.

566. I know you might; what did you get?—I got a glass of sherry or a glass of port.

567. There was port and sherry there?—Yes.

568. Everybody who was there got sherry or port?—Yes.

569. How many glasses were there; four or five?—Yes, there might be.

570. And more?—Yes, perhaps.

571. And a number of decanters?—I cannot say decanters.

572. Were there black bottles?—Well, there would be bottles holding sherry.

573. Were there any black bottles holding whiskey?—I cannot say.

574. When you were up there, did you hear any speeches?—Yes.

575. Where were the speeches made?—In the room.

576. Were they made to people outside, or in the room?—Both in the room and outside.

577. Was there any one that took the chair at any of the meetings?—Yes.

578. Could you tell me upon any occasion who was in the chair; do you remember that?—I think Mr. O'Beirne was in the chair one evening, to the best of my belief.

579. I mean in the evenings when the speeches were made?—Do you mean inside or outside?

580. When the speeches were made inside, was Mr. O'Beirne in the chair?—I think he was; I am not sure.

581. Who made the speeches, could you tell me?—I heard Dr. Maloney one night; I heard Mr. O'Connell another night.

582. I ask you with regard to the inside speeches now?—Yes.

583. And, whilst the speeches were making,

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were there spirits, or glasses, or bottles, on the table?—There were bottles and glasses also, but I do not know whether there was whiskey or not.

584. But were there bottles and glasses whilst the speeches were making?—Yes.

585. Is it a large room?—It is, when the two are let into one.

586. On any occasion when you were there, were the two let into one?—Yes, the two were in one when Mr. O'Beirne was there.

587. The whole time?—Not the whole time, but the most part of the time.

588. Was the room crowded or full?—No.

589. Was it nearly full?—No.

590. Was it half full?—I do not know, really.

591. How many people would the room hold if it were full?—I dare say it would hold 70 or 80.

592. And in that room how many would it hold if the folding doors were not opened, and the two rooms thrown into one; how many would the one room hold; about half, I suppose?—One of them would not hold half.

593. Was there enough people to make one room full on any evening that you were there?—Well, I do not know, really.

594. You cannot tell me that?—No.

595. Did you go into the second room?—Which second room?

596. There were two rooms, separated by folding doors?—They were both let into one.

597. Were the people on both sides of the folding doors?—The folding door is on hinges, and it is let into the wall.

598. Were there people in both rooms?—Yes, there were.

599. Where was the table; in which room was the table?—There was a table right in the middle.

600. Was it a large table?—Not very large.

601. Was it as long as the table you are sitting on there?—It was not.

602. Was it nearly?—It was nearly, but it was not as long.

603. Was it as long as this part of it (*explaining the same*)?—No.

604. Were not there glasses all round the table?—I do not know whether they were on one side of it; they were on some of it.

605. Did you ever hear speeches made outside from the balcony at all?—Yes.

606. Is there a balcony to your father's house?—Yes, there is.

607. How often were you in the room when speeches were made from the balcony outside?—I was there once, at all events.

608. Do you know who made the speeches from the balcony outside?—Mr. O'Connell Hackett made one, and some other men from Tipperary.

609. Did you ever see Captain Graham when you were there?—Yes.

610. How often did you see Captain Graham when you were there?—I did not see him every night when I was there.

611. Did you see him almost every night when you were there?—No.

612. What was Captain Graham doing?—Sitting.

613. Did he make a speech?—Not that I heard.

614. Did Mr. O'Beirne make speeches?—Yes, of course.

615. When you were there, was the lower door of your father's house open; the hall door?—I do not think the hall door was open, but the shop door was open.

616. How did the people come in?—Through the shop door.

617. Was there any one to stop them, or did anyone who liked come up?—Everybody who liked did not come up.

618. Whose business was it to stop them?—There was a man at the stairs to stop them; not to let up everybody.

619. Do you know who that man was?—I do.

620. Who was he?—His name is Hurley.

621. I suppose you did not like any of Mr. Munster's friends to come up?—I did not know who Mr. Munster's friends were.

622. In whose employ was Hurley?—I do not know whether he was in my father's employ or Mr. O'Beirne's; he must have been in either one or the other.

623. That is what I want to know; had you ever seen him at your father's before Mr. O'Beirne came there?—Ever seen whom?

624. Hurley?—Yes, I had.

625. Did you know that he was in your father's employ before that?—No; but he often worked for us.

626. Do you say upon these evenings when there was drinking and speechifying going on upstairs, that Hurley was always standing on the stairs not to let people up except whom he wished?—Who?

627. Hurley?—I do not know that they were people he wished to let up.

628. Do you know how he knew who to let up?—No.

629. But he was always standing there?—Not always; my father said he would come here when required.

Cross-examined by Mr. *Hemphill*.

630. I think the only voters whose names you recollect as being in that room, were Dr. Maloney and Michael Hanley?—Yes.

631. And Captain Graham, on one or two occasions?—Yes.

632. You do not know who the other people were that were in the room?—I do not; I know that Mr. Morgan John O'Connell was there one evening.

633. He does not live in Cashel?—No.

634. Mr. O'Connell Hackett lives in Clonmel?—Yes, he does, I think.

635. You said you took a glass of sherry or port yourself occasionally?—Yes.

636. You do not know what the other people drank, or whether they drank anything?—No.

637. You did not pay any particular attention?—No.

638. You saw people in the room, and glasses and bottles on the table?—Yes.

639. That is all you know about it?—Yes.

640. Was it not Mr. O'Beirne's private sitting-room that he had?—Yes, it was.

641. Were you correct in saying that there was a balcony to the sitting-room outside?—No, there is a signboard outside.

642. There is no place that you can stand on outside?—No.

[The Witness withdrew.]

PATRICK MACKEY, sworn; Examined by Mr. *Heron*.

643. You are an elector for the city of Cashel?
—Yes.

644. And you voted at the last election for Mr. O'Beirne?—Yes.

645. Was your house taken at any time for a committee-room?—Yes.

646. By whom?—Mr. O'Beirne.

647. Himself?—Yes.

648. Who were present?—No person was present.

649. Did he call on you?—Yes.

650. In your own house?—No.

651. Where was it?—He sent for me to Mr. Dunn's, but afterwards he called to see the house.

652. First he sent for you to go to Dunn's?—Yes.

653. Is that the first time you saw him about the room?—The first time he called upon me was when he came to town.

654. I mean about the rooms; how long was it before the election that he called upon you or spoke about the rooms?—About three weeks.

655. How much did you ask for the rooms then?—No money at all. There was no money transaction between Mr. O'Beirne and me at all.

656. You asked nothing for the rooms?—I did not ask a farthing.

657. Was your house taken for a committee-room?—Yes.

658. And it was a committee-room?—Yes.

659. Did anybody meet there?—Himself and some few persons met.

660. You say that he first spoke to you about three weeks before the election?—Yes.

661. At Dunn's?—Yes.

662. And that afterwards he called at your own house to see the rooms?—Yes.

663. Did you get nothing for the rooms?—No, there was no promise whatever or any agreement between Mr. O'Beirne and I. He never asked me what I would take.

664. You are not to be paid at all?—I cannot say, but it rests with himself.

665. Did Captain Graham call on you?—Yes; he did not call upon me for Mr. O'Beirne.

666. Did anyone on behalf of Mr. O'Beirne call on you about the committee-room?—Captain Graham called for his own use.

667. How much was Captain Graham to pay you for the use of your house?—£.40; he said he wanted it for himself, and not for Mr. O'Beirne at all.

668. And you asked 40 l.?—Yes.

669. How long was that before the election?—About a week before Mr. O'Beirne took it.

670. At the time Mr. O'Beirne took it, had you broken off with Captain Graham?—Captain Graham did not take possession of the house.

671. You said that you would take 40 l.?—Yes.

672. And Captain Graham was to give you that?—Yes, for his own use; he made use of the words that he did not want it at all for the election.

673. That it was not wanted at all for the election?—That it was for his own private use that he wanted the house.

674. That was a week before Mr. O'Beirne came?—Yes.

675. And it was a bargain made then between

you and Graham?—He told me that he would take possession, but he declined it afterwards.

676. When you made the arrangement with Mr. O'Beirne, was the bargain off with Captain Graham?—Yes, of course, when he had taken another house.

677. Had you seen Captain Graham from the time he agreed to give you 40 l. till you agreed to give it to Mr. O'Beirne for nothing?—No.

678. The moment Mr. O'Beirne asked you, you agreed to give it him for nothing?—Yes; he asked me whether I would give my house, and I said I would.

679. Do you mean to tell his Lordship that you agreed to give it to Mr. O'Beirne for nothing?—I tell you that those were the words that passed between Mr. O'Beirne and I.

680. I ask you before his Lordship, did you agree to give Mr. O'Beirne the house for nothing?—Mr. O'Beirne did not ask me what I would take for the house; there was not a word between us.

681. Did you understand that Mr. O'Beirne was to pay you, or that you were to give it him for nothing?—I have nothing to show for it; he need not pay me if he likes; I have not his word for it.

682. Do you expect to be paid?—I cannot say.

683. Do you believe that you will be paid?—I cannot say; it depends upon himself.

684. What is the usual figure, 30 l.; is that what you ought to be paid?—I cannot say what I will be paid or what I can get.

685. Now tell me, at the time Mr. O'Beirne spoke to you was the bargain off with Captain Graham?—Captain Graham told me —

686. Was it off or on?—I cannot say, because Captain Graham, immediately after he agreed with me, left, and he did not return, and he did not take possession of the house afterwards.

687. Then, before you heard anything from Captain Graham, and only a week after you made the bargain with him, you gave it to Mr. O'Beirne?—Afterwards.

688. Before you had any further communication with Captain Graham, between the time you made the agreement with Captain Graham and the agreement with Mr. O'Beirne had you any engagement or talk with Captain Graham at all?—None after that.

689. Now, I ask you on your oath, did you give the house to Mr. O'Beirne for nothing?—I had no promise whatsoever for the house; I cannot say but what I must give it for nothing.

690. But do you believe that it is for nothing, or for 30 l.?—I cannot believe.

691. Did he ever take the house from you before?—Never.

692. Did you tell Mr. O'Beirne anything in the world about Graham?—No, not a word.

693. Had you seen Captain Graham with O'Beirne before that canvassing; had they canvassed you together?—He never canvassed me.

694. Did Graham canvass you?—No.

695. Did Mr. O'Beirne canvass you?—Mr. O'Beirne asked me for my vote.

696. Who was with him?—Several.

697. What did he say to you?—He came and asked me for my vote.

698. What did you say to him?—I said I would

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would make no reply until I saw what way the majority of the townspeople would go, and then I would go the same way.

699. Up to the time Mr. O'Beirne took the rooms had you made up your mind which way you would vote?—Previous to Mr. O'Beirne taking my rooms I had made up my mind to vote for him.

700. Previous to Captain Graham taking the rooms had you made up your mind?—Yes.

701. Before Captain Graham took the rooms for 40 l.?—Yes, I was determined to vote for Mr. O'Beirne before Captain Graham took the house at all.

702. Have you a son-in-law named Dwyer?—Yes.

703. Dwyer's house was taken also?—No.

704. Dwyer's was not taken?—No.

705. Did you ever ask any price for your rooms from any one else besides Captain Graham?—I did.

706. From whom?—Not on Mr. O'Beirne's side.

707. From the other side; did not you want from the other side 50 l.?—I would not give it if he gave 100 l.

708. Did not you say you wanted 50 l.?—He came and asked me for the house, and I said I would not give the house for a small sum.

709. You said that you would not give it him for a small sum?—I told him I would give it for 50 l., but I said after that I would not give it him at all.

710. When did you say that you would give it to Munster's side for 50 l.?—Some time in September; I think the 21st of September.

711. Do you mean to say that when you said you would take 50 l. for your house that you were not in earnest?—I might at the same time be in earnest.

712. You would have taken the 50 l. then?—I might have, but afterwards I would not.

713. When did you make up your mind that you would not?—Sometime afterwards.

714. Was it after Graham spoke to you?—It was before he spoke to me.

715. Now, I ask you, do you expect to be paid something?—I cannot say as regards that.

716. Do you swear that you will not take it?—I cannot say.

717. Do you swear that you will not take it?—I will not swear whether I will get it or not.

718. Will you swear that you will not take it?—I will swear no such thing.

719. How much will you take; will you take 30 l.?—I cannot say.

720. If you are offered 30 l., will you take it?—I cannot say.

721. How much do you think your house worth for the time?—I have nothing to show for any amount.

722. Would you take 100 l., on your oath, from Mr. O'Beirne?—I cannot say; I can make no reply.

723. Would you take 50 l.?—I have nothing to show for it.

724. Would you refuse to take 20 l.?—Och!

725. Would not you scorn 20 l.?—I do not expect anything; it may be.

726. It may be?—I do not care what.

727. Would you take 5 l. for your house and vote?—I would not sell my vote at all.

728. Would you sell your house?—I would not sell my house at all, and if I would sell my vote at all I could get more than 5 l. or ten 5 l.; I would not sell my vote.

729. Did you canvass Dwyer?—No.

730. Did you ask him for his vote?—No.

731. Mr. *Butt.*] Were you in court before you were examined?—Yes.

Mr. *Butt.*] I am told, with regard to all the witnesses, they are remaining in court.

Mr. Baron *Fitzgerald.*] Tell me their names.

Mr. *Butt.*] Patrick Mackey: this witness, has been in court.

732. Mr. Baron *Fitzgerald.*] Why did you remain in court?—I did not know any different.

733. You were ordered to leave the court?—I was not ordered.

734. Did not you hear the witnesses desired to leave the court?—I did not understand it, my Lord.

[The Witness withdrew.

Mr. Baron *Fitzgerald.*] Who are the other witnesses who have been in court?—

Mr. *Butt.*] Patrick Maher and Con Carroll.

Mr. Baron *Fitzgerald.*] Call Patrick Maher.

PATRICK MAHER, called.

P. Maher.

735. Mr. Baron *Fitzgerald.*] Did not you hear that the witnesses were to leave the court; there is an order made that the witnesses shall remain out of court?—I saw plenty of Mr. Munster's witnesses in court.

736. Mr. *Butt.*] You said just now that you saw plenty of Mr. Munster's witnesses in court?—At the door.

737. Listening to what was going on?—They

could not hear what was going on here; I could not hear what was going on.

[The Witness withdrew.

Mr. *Butt.*] I will ask your Lordship to attach Patrick Mackey for contempt of court.

Mr. Baron *Fitzgerald.*] Why should I do it? I cannot do so on the evidence before me.

PATRICK MACKEY, re-called; Examined by Mr. *Butt.*

P. Mackey.

738. WERE not you in court?—I was not in court when his Lordship laid the rule.

739. Were not you in court before you were examined?—Yes.

740. Had you heard that there was an order made that witnesses were not to be in court?—I did not understand the order.

741. Had you heard it?—I was told that nobody would be allowed in court, and I asked leave of the police, and they let me pass.

[The Witness withdrew.

Mr. Baron *Fitzgerald.*] I cannot attach witnesses on this evidence.

Mr. PATRICK CONDON, sworn; Examined by Mr. Carton.

742. You are an elector of Cashel?—Yes.
743. What is your business?—I keep a bacon business, a public business, and have a little land.

744. You have a small public-house in the town?—Yes.

745. Was your house taken by Mr. O'Beirne during the election?—No, not at all; my house was not taken.

746. Did you get any order for drink?—I got no order; I gave it myself. I got no order from any one.

747. You gave drink?—Yes.

748. Who paid you for it?—I was not paid.

749. To whom did you give drink?—I gave drink.

750. When did you begin giving out the drink in this very disinterested manner?—I think I gave a gallon of whisky to Keif.

751. Who is Keif?—He is a man who is doing business for Mr. O'Beirne.

752. About what time?—The night they had the meeting.

753. How long before the election was that?—Indeed I could not say.

754. Was it a week?—Yes.

755. Was it a fortnight?—Three weeks, I think.

756. When did you next give drink to anybody?—I called in three men off the street and gave them three pints of porter; some of them belonged to Mr. Munster, as well as Mr. O'Beirne.

757. When was that?—I think it was a fortnight or three weeks before.

758. Were they voters?—No, they were not voters.

759. On that occasion that you gave Keif the whisky, what did he do with it?—I do not know; I think a man of the name of Manahan took it away.

760. Who is he; is he a voter?—No, he was one of the mob.

761. Did you give out any more drink between that and the election time?—Not unless I may give a pint of porter; I gave to Mr. Munster's men sometimes, and to Dudley Burke I gave it.

762. To whom did you give the drink?—

Mr. Hemphill.] My attention has been called to a Witness in court, close to the table, John Dugan.

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JOHN DUGAN, called.

763. Mr. Baron Fitzgerald.] Did not you hear the order for the witnesses to leave the court?—I was not here at the time; I was not aware of it.

Mr. Baron Fitzgerald.] Now leave the court.

764. Mr. Curtis (to the Witness).] For whom did you vote at the last election?—For Mr. O'Beirne.

765. Did you canvas for Mr. O'Beirne before the election?—Never.

766. You never asked anyone to vote?—No; I never asked a man to vote.

767. How much drink did you give this way before the election?—As I am on my oath, I did not keep an account of it.

768. But you could give me an idea?—In all, about 4 l. altogether.

769. £. 4 worth of drink?—Yes.

770. And you were never paid for it?—Not a halfpenny.

771. Do you expect to be paid?—I do not know.

772. Do you expect to be paid?—Upon my word, I do not know.

773. Did you give anything along with the drink; anything in the way of bread or bacon?—No.

774. Nothing but drink?—No.

775. You do not think that you will be paid for it?—I do not know.

776. When you were giving the drink, did you expect to be paid?—I told the men who got it that I freely gave it myself; I being a friend of Mr. O'Beirne, and I voted for him before.

777. You voted for him in 1865?—I gave it myself freely; I told them so.

778. Were any of the persons to whom you gave the drink voters?—To my knowledge there

was one man; I think he paid me 1 s.; that is a man of the name of Kennedy on the Commons.

779. You would not be sure of it?—Yes, I would be sure that he paid me 1 s.

780. Did you keep any account of the different amount of drink?—I did not keep an account.

781. Do you keep an account of the drink that you give from time to time in the shop?—Yes.

782. Were you subpoenaed to bring your books here?—I have not brought my books, but there is not 1 l. of drink due to me from the time I commenced; I only buy a small amount at a time.

783. Do you know a man of the name of Cunningham?—Yes.

784. Had you any conversation with him as to whom you would vote for?—Yes.

785. Did you ever tell him that you would vote for no man who would not take your house?—No; not to my knowledge.

786. What do you mean by that?—I said if there was anything passing by in Cashel, I was entitled to the benefit of the election as well as anybody else.

787. That is, if money was going you were to have your share of it?—No, that I would consider I was entitled to my part of it if anything was going.

788. If anything was to be made by the election, you were to have your share of it?—Yes; I could not say that I would have it, but I was entitled to it.

789. Who is Mr. Cunningham?—He is a man at the Lower Gate.

790. Was not he an agent of Mr. Munster?—He said to me that he was.

791. It was on that occasion that you said, if there was any money going you were to have

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Mr. your part of it?—No, it was on several occasions.
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Mr. *Hemphill* objected to conversations with Mr. Munster's agent being gone into.

Mr. Baron *Fitzgerald* overruled the objection.

Witness.] Before Mr. Munster was introduced in Cashel he and I had conversations about it.

Cross-examined by Mr. *Curtis*.

792. The Keif you mentioned is not a voter?—No.

793. Is Manahan a voter?—No.

794. Would not you have voted for Mr. O'Beirne in any event?—Yes; I would vote for Mr. O'Beirne if I never got a halfpenny, and would vote for him again, if I never saw a halfpenny, or shilling, or pound.

[The Witness withdrew.

Mr. JAMES DUNN, sworn; Examined by Mr. *Butt*.

Mr.
J. Dunn.

795. MR. O'BEIRNE was stopping in your house, was not he?—Yes.

796. Are you an elector?—Yes.

797. How long did Mr. O'Beirne stop in your house?—About seven weeks.

798. Of course you were paid for the rooms?—Yes.

799. What were you paid?—I was paid for my house.

800. How much were you paid?—£. 50.

801. Mr. Baron *Fitzgerald*.] When did the seven weeks end; was it long after the election?—Not long.

802. Mr. *Butt*.] Do you keep a public-house?—I keep an hotel.

803. You have a license for wine and spirits?—Yes.

804. Retail?—Yes.

805. Mr. O'Beirne lived in your house?—Yes.

806. Did you supply wine and spirits to Mr. O'Beirne during the time?—I do not know about that.

807. Who manages the house?—My wife.

808. Where is she?—At home.

809. Do you keep any books?—No.

810. Does she keep any books?—No.

811. You know nothing about the business?—Not a halfpenny about the home, any more than you do.

812. Is Mrs. Dunn here?—No; she will come.

813. Were you at home in the evenings?—I was never inside his room but once.

814. When was that once that you were inside the room?—I cannot say that.

815. Do you know a man of the name of Henley?—Yes.

816. Was he in your employ about the time of the election?—No, not in my employment; never.

Cross-examined by Mr. *Hemphill*.

817. I suppose there is a greater demand for rooms at the election than upon any ordinary occasion?—Yes.

818. And you get higher rents for your rooms?—Yes, and I would not sell it again for the same money.

819. Independently of the election?—Yes.

820. Did it interfere with your business?—Yes.

821. And the profits of your business?—Yes; we had to turn away commercial men that we always had.

Re-examined by Mr. *Butt*.

822. How did it interfere with the business?—I had not that room for the commercial men to stop in.

823. Mr. *Hemphill*.] Your house is not a very large one?—No.

[The Witness withdrew.

Mr. PAT MANSON, sworn; Examined by Mr. *Heron*.

Mr.
P. Manson.

824. WHERE do you live?—In Cashel.

825. Are you Pat Manson, of Main-street?—Yes.

826. Are you in the habit of letting your house at the election?—At this time I did not.

827. You did before?—Yes.

828. To whom did you let it before?—To Mr. O'Beirne's agent.

829. For how much?—For something like 30 l.

Mr. *Hemphill* objected to going into anything that occurred before the last election.

830. Mr. *Heron*.] Who took your rooms this time?—No one.

831. Were your rooms placarded?—No.

832. Who was the agent that took your rooms on a former occasion?—I disremember now.

833. When were you paid the 30 l. for the election of 1865?—I cannot tell.

834. Were you paid until the coming on of the

election?—I will not answer unless his Lordship says so.

835. Mr. Baron *Fitzgerald*.] Answer when. —I cannot say; it was two or three years ago.

836. Mr. *Heron*.] Did you hold a promissory note for the 30 l.?—No.

837. Do you know Captain Graham?—Yes, since this election.

838. And before it?—No.

839. Do you remember when Captain Graham came into the town about this election?—No, because he did not come to me about the election.

840. Did anybody ask you to vote upon this election?—No, nor Mr. O'Beirne neither. He came into my house to ask how it was that I voted for him myself.

841. Who was with Mr. O'Beirne then?—Mr. O'Connell; I think he is the nephew of the great O'Connell.

842. There

842. There were none of the townspeople with him?—No; upon a former occasion—

843. Never mind about that?—A few days

before that he came, and I was not in the house on that occasion.

[The Witness withdrew.]

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Mr. TIMOTHY HOGAN, sworn; Examined by Mr. Butt.

844. ARE you an elector?—I am.

845. And you voted at the election?—Yes.

846. For Mr. O'Beirne?—Yes.

847. Did you get from Mr. O'Beirne, a short time before the election, a cheque on the bank?—I did.

848. Did you get the money for the cheque?—I did.

849. At the bank?—Yes.

850. How much did you get?—£.20.

851. How long before the election did you get that cheque?—I believe it was about a fortnight or three weeks.

852. Was it Mr. O'Beirne's own cheque?—It was.

853. Where did Mr. O'Beirne give you that cheque?—He gave it me at Mr. Dunn's.

854. Was there anyone there when he gave it you?—I think Tim Shea was there.

855. Is that Timothy Shea?—Yes.

856. You think he was with Mr. O'Beirne?—Yes.

857. Are you sure?—I think so.

858. Have you a doubt that he was?—I am certain that he was.

859. Was there anybody else besides Timothy Shea with Mr. O'Beirne when he gave you the cheque?—I think not.

860. How came you to go to Mr. O'Beirne's that day; were you sent for by him, or did you go of your own accord?—I went to him.

861. Of yourself?—Yes.

862. Before you went to Mr. O'Beirne that day, had Mr. O'Beirne asked you to vote for him?—I told Mr. O'Beirne that I would vote for him, so he need not ask me at all.

863. When did you tell Mr. O'Beirne that you would vote for him?—I told him on that day.

864. I ask, before that day, had anyone asked you to vote for Mr. O'Beirne?—No.

865. Had you seen Captain Graham?—No.

866. And no person had called on you to vote for Mr. O'Beirne?—No; but Mr. O'Beirne came to the house after.

867. I mean before that day?—No.

868. Up to the day that you went to Mr. O'Beirne and got that cheque, no person had asked you to vote for him?—No.

869. When you went to Mr. O'Beirne's, do you recollect what you said to him; what was the first thing you said; did you remind him of the debt he owed you?—It was the first thing in 1865—

870. The first thing you said when you went into Mr. O'Beirne's was reminding him of the debt he owed you?—Yes; it was not with him I contracted it.

871. Why did you go to Mr. O'Beirne about the debt?—I told him that Mr. Johnson did not pay me the balance that he owed me.

872. Was that Mr. Charles Johnson the attorney?—Yes.

873. Did you tell Mr. O'Beirne what the balance was for?—I did.

874. You may as well say what you said; what was it?—Twenty pounds.

875. Did you say what it was for?—I said it

was owed to me by Mr. Johnson; I was knocked up and doing no business at that time, and I said so to Mr. Johnson.

876. Was that at the former election of 1865?—Yes.

877. And Mr. Johnson was acting for Mr. O'Beirne?—Yes.

878. And you had set your house to Mr. Johnson?—Yes.

879. And you mentioned this to Mr. O'Beirne?—Yes.

880. You had a balance; what was your house set for in 1865?—At 40 l.

881. And you had been paid 20 l.?—Yes.

882. And 20 l. remained over?—Yes.

883. When were you paid the first 20 l.?—I was paid that previous to the election.

884. At the time the house was taken?—Yes.

885. Mr. Johnson is dead?—Yes.

886. When you said to Mr. O'Beirne that 20 l. remained due, what did Mr. O'Beirne say?—He said he thought it was paid.

887. What did you say then?—I said it was not paid, that I had business with Mr. Johnson.

888. Did any further conversation pass between you and Mr. O'Beirne about that 20 l.?—Not at all.

889. At that time I mean?—No.

890. And did he give you a cheque at once?—Yes.

891. You were saying that you were not paid?—Yes.

892. And you promised, upon that day, to vote for Mr. O'Beirne?—Yes, I did.

893. And of course you kept your word?—Yes.

894. Did he give you a glass of wine at all?—No.

895. How long were you with him?—Not long.

896. When you promised to vote for him, did you come away at once, or did you sit talking afterwards?—I came away.

897. Did you come away immediately after you promised to vote for him?—Yes.

898. At once?—Yes.

899. And Mr. O'Beirne said he was much obliged to you?—Yes.

900. It was after you got the 20 l., you say, that you promised to vote for him?—Yes, it was.

901. And you did not promise to vote for him until you got the 20 l. cheque?—He did not ask me.

902. Mr. Baron *Fitzgerald*.] Did he ask you after he gave you the 20 l.?—No; I told him when I got it that I would vote, but I would vote for him whether I got it or no.

Cross-examined by Mr. *Hemphill*.

903. Do you remember Mr. O'Beirne saying that he did not want Mr. Johnson's name being talked about as leaving claims unsatisfied, as he was dead?—Yes, something to that effect.

904. Did not he say, when giving you the cheque, that it had nothing whatever to do with your vote at the election?—He did.

C

905. Did

Mr. 905. Did he say to you, in effect, that you
T. Hogan. were at liberty to vote for anybody that you
 pleased?—Yes.

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Re-examined by Mr. *Butt.*

906. Do I understand that Mr. O'Beirne said,
 "Now, paying you this 20 *l.* has nothing to do
 with your vote"?—Yes, he said so.

907. And then he said, when you had got the
 cheque, "And now, Mr. Hogan, you will vote for
 me"?—No.

908. Did not you swear this moment, that he
 asked you to vote for him?—He did not say
 that.

909. What passed was this; Mr. O'Beirne said
 to you, "This has nothing to do with your vote";
 was that it?—Yes.

910. And then you said, "Mr. O'Beirne, I will
 vote for you"?—Yes, I would vote whether I
 got it or not.

911. Was it before or after you got the 20 *l.*
 cheque that you said that?—It was after; it was
 after I told him I would vote.

912. But when he was giving you the cheque,
 and before he gave it you, did he say that it
 would have nothing to do with your vote; when

did he tell you that the cheque had nothing to
 do with your vote; was it before or after you
 put the cheque in your pocket?—How can I say
 when he did not ask a vote of me?

913. Do you understand my question; or say
 that you cannot answer it?—I will answer any-
 thing I know.

914. Did not he, at the same time that he gave
 you the cheque, tell you that the cheque had
 nothing to do with your vote?—He did certainly.

915. Was it before or after you had put the
 cheque in your pocket?—I think it was in filling
 the cheque.

916. Then in filling the cheque, he said, "The
 cheque has nothing to do with your vote"?
 —Yes.

917. What did you say to that?—I said I
 would vote for him.

918. Then it was while he was filling the
 cheque that you said you would vote for him,
 was it?—Yes, certainly.

919. Are you in business again?—Yes.

[The Witness withdrew.

[Adjourned to To-morrow, at Ten o'clock.

Tuesday, 16th February 1869.

Mr. *Hemphill* asked for an order to serve two witnesses in England, upon an affidavit which was now prepared. If from the progress made to-day and to-morrow there was no possibility of their being over in time, they should not attend. He inquired whether Mr. Richardson, the agent for election expenses, was present. 16 February 1869.

Mr. *Butt* stated that he was not.

The affidavit was sworn to by Mr. Peirce Grace, and handed in to the learned Judge.

The affidavit was read.

After some discussion, Mr. Baron *Fitzgerald* granted the application for orders for subpoenas out of the jurisdiction.

Michael Ryan being called, and not appearing, Mr. *Butt* asked for an order for his attendance. He stated that a notice had been sent to him to appear, and he said he would not come.

Order accordingly.

Mrs. HELEN DUNN, sworn; Examined by Mr. *Butt*.

920. YOUR husband has an Hotel?—Yes.

921. Do you manage his business?—In the house I do.

922. Do you keep the books, or are they kept under your superintendence?—They are.

923. Have you your books here?—I have one book; I have no other books.

924. What book is that?—The one I keep my accounts in.

925. Mr. O'Beirne came to your house to lodge during the election?—Yes.

926. What did he pay you for the lodgings?—He paid for the house.

927. What did he pay?—£. 50, and he paid for his board after.

928. He paid 50 *l.*, and besides that he paid for his board?—Yes.

929. Did he pay you the bill?—No, he paid me on account; part of the bill.

930. How much was the bill?—As well as I recollect, 106 *l.*

931. Mr. Baron *Fitzgerald*.] That was independent of the 50 *l.*, or was it including it?—Independent of the 50 *l.*

932. How long was he there?—He was going on eight weeks; he was seven weeks on Saturday; it was on the Tuesday morning next that he left.

933. Mr. *Butt*.] Was he all that time in your house?—Yes; he went to Clonmel, and he went to Dublin for two or three days.

934. How long was he in Clonmel?—I could not exactly say.

935. He was about six weeks actually living in your house?—Yes, and more.

936. Do you know a man of the name of Pat Hurley?—Yes.

937. Was he in your or your husband's employment at that time?—He was not in our employment; he was in and out like everybody else; he was a tradesman, and he was kept at the stairs; there was the hall door and the shop door, and he was kept there to see who went up and down stairs.

938. Were there a good many people going in and out to Mr. O'Beirne?—Indeed there was.

939. Did any people dine with him?—Yes.

940. Did they dine with him every day?—No.

941. How often did people dine with him in the week?—I could not tell.

942. Did you enter everything in the book?—I did; the most he had was four or five together, and them were priests.

943. Not electors?—No.

944. Let me look at the book?—I will; here it is (*handing the same to the learned Counsel*).

945. Oh, I see you have Mr. O'Beirne's account for wines and spirits?—It was his own wine and spirits.

946. That is separate from the rest?—That is separate; this is what he used at his own table, and his dinner is on the other side.

947. The wine and spirits come to 32 *l.* 2 *s.* 1 *d.*; it is headed, "Mr. O'Beirne's account for spirits, wines, luncheons, lemonade, &c."?—I did not write it.

948. Show me any other?—There is no other at all.

949. Is this it?—I do not know.

950. Show me any other account of Mr. O'Beirne's?—Here it is.

951. "Mr. O'Beirne's account with James Dunn, October 10th;" that is 39 *l.* 11 *s.*?—Yes, it is.

952. Thirty-two pounds, and 39 *l.* 11 *s.*, would make 71 *l.*; is there any other account in the book?—There is.

Mr. Baron *Fitzgerald*.] What is that for?

Mr. *Butt*.] "October 10th, 2 *s.*; servant's dinner, 2 *s.*, &c." It appears to be an ordinary hotel account, exclusive of spirits; generally there are five dinners, then four dinners.

953. Mr. Baron *Fitzgerald*.] What servants had he with him?—His valet.

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—.

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954. Only his valet?—Only his valet.

955. Mr. Butt.] Now, show me any other account in that book for Mr. O'Beirne; I think there is one marked there; is that it (*handing the book to the Witness*)?—Yes.

956. Are there two more?—Yes; that is all I have of Mr. O'Beirne's account.

957. I have only in this account two of Mr. O'Beirne's?—Yes.

958. When he came to pay you 106 l. —?—Connors ordered that which you see there. I had a bill against Dennis Geary too, and I was to deduct the two bills and the valet's bill from the 106 l.

959. Why the valet's bill?—Because he had only drink; his dinner and breakfast are down there; he called for drink.

960. Do I understand you have given me two bills of Mr. O'Beirne?—I have.

961. One, 32 l. for spirits and liquors?—Yes.

962. The other, 39 l. for dinners?—Yes.

963. And in addition to that you have a charge against Mr. O'Beirne for over 30 l.?—For what?

964. I do not know; did not you say O'Beirne's bill was 106 l.?—Yes, I did; but at that time I only put it all down rough; I am to take Connor's and Geary's bill out of it.

965. One hundred and six pounds included the two bills, and the valet's bill, and Connor's bill, and what else?—Yes, and Geary's bill.

966. This is Pat Connor's bill, the expense agent; it includes this bill; it begins on the 18th of November; it is 4 l.; it appears to be all dated the 18th of November, 4 l. 14 s.; was that all supplied on the 18th of November?—I could not tell you.

967. Is there any one in your employment who can tell; does not it appear to be dated the 18th of November?—My daughter says it was.

968. On the 18th of November Pat Connors got at your house spirits and brandy to the extent of 4 l. 14 s.; is that so, and you charged it at first to Mr. O'Beirne?—I put it all in the bill.

969. For Mr. O'Beirne, was it not, you put it in one bill?—I did.

970. Can you tell me who drank that brandy?—I could not; it was a lot of people that were in the house with Connors, but they were not upstairs; they were in about the kitchen.

971. Did you see them in the kitchen?—I was in the shop, but I knew they were in there; the kitchen goes out of the back room.

972. In whose handwriting is that?—My daughter's; it is none of it in my handwriting.

973. You could not tell me any of the people who were in there that day?—Upon my word I could not.

974. There must have been many people in to drink that brandy?—There were a good many.

975. Show me Daniel Geary's bill in that (*handing a paper to the Witness*)?—Dennis Geary.

976. You say you put it all in one bill first for Mr. O'Beirne?—Yes.

977. When you put it in one bill, what do you mean by that; did you make out a bill?—No, I put the amount on paper.

978. Did you keep any entry or any bill of those things as they were supplied?—Sure you have it there.

979. Is that the only entry you ever made?—My daughter every day kept a sheet of paper, and she transferred that at night to that book.

980. This book you wrote in every night?—Every night or every morning, or whatever time it was, but this is the book.

981. And this appears to be "Account of drink due to James Dunn by Mr. D. Geary;" look and see if "D. Geary" is written in a different ink from the rest?—I see it is.

982. You do not know when it was changed?—No, I do not know that.

983. Now this bill amounts to 18 l. 17 s. 6 d., and this begins, I suppose, on the 11th of November, and goes down to the 21st, and in those 10 days Mr. Dennis Geary got drink to the extent of 18 l. 17 s. 6 d.; did Mr. Dennis Geary drink all that?—He did not.

984. Who did drink it?—I could not tell you; people that were in the house.

985. Were they kitchen company or parlour company, or upstairs company?—They were upstairs one time.

986. This drink was supplied to Mr. Dennis Geary?—It was, certainly, and which he told me he would pay for; he has a pass-book.

987. I am not sure it quite comes up to the 106 l.; is there any other to make up the 106 l.? There was the valet's account.

988. Where is that entered?—I have not that entered at all.

989. How much was the valet's bill for drink?—He did not drink it all; I suppose he drank some.

990. He treated a good many people?—Indeed he did.

991. What was his bill?—I believe it was 11 l.

992. That would make up the 106 l.?—Yes.

993. You are doing a very good business?—Yes.

994. When you give any person anything on credit, you put it down at the time?—I do.

995. Have you a book in which you put down everything you give on credit?—I have.

996. That is a general book for putting down things?—I have a day-book in which I keep my accounts in, but I did not keep Mr. O'Beirne's account in it; I kept it aloof, and I kept that book specially for Mr. O'Beirne.

997. There is nothing in this book but Mr. O'Beirne's account?—That is all; no other accounts.

998. When were you told not to put in Geary's bill in Mr. O'Beirne's bill?—The 10th of November. Mr. O'Beirne said in my room, upstairs, I was listening to him, "Gentlemen, you are my guests this evening; from this forward it will be yours."

999. That was in your presence?—He said the writ was issued and he could see no friends from that forward.

1000. He said that before you?—I was on the lobby.

1001. Where were you when you heard him say it?—I was at the door on the lobby.

1002. Did he know you were there?—No.

1003. Were you listening at the door to his conversation when he said that?—I was; there were a good many there.

1004. How came you to charge these things in Mr. O'Beirne's bill in one bill?—I did not know the difference of it until Mr. O'Beirne came and asked me for his bill.

1005. When did you charge them in one bill?—I could not tell you.

1006. How came you to charge them in one bill?—

bill?—They were as I had them in the book; they were put into one bill.

1007. For Mr. O'Beirne?—I handed it to Mr. Grace.

1008. You handed the bill for Mr. O'Beirne of 106 l. to Mr. Grace?—Yes.

1009. When did you hand it to him?—I cannot say.

1010. Before or after the election?—After.

1011. How long after the election?—I cannot say.

1012. Was it a week?—Yes, a fortnight after.

1013. When you handed the bill for 106 l. to Mr. Grace, what did he say?—I never spoke to him since on the matter. I do not know what he thought of it.

1014. When you gave the bill of 106 l. to Mr. Grace, can you recollect what you said to him?—I gave it over to Mr. Grace.

1015. Did you ever get any answer from Mr. Grace?—Never.

1016. Who told you ever not to charge these things to Mr. O'Beirne?—Mr. O'Beirne told me he would not be accountable for any drink I gave in the house.

1017. When did Mr. O'Beirne tell you that; on your oath?—The day that the writ was issued, he told me he could not give drink or anything to any person.

1018. And he would not be accountable for any drink given in the house?—Yes, that he would not be accountable for drink given in the house.

1019. And after that did you give 11 l. worth of drink to his valet?—I did since he came into the house, for the seven weeks he was in the house.

1020. How much drink did you give the valet after that?—Not after that, but from the time he came.

1021. I say after that?—I cannot say how much after that, but from the time he came into my house, he owed me 11 l.

1022. Had you given any drink to the valet, on your oath, before the 10th of November?—I did the very night he came into my house, in October.

1023. To treat other people or himself?—And everyone that was with him.

1024. Was there any memorandum made of the drink you gave the valet?—There was.

1025. Where is it?—I have not it.

1026. Where is it?—I have not it.

1027. What became of it?—I could not tell what became of it.

1028. When did you last see it?—If I went to him, I may be able to get it.

1029. Were you subpoenaed to bring your books here; can you get the account of the drink you gave the valet?—I cannot say whether I can get it or not; I know he owed me 11 l., but I think I can lay hands on it.

1030. Why did you give the drink to the valet if Mr. O'Beirne told you he would not be accountable for any drink?—Because I was sure he would pay me.

1031. Who would pay you?—The valet.

1032. Has the valet paid you?—He has not yet.

1033. What is his name?—Henry Readen.

1034. Has Geary paid you?—No, he has not; Geary owes me a larger amount than that; he has a pass-book with me; I suppose there is about 30 l. for me, but not for electioneering.

121.

1035. Have you the pass-book?—No.

1036. Is this sum charged in this bill in Geary's pass-book?—No, it is not; that pass-book has been going on for the last two years.

1037. This account is not in that pass-book?—No.

1038. Has Connor paid you?—No.

1039. Has he a pass-book with you?—No, he has not.

1040. Have you asked Connor to pay you?—I have not.

1041. Have you asked Geary to pay you?—No, I have not.

1042. Who do you expect to pay you these accounts?—I expect Connors will pay me.

1043. And Geary will pay you too?—I suppose he will.

1045. When you sent the bill to Mr. Grace, you did not get the amount?—No, I did not.

1045. Where did Mr. O'Beirne pay you, or who paid you; I have asked you first who paid you the sum you were paid?—I got a cheque from London for 50 l. on account.

1046. Who from?—Mr. Cocks.

1047. It was not Mr. O'Beirne's cheque?—No, this came from his office, from Mr. Cocks.

1048. Whose cheque was it?—I suppose Mr. O'Beirne's, who sent it.

1049. It was a letter of credit, was it?—A cheque that I sent to the bank.

1050. Who signed that cheque?—Cocks.

1051. On what bank was it?—Indeed I cannot say.

1052. Was it on any bank here in Cashel?—No.

1053. Where was it?—I do not know.

1054. Do you know who Mr. Cocks is?—I know he is in an office of Mr. O'Beirne's.

1055. Did you ever see Mr. O'Beirne after about his bill, after you sent it to Mr. Grace?—I never spoke to him about his bill.

1056. Did you ever try to see him about it?—No.

1057. Did you go to Dublin to see him?—No; I went to Dublin on other business. I never spoke to Mr. O'Beirne about my bill.

1058. Have you made any application to any person about it?—Only to Mr. Grace.

1059. And that was by merely sending the bill?—Yes.

1060. Did you say that that book was the only book you have kept, in which you have entered these things to Mr. O'Beirne?—That is the only book.

1061. Then Mr. O'Beirne's things were not entered in your general day-book?—No, certainly not: I could show you that.

1062. And this book was kept specially for Mr. O'Beirne?—Yes, so that it should not mix with any other.

Cross-examined by Mr. Hemphill.

1063. There is another hotel in Cashel besides your husband's, the Corcoran's?—Yes.

1064. I believe Mr. Munster took the entire of Corcoran's hotel?—I do not know, but it was there that Mr. Munster's friends stopped.

1065. Mr. O'Beirne had, as I understand, three bedrooms and two sitting-rooms of yours?—He had; there was a folding door between the sitting-rooms, and before Mr. O'Beirne came I opened it.

1066. And I believe that constitutes the greater part

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- Mrs. *H. Dunn.* part of your house; it is not large house?—Yes, the bulk of my house.
- 16 February 1869. 1067. Am I correct in saying that Mr. O'Beirne came to stop with you on the 10th of October?—Yes.
1068. And he continued on till after the election?—Yes.
1069. You said that sometimes five or six people dined with Mr. O'Beirne?—Yes.
1070. Are you not aware that there were a great number of friends of Mr. O'Beirne not connected with Cashel at all that came there?—Yes, I am fully aware of that.
1071. Do you know Mr. O'Connor?—Yes.
1072. He is a stranger to Cashel?—Yes.
1073. Used he to stay with Mr. O'Beirne occasionally?—Yes, during the election.
1074. He was one of the parties for whom Mr. O'Beirne paid?—He was.
1075. Do you know the Mr. Hacketts of Clonmel?—Yes.
1076. Were they entertained by Mr. O'Beirne?—Yes.
1077. Do you know Mr. Bourne of Clonmel?—Yes.
1078. Was he entertained by Mr. O'Beirne?—Yes.
1079. Do you know the Rev. Father Ryan of New Inn; was he entertained?—Yes.
1080. And the Rev. Mr. Cooney?—Yes.
1081. And the Rev. Mr. O'Connell, and the Rev. Mr. Coffey?—Yes.
1082. None of those gentlemen are voters in Cashel?—No.
1083. Do you remember a large deputation coming from Clonmel to attend the county meeting at Thurles?—Yes.
1084. During the county election?—Yes.
1085. Do you remember that deputation being entertained by Mr. O'Beirne at your hotel?—Yes.
1086. That is included in this bill?—Yes.
1087. Do you recollect a deputation coming from Tipperary to attend a meeting?—Yes, I do.
1088. Was it a large deputation?—Yes.
1089. Did Mr. O'Beirne entertain them?—Yes.
1090. That is included in your account?—Yes.
1091. Do you remember a deputation to Archdeacon Quirke from Tipperary?—Yes.
1092. Were they entertained at your hotel?—Yes.
1093. Do those deputations and persons form a large portion of the items of the demand you made for these entertainments?—They do.
1094. Did Mr. O'Beirne ever give you any orders not to give any drink to any electors on his account?—He did, certainly.
1095. Was there any drink given to electors on Mr. O'Beirne's account to your knowledge?—No; except Geary and Connors and his valet.

1096. His valet was there during the whole time?—He was.

1097. Is not Mr. Dennis Geary an old customer of yours?—Indeed he is for many years.

1098. And has been always in the habit of dealing at your establishment?—Yes; and has a pass-book at present for 40 l.

1099. Why did not you include what drink you supplied to him during the election in the pass-book; had you any reason for it?—No reason whatever. The books were not made up or settled. I thought Geary would either pay me or say that I was to put it in the pass-book, but he did not say so, and I did not ask him.

1100. Was Pat Connor in the habit of getting drink at your house on other occasions?—Sometimes; he would pay for any drink that he got.

1101. Did not Mr. O'Beirne object to your bill when you sent it in?—I never spoke a word about my bill to Mr. O'Beirne.

1102. But you got the cheque you spoke of, 50 l.?—Yes.

1103. Did you ever furnish to Mr. O'Beirne the detailed items taken from the book?—No.

1104. What did you furnish him?—I furnished Mr. Grace with the full amount.

1105. The lump sum?—Yes.

1106. Did you furnish the sum to Mr. O'Beirne, himself?—I did.

1107. That is, you furnished him with the gross amount, 106 l. odd, and he gave you 50 l.?—Yes. I furnished him with the gross amount of 106 l. odd, and he gave me 50 l.

1108. Did Mr. O'Beirne ever authorise you to supply drink to his valet?—Never.

1109. Do you know whether Mr. O'Beirne was aware that the valet was getting this drink?—I cannot tell.

1110. You do not know whether he was aware of it?—I do not think he was aware of it. The valet said that he would pay me himself.

1111. Do you know whether Mr. O'Beirne was aware that you were supplying this drink to Connors or Geary?—He was aware because he saw it coming up. Geary ordered it.

1112. When did he see it coming up?—Whatever days we sent it; I cannot exactly tell the dates.

1113. I suppose you are always in the habit of letting your hotel during the election?—Yes.

1114. And you get more for it at election times than other times?—Yes.

1115. Cashel is a quiet place in ordinary times?—Yes.

Re-examined by Mr. *Butt*.

1116. When you say that you have been in the habit of letting it at elections, to whom have you let it before?—To Mr. John Lanagan, and I was paid just as much for it.

[The Witness withdrew.]

MICHAEL RYAN, recalled; Examined by Mr. *Butt*.

M. *Ryan.* 1117. MURNAN, who is in your house; is he any relation of yours?—He is my brother-in-law.

1118. When you say that he is your brother-in-law, has he married your sister?—Yes.

1119. Is your sister alive?—Yes.

1120. Does she live in the house with you?—Yes.

1121. Then Murnan and your sister both live in the house with you?—Yes.

1122. How long have they lived with you?—Six or seven years.

1123. What business does Murnan follow?—None that I know of.

1124. Does

1124. Does Murnan follow no business?—No business at all.

1125. Is he a partner with you in your business?—No.

1126. I do not want to pry into things, but you said he paid you 20 *l.*; has he any property?—He has 10 *l.* for injuries.

1127. Has he anything else?—Sixpence a day pension.

1128. Is that all he has?—That is all he has.

1129. Now tell me how he pays you 20 *l.* a year?—I did not say 20 *l.*; I said a little short of it.

1130. Is it not the real fact that he gives you the 10 *l.* a year for injuries and the sixpence a day, and you support him and his wife?—No; she attends to the shop, for which she gets wages.

1131. The wife helps you in the shop?—Yes.

1132. And in return for all that, do you get his pension?—Yes.

1133. And you support him and his wife?—Yes.

1134. How long has he been paralysed?—He is not paralysed, but he has a touch in the face.

1135. How long has he had that?—For something about a week or something more.

1136. And before that was he in good health?—He was; not very good. 16 February 1869.

1137. Was not he always a feeble man?—He is a feeble man.

1138. And has been so for some time?—Yes.

1139. Would he be able to come here; on your oath?—I think he is not fit to appear in court.

1140. Would he be able to walk up here?—I think it would be very badly.

1141. But he could do it?—He does better in bed, but he made an attempt to get up on Saturday, and very short he was up, and he went to bed again.

1142. Do you say, on your oath, that you do not think he could walk up to this court house?—I cannot say what way he could get along. I never saw him out of his bed for a week; he made an attempt at getting up and very badly he was.

[The Witness withdrew.

Miss ELLEN DUNN, sworn; Examined by Mr. Heron.

1143. DID you keep this book, and is it in your handwriting?—Yes.

1144. Will you turn to the amount of drink that Connors got?—Here it is (*handing the same to the learned Counsel*).

1145. The 18th; was this the day of the nomination?—I do not know; I suppose so.

1146. What is the entry at the top of it?—“Drink given to Pat Connors, 18th November 1868.”

1147. Connors was not able to drink that himself?—I do not know what he did with it.

1148. Did he throw it away?—He got it in the shop. I did not give it all to him. I gave part of it.

1149. Were there people drinking in the shop?—There were about the place.

1150. On Connor's order?—Any drink he got he got it himself.

1151. How do you mean got it himself?—Called for it.

1152. And gave it to the other people?—I suppose so.

1153. You know the people of the town very well?—Yes.

1154. Who were there that day drinking on Connor's order?—I cannot say.

1155. You knew them?—I knew some of them.

1156. Were there 30 people that day drinking?—There may have been.

1157. Were there 50?—I would not swear that there were 50.

1158. Turn to the valet's account?—I had not the valet's account then.

1159. When did you write out that entry?—At the time of the election.

1160. That was on the 18th?—Yes.

1161. Now do you see what is called Mr. Geary's account; the 18 *l.* account?—Yes.

1162. Is that heading in your handwriting?—Yes.

1163. Read that heading as it was originally?—Mr. O'Connor's name is there, but Mr. Geary told me it was for him, and I altered it.

1164. Why did you put it down to Mr. O'Connor?—Mr. O'Connor called for part of it, and Mr. Geary said he was to pay for that.

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1165. What O'Connor is that?—Mr. O'Connor of Laffaney.

1166. Was he the gentleman who begun to order this on the 11th?—I could not tell that he begun the order; he ordered a few things, and Mr. Geary said afterwards to have his name put to it.

1167. Mr. O'Connor must have commenced it when you put his name—I suppose so.

1168. Do not you believe so?—I believe it.

1169. How long was it that Mr. O'Connor continued the orders?—I cannot tell.

1170. Did the people drink this in the parlour, or in the kitchen, or in the shop?—Some of them upstairs, and more in the parlour.

1171. When you say Mr. O'Connor, that is Mr. Thomas P. O'Connor?—Yes.

1172. Did you ever hear him speaking out of the window there?—Yes.

1173. While Mr. O'Beirne was there speaking to the people?—Yes.

1174. How often did you hear Mr. O'Connor speaking out of the window?—I do not know.

1175. Was there any balcony erected?—There is only the signboard.

1176. There is a place where they stand?—Not to stand.

1177. Do they sit when they are speaking?—I do not know what position they occupy.

1178. Who else spoke there while Mr. O'Beirne was there, besides Mr. Thomas P. O'Connor?—There were several people. I heard Mr. Hackett, and Mr. Browne and others.

1179. What Cashel people spoke?—I do not remember having heard any Cashel people except Mr. O'Beirne and Mr. O'Connor.

Cross-examined by Mr. Curtis.

1180. Do you know where Mr. O'Connor lives?—Laffaney.

1181. How far is that from Cashel?—I cannot say.

1182. Some miles?—Yes.

1183. He is not an elector of Cashel?—No.

[The Witness withdrew.

M. Ryan.

16 February 1869.

Miss E. Dunn.

MISS KATE O'DWYER, sworn; Examined by Mr. Butt.

- Miss K. O'Dwyer. 1184. I BELIEVE you keep an hotel here?—Yes.
- 16 February 1869. 1185. Do the Rock Club meet in your hotel?—Yes, they have their rooms there, but they are quite distinct from the hotel.
1186. We know that there was a dinner at your house the day before the election, before the polling?—Yes.
1187. Did you provide that dinner?—Yes.
1188. Who gave the orders to provide that dinner?—There were so many that I cannot say.
1189. Who first spoke to you about the dinner?—It was a person of the name of Dwyer.
1190. What was Dwyer's christian name?—James, I think.
1191. Do you know where he lives?—He lives at the Commons, and there were a great many others, but he was the first; there were many others spoke about it.
1192. I suppose there must have been some one who told you what kind of dinner to get, and how many would dine; who first spoke to you in that way?—They came to me on Monday, and told me that there were a lot of persons to dine, without giving me any orders about it, and I said I could not possibly give them a dinner on Monday night, as my house was full of persons, and I would not be prepared, and then they said I might name any day myself, and I did so; I said Thursday.
1193. When you say they came to you on Thursday; who came, whom do you mean by "they"?—Mr. Dwyer.
1194. Anyone else?—Stapleton.
1195. Anyone else that you recollect?—I know their faces, but I do not know their names.
1196. Do you know Mr. Pat Connors?—I do.
1197. Was he one of them?—No, he was not; he never spoke to me about the dinner.
1198. Did you engage the fiddler?—No.
1199. Did he come to you to be paid?—He did.
1200. What did you tell him?—I told him I never engaged him.
1201. Did you tell him to go to any person to be paid?—No.
1202. Are you sure of that?—I am certain.
1203. But you did not pay him?—No.
1204. And you do not intend to pay him?—No.
1205. Have you your books with you, that you keep; the books of your hotel?—I have one book.
1206. Does that book give an account of that

dinner?—No, I was paid for the greater part of that dinner; I was almost paid for all of it.

1207. You have nothing entered in your book about that dinner?—Nothing at all, nothing whatever.

1208. How was that?—I could not tell.

1209. How much have you been paid for it?—There are some odd persons in the town, that owe me for their separate dinners, and they told me from time to time that they would pay me.

1210. Have you any entry of the money you have been paid, in any book, on account of that dinner?—I may have it about, but not in any particular book.

1211. Have you any account of the people who are in your debt for that dinner?—I have.

1212. Where is that?—I could get it in the house at home, but I have no account of it.

1213. What were you to be paid for each dinner?—Five shillings.

1214. Did you include drink?—It included a glass of punch and a glass of ale.

1215. Was there more drink taken than that during that evening?—There was.

1216. Have you any account of the drink that was taken?—No, it was paid for as it was taken up.

1217. Do you mean that all the drink you sold over the 5 s. was paid for when it was sent up to the room?—Except what I said of one or two persons.

1218. Where is that account?—In the house.

1219. Do you know the one or two persons?—Yes.

1220. Who are they?—Mr. Dennis Geary.

1221. Could you tell me what is the amount of his account?—I could not.

1222. Is it as much as 1 l.?—Yes, but not much over.

1223. Who is the other person that has an account unpaid?—One of the Connors owes me something.

1224. You have that entered in the book?—I think I have it on a slip of paper; I do not think I ever put it into a book.

1225. Could you get it for me?—I am sure I could.

1226. Will you be good enough to bring all the accounts that you have relating to that dinner, of people owing you money, everything you have about it written down?—Yes; when am I to bring it.

1227. Whenever it is convenient.

[The Witness withdrew.]

THOMAS MURPHY, sworn; Examined by Mr. Carton.

- T. Murphy. 1228. Where do you live?—At Lower Gate.
1229. What are you?—A dealer.
1230. Have you a house?—I have.
1231. Was your house taken during the election?—It was.
1232. Who took your house?—Mr. O'Beirne.
1233. Mr. O'Beirne himself?—Yes.
1234. When did he take your house?—The day of the nomination.
1235. What did he give you for your house?—He gave me nothing, but he promised me 25 l.

1236. Of what kind is your house; is it a shop?—Yes.

1237. What kind of a shop?—Bread, butter, eggs, and anything of that kind.

1238. Have you any license?—No.

1239. Was it the whole house that Mr. O'Beirne took, or was it part of it?—Part of it.

1240. What part did he take?—A room or two he said would do.

1241. Did you clean up these rooms for him, or

or do anything to prepare them?—Yes, they were cleaned up.

1242. What was done to them?—They were settled up; my wife cleaned them, of course; he said he may want them, and he said he may not.

1243. Did he want them?—No, he did not.

1244. No one went into them at all?—No.

1245. You say he promised you 25 l., but he did not pay you?—No.

1246. Did you ever ask him to pay you?—Never.

1247. Before Mr. O'Beirne went to you on the day of nomination, and took your house, had any one else gone to you about taking your house?—Parties on the other side did; Mr. Munster's side.

1248. No one went to you on Mr. O'Beirne's side, except Mr. O'Beirne himself?—No.

1249. What time of day did he go to you?—Just before he went up to the court-house. I went to go up to the court-house with him, and his party, and I told him the other party were taking my house.

1250. Did you tell him how much the other side were going to give you?—They did not offer me anything; I did not come to an understanding with them; I told him I would consider about letting of the house.

1251. What did Mr. O'Beirne say?—I forget whether he said to let a part of it to him, or not; he said it was too good for me, to have anything to do with the other side.

1252. Did he ask you to let it to him? No, I said I would let it to him.

1253. Was anybody by?—No.

1254. Captain Graham was not there?—He was not there then.

1255. There was nobody at all but Mr. O'Beirne and yourself?—There were a good many on the street at the time, but no one heard him or me.

1256. No one was near enough to hear you?—No.

1257. You know Captain Graham?—Yes.

1258. Had he been with you before this?—I met him on one occasion, and he spoke to me, and asked me how the election was going on.

Mr. *Hemphill* objected to conversations between Captain Graham and the Witness being gone into.

Mr. Baron *Fitzgerald* overruled the objection.

1259. Mr. *Carton*.] What passed between you and Captain Graham?—Nothing more than he asked me how was the election going on. I said I did not know much of it. He said, are you going to vote for Munster. I said I would vote for Mr. O'Beirne, and I was going to vote for Mr. O'Beirne before he came in. I did not care what amount of money was offered to me, it would not induce me to vote for Munster.

[The Witness withdrew.

JOHN RYAN, sworn; Examined by Mr. *Heron*.

1260. ARE you John Ryan (*going*)?—Yes.

1261. John Ryan is your name?—Yes.

1262. Are you a voter?—Yes.

1263. And you voted for Mr. O'Beirne?—Yes.

1264. Did you do your best for Mr. O'Beirne besides?—No, I did not; I did nothing for him; I tried to do for my employer.

1265. You did not ask any one to vote for O'Beirne?—No.

1266. You never asked a single human being to vote for him?—No; parties may come into the shop and talk the matters over about the two candidates, or something similar.

1267. Had you any money with you at any time about the nomination day?—Money about me?

1268. Yes?—I had my employer's money.

1269. Had you a sum of 20 l. not your employer's money?—No, I had not.

1270. You had not 10 l. not your employer's money?—No.

1271. Nor 1 l.?—No, nor 1 l.

1272. Do you know a man of the name of Michael Coffey, a voter, who voted for Mr. O'Beirne?—Yes.

1273. Did you ever speak to him about his vote?—Never; he was our foreman baker at that time.

1274. He was your foreman baker; you are at the head of the baking establishment, manager for Mr. Going?—Yes.

1275. He was your foreman baker?—Yes.

1276. You never spoke to him about the election?—No.

1277. You never mentioned to him the name of O'Beirne or Munster?—No.

121.

1278. Did you happen to know that Michael Coffey had a vote at that time?—I did.

1279. Do you know Captain Graham?—I do.

1280. Were you ever in Mr. O'Beirne's rooms at Dunn's?—I was one night.

1281. Was Captain Graham there that night?—He was; he came in.

1282. That is what I mean by being there; he walked in?—Yes.

1283. Were the Connors there that night; was the expense agent there; do you know the man?—No, he was not there.

1284. Do you know that man—(*pointing to Connors*)?—I do.

1285. Was Mr. Dennis Geary there?—He was.

1286. What night was that?—I could not tell.

1287. Do you know Mr. Ned Foley?—Yes.

1288. What is he?—A farmer outside the town; he lives in the town.

1289. Is he a voter?—He is.

1290. Is he one of the commons people?—Not one of the commons, he is a voter in the town.

1291. Did you know which way Michael Coffey was going to vote?—I heard that he had pledged himself to Mr. O'Beirne a month or three weeks before the election came off. I heard him talking about it.

1292. But you never spoke to him about it?—Never.

1293. On your oath, did not you get 20 l. for Michael Coffey?—On my oath, I did not.

1294. Did you ever give Michael Coffey any money?—Never, but his wages weekly.

1295. Do you know Mrs. Coffey, the wife?—

D

I do

T. Murphy.

16 February
1869.

J. Ryan.

J. Ryan.
16 February
1869.

I do not very well; I am not much acquainted with her.

1296. Were you ever in Michael Coffey's house during the month of November?—I was not three times in Coffey's house in my life; I could not tell you whether I was in the month of November.

1297. If it was not more than three times, you can remember the times because they were remarkable; you say you were not three times in his house in your life?—I think on one occasion he stopped away from his work, and I went and asked him why he was not coming to his work.

1298. Was that long before the election?—I believe it was after the election.

1299. Then there was one other occasion on which you were in his house?—Yes.

1300. Was it before the election?—I believe it was; I believe I took a turn in there on a Sunday when I was walking about the town.

1301. Was it just before the nomination?—I could not say.

1302. Was it in the month of November?—Really I could not positively say.

1303. Did you see Mrs. Coffey?—I did.

1304. Had you a cheque?—On my oath, I had not a cheque, nor anything tantamount to a cheque.

1305. Did you see Michael Coffey vote?—I did not; when I got the opportunity, I came up here and voted; I could not leave the business.

1306. The night you were in Dunn's, did you get any drink?—I took half a glass of punch.

1307. Were you in Dunn's on any other occasion?—Yes.

1308. Were you in to dinner?—No; nor in the committee-room on any occasion.

1309. Did any one canvass you?—Really, I do not know; Mr. O'Beirne came down and asked me for my vote.

1310. How long before the election?—I think three weeks.

1311. Who was with him?—Several; I cannot say who was with him; 30 or 40.

1312. Of the people of the town?—Of the people of the town.

1313. Voters?—I cannot say they were voters; some of them may have been voters for what I know.

1314. You at once said that you would vote for him?—Yes, I did.

1315. Your house was not taken?—No.

1316. Was Coffey's house taken?—I could not say.

1317. On your oath, did not Michael Coffey tell you that his house was taken?—I do not remember.

1318. On your oath, did not you know that Michael Coffey's house was taken as a committee-room?—I did not know anything about it, but I heard people say that the room was taken, but Coffey never told me.

1319. He is a foreman baker?—Yes, he is.

1320. Where is his house?—At a place called the Lower Gate.

1321. Who told you that Coffey's house was taken?—I cannot say.

1322. Did Mrs. Coffey tell you?—No.

1323. Did Michael Coffey tell you?—No; Mrs. Coffey never said a word about his house.

Cross-examined by Mr. *Hemphill*.

1324. You say that about three weeks before the election Mr. O'Beirne canvassed you?—Yes.

1325. And you then promised him your vote?—Yes.

1326. Had you made up your mind to vote for him before you got the half glass of punch?—Yes.

1327. Before you went into Dunn's?—Yes, and would again to-morrow if there was another election.

[The Witness withdrew.]

MICHAEL COFFEY, sworn; Examined by Mr. *Butt*.

M. Coffey.

1328. WHAT business do you follow?—A baker.

1329. Have you a house in Cashel?—Yes.

1330. And you are an elector?—Yes.

1331. Where is your house?—At the Lower Gate.

1332. What size is your house?—A large house.

1333. Did you let it during the election?—Yes.

1334. To whom did you let it?—To Mr. Munster; there were two rooms taken in the house.

1335. Did you let it to anybody else afterwards?—No, not afterwards.

1336. Before?—Before.

1337. Who had you let it to before?—I did not let the house to anyone.

1338. But the rooms?—I only let it to Mr. O'Beirne.

1339. When did you let it to Mr. O'Beirne?—I never asked him to take it.

1340. Did he ask you to let it?—He did.

1341. When did he ask you to let it?—Well, I cannot say.

1342. Was it before the election or afterwards?—Before.

1343. How long before the election?—I cannot say.

1344. A week before the election?—It might be.

1345. Not more?—Not more.

1346. Where did Mr. O'Beirne ask you to let the house?—In the very room he took.

1347. Then Mr. O'Beirne came into your house?—He was often there.

1348. Mr. O'Beirne came into the house to ask you to let the room?—Yes.

1349. Had he asked you for your vote before that?—Yes; and I told him I would vote for him on different times.

1350. Had you any committee-rooms near you?—He did not take committee-rooms; he only took one room.

1351. Did he tell you what he wanted with the one room?—He told me he would perhaps occupy it and perhaps he may not.

1352. He told you perhaps he might occupy it and perhaps he might not?—Yes; one room during the election.

1353. Was it a sitting-room or a bed-room?—A sitting-room.

1354. Did you say anything about the price he was to give you for it?—No, nor I did not speak about it to him.

1355. Had you any agreement with any person

son about the price you were to get for that room?—No; I never asked him to take it.

1356. Sure I know you did not; but he asked you to let it?—Yes; this is a long time after my pledging myself to him.

1357. I do not care whether it was or not; I did not ask you about your pledge; when Mr. O'Beirne came in and asked you, and told you he would want your room, did you agree to give it him; on your oath?—I did not at the present time.

1358. Did you at any time agree to give it him?—I did.

1359. When?—I believe the day before the day of the polling.

1360. The day before the day of the polling, you agreed to give it him; where did you agree to give it him?—I believe I made a mistake; on that day I think I agreed with him; yes, I think it was on that day.

1361. On what day?—the day that he came into the house.

1362. Then did you agree on that day to give it him?—I did.

1363. Did you give it him?—I did.

1364. Then the room was his?—Yes.

1365. How long was he to keep it?—As long as he wished.

1366. What was he to pay you for it?—I did not make that agreement.

1367. What agreement did you make; on your oath?—On my oath, I made no agreement with him.

1368. Did you know what you were to be paid for it?—Yes.

1369. Were you ever paid?—Yes.

1370. How much?—20 l.

1371. Did Mr. O'Beirne ever sleep in that room?—Never.

1372. Did he ever come to that room from the day he took it?—He may, unknown to me.

1373. Did he ever come to it?—I do not know, on my oath, because it is at night I work.

1374. On your oath, did he ever come to that room?—I never heard he did.

1375. Did anybody ever occupy the room, to your knowledge, or did you ever hear of it?—No, I did not.

1376. And you got 20 l. for it?—Yes.

1377. When did you get the 20 l.?—The day before the day of polling.

1378. Who gave you the 20 l.?—Mr. O'Beirne.

1379. Himself?—Yes.

1380. How did he give you it?—A cheque on the bank.

1381. Where did he give it you?—In Mr. Dunn's hotel.

1382. Did he send for you or did you go to him?—He sent for me.

1383. Who did he send for you; who came to you?—I cannot recollect; perhaps a man I did not know.

1384. Was it a man you did not know?—I do not know who came.

1385. Did you see the man who came?—No.

1386. Where you at home when he came?—I got a letter.

1387. From whom was that letter?—From Mr. O'Beirne.

1388. Himself?—I cannot say.

1389. You cannot say?—No.

1390. Where is that letter?—I cannot say where it is.

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1391. What did you do with it?—I suppose I burnt it.

1392. Did you burn that letter?—I cannot swear I did. 16 February 1869.

1393. Did you burn it?—I cannot swear.

1394. Do you mean to say that you do not know whether you burnt it or not?—I do not know.

1395. Did you give it to your wife?—No.

1396. And you cannot say whether you burnt that letter or not?—I cannot say.

1397. Have you that letter now?—I cannot swear.

1398. Have you it?—I cannot swear.

1399. Was it signed "J. L. O'Beirne," or anything like that?—It was.

1400. Could you find that letter?—No, I could not.

1401. Do you swear that?—I do.

1402. When you said perhaps you had it, were you telling the truth?—I have many letters, perhaps.

1403. Could you find that letter?—I do not know.

1404. You do not know whether you could or not?—No.

1405. Was it a long letter?—Only a few words.

1406. What was in it?—I cannot say.

1407. Was it to go up to him?—Yes; that he would agree with me that day to take the room.

1408. And that letter was written the day before the day of polling; the day after the nomination?—I cannot say what day it was.

1409. Did not you say it was the day before the polling?—It was the day before the polling I went up to him.

1410. Was that the day you got the letter?—It was the night before that.

1411. It was the day of nomination that you got the letter; did the letter say he had agreed to take the room from you?—No; he told me of it before that.

1412. What was in the letter?—I cannot say.

1413. Did not you tell me that it was he who agreed to take the room?—Yes.

1414. Was that in the letter?—It was; it said I was to go up, and he would settle for the room.

1415. And in consequence of that letter you did go up?—Yes.

1416. Was it that night that you went up?—No, the night afterwards.

1417. It was the night before the polling?—Yes.

1418. Where did you see Mr. O'Beirne, when you went to Dunn's Hotel?—I met him in his own room.

1419. Was any one with him?—There was; I do not recollect who.

1420. Was there any one?—There was, I am sure.

1421. Do you recollect?—I do not recollect.

1422. Do you mean to say you do not remember whether you saw Mr. O'Beirne alone?—He was not alone; there were other parties.

1423. The question I ask is, whether there was anybody with him?—Yes.

1424. How many?—I cannot say.

1425. Were there three people with him?—I cannot say.

1426. Do you know Captain Graham?—Yes.

1427. Was he with him?—I do not know.

1428. Do you know Mr. Grace?—Yes.

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1429. Was

M. Coffey. 1429. Was he there with him?—I cannot say.
 16 February 1869. 1430. Was Pat Connors with him?—I cannot say.
 1431. Was he not there?—I cannot say.
 1432. What did you say to Mr. O'Beirne when you went in?—I said nothing.
 1433. What did he say to you?—Nothing.
 1434. Did he draw a cheque for you?—He gave me a letter and a cheque in it.
 1435. He gave it you without saying anything?—Perhaps he may have said something, but I cannot say.
 1436. I do not want the perhaps; did not you say he say he said nothing?—Nothing that I can recollect now.
 1437. Did he give you a letter and a cheque?—He gave me a cheque in an envelope.
 1438. Did you open it then?—Yes.
 1439. In the room?—No, I went out.
 1440. You went out with the envelope, before you opened the letter?—Yes.
 1441. Where did you open it?—I cannot say.
 1442. Did you open it before you went home?—Yes.
 1443. In the street?—Yes.
 1444. Did you know what was in the letter when he gave you the letter?—No, I was not sure.
 1445. Did you know what amount was in it?—How the deuce could I know what was in it.
 1446. I did not ask you the deuce anything; but I ask did you know?—I did not see him put it in.
 1447. Do you understand the question; did you know what was in that letter when he gave it to you?—No.
 1448. Then you had made no agreement to get 20 l. for your room?—No, I never spoke of it.
 1449. Then you made no agreement with any person that 20 l. was to be for your room?—Yes, I did.
 1450. With him?—Mr. Munster.
 1451. I mean on behalf of Mr. O'Beirne?—No, I never mentioned it.
 1452. When you got the envelope, it might have been 5 l. as well as 20 l.?—I would sooner it was.
 1453. But I suppose you got the cheque paid?—Yes.
 1454. Mr. Munster had been asking for your rooms?—Yes.
 1455. Who, on behalf of Mr. Munster, wanted to take your rooms; who came to you for Mr. Munster?—Mr. Laffan.
 1456. Did you ever tell anybody that Mr. Laffan wanted your rooms for Mr. Munster?—Did I ever tell anyone?
 1457. Yes?—No.
 1458. Not a human being?—I am not sure; I think I did.
 1459. I want you to try now; have you a very bad memory?—Very.
 1460. Did you ever tell to any person that Mr. Laffan had been looking at your rooms for Mr. Munster?—I think I did.
 1461. Who did you tell it to?—I told it to Mr. Handley.
 1462. Who is he?—I think he was one of Mr. O'Beirne's committee men.
 1463. What is his name?—Con Handley.
 1464. When did you tell Con Handley that your rooms had been taken?—I will tell you;

that same day after sending for me, I went to him and told him, and he told me to let them to him.

1465. Upon what day was that?—The day before the polling.

1466. On that day you went and told Con Handley that Mr. Laffan had come for your rooms?—Yes; he came talking to me.

1467. Con Handley?—Yes.

1468. Did Con Handley say anything to you about your vote then?—No.

1469. You swear it?—Yes.

1470. Did you say anything to Con Handley about your vote; recollect yourself?—Not to my knowledge.

1471. Did you say it, without your knowledge?—How the deuce could I say it without my knowledge.

1472. I ask you, on your oath, whether you told Con Handley that Mr. Laffan had come for your rooms from Mr. Munster; did you say anything to him about your vote?—When he saw them speaking to me he told me to let the rooms, and to get what I could out of him; he saw them about me, I think.

1473. Did you say anything about your vote to Con Handley?—No.

1474. You swear that?—Yes.

1475. Did he say anything to you?—No.

1476. Did you tell Con Handley that Mr. O'Beirne had been with you about your rooms?—No.

1477. Had you let your rooms to Mr. Laffan for Mr. Munster?—Yes.

1478. You had?—Yes.

1479. Then you had let them first to Mr. O'Beirne?—They were not the same rooms at all.

1480. It was another room?—Yes; that Mr. Munster took afterwards.

1481. You told this Mr. Handley, on that day, that Mr. Munster had taken your rooms, or Mr. Laffan for Mr. Munster?—Yes.

1482. Did you ask him to tell that to Mr. O'Beirne?—I did not; I told Captain Graham about it.

1483. You told Captain Graham about it too?—Yes.

1484. When did you tell Captain Graham about it?—That same day.

1485. Did you ask Captain Graham to tell it to Mr. O'Beirne?—No.

1486. What did you say to Captain Graham?—I said, "I was after letting two rooms to Mr. Munster."

1487. Did you say anything then about your vote?—No.

1488. Did Captain Graham say anything to you about your vote at that time?—No, nor before it.

1489. Did you say anything to Captain Graham about Mr. O'Beirne wanting your rooms?—No.

1490. That night you got the letter from Mr. O'Beirne?—Yes.

1491. And the next day a cheque?—Yes.

Cross-examined by Mr. Curtis.

1492. You said, just now, that before you let the room to Mr. O'Beirne, you had promised him your vote?—Yes.

1493. And pledged yourself to him?—Yes; at different times.

1494. How long before the time you let the room

room to him was it that you first pledged yourself to vote for him?—I pledged myself at different times, before he took the rooms.

1495. How long before?—I believe, a month before.

1496. And whether you let the room or not, to Mr. O'Beirne, would you not have voted for him?—On my oath, I would.

1497. Whether you let them or not?—Yes.

1498. Or whether you let the rooms to Mr. Munster or not, you would have voted for Mr. O'Beirne?—Yes.

1499. Forty pounds you say it was, that you agreed with Mr. Laffan for Mr. Munster?—£.35.

1500. Which Mr. Laffan?—Mr. Pat. Laffan.

1501. Who is he; he is a brother of Mr. Michael George Laffan?—Yes.

1502. For 35 *l.*, how many rooms were you to let for that?—Two rooms.

1503. Were you paid the 35 *l.*?—I had a process for 20 *l.*

1504. Who had you to process?—Mr. Munster.

1505. For the 20 *l.*?—Yes.

1506. Did you decree him?—Yes.

1507. And why did he not pay you; did he tell you why?—

Mr. Butt objected to the question.

1508. Mr. Curtis.] Were you told why it was he did not pay you the money, by him, or anyone on his behalf?—I do not recollect.

1509. When did you apply to him for the money before you processed him?—I applied three times.

1510. To whom?—First to Pat Laffan; I had not cheek to ask him; as I did not vote for him.

Re-examined by Mr. Butt.

1511. Had you promised to vote for Mr. Munster at any time?—I did once; I only wanted to get rid of him.

1512. When did you promise Mr. Munster to vote for him?—When he came here first, I only wanted to get rid of him.

1513. When Mr. Munster came here first, you promised to vote for him when he canvassed you?—Yes.

1514. That was before Mr. O'Beirne took the rooms; he came in and said he wanted the room?—Yes.

1515. Did you ever tell Captain Graham that you had promised to vote for Mr. Munster?—Never.

1516. Did you ever tell it to Con Handley?—Never.

1517. Was your agreement for the room with Mr. Pat Laffan in writing?—Yes, it was.

1518. Have you the writing?—No, he has it; I did not read it when I signed my name to it.

1519. But you had an agreement in writing to let the rooms?—Yes.

[The Witness withdrew.]

ROBERT RYAN, sworn; Examined by Mr. Heron.

1520. ARE you an Elector of Cashel?—Yes.

1521. You voted at the last election?—Yes.

1522. Do you know John Hogan?—Yes.

1523. Is he connected with you in any way?—Yes; he is in partnership in the grocery business.

1524. Do you live in the same house?—In the same house.

1525. The two of you are rated as occupiers of the house, you have your vote out of the same house?—Yes.

1526. I presume your house was not taken?—In what way?

1527. For the election?—No.

1528. Where is John Hogan now?—He is sent for.

1529. Do you know Daniel Ferris?—Yes.

1530. What is he?—A draper; there is Daniel Ferris senior and junior.

1531. You know them both at all events?—Yes.

1532. Did you see John Hogan with a cheque of Mr. O'Beirne's?—See him with a cheque.

1533. Yes?—I did not.

1534. Did you never see a cheque of Mr. O'Beirne's in your life?—I did not.

1535. Did you ever see a letter of Mr. O'Beirne's?—No; I have had no communication with Mr. O'Beirne by letter, I saw no letter either.

1536. I do not mean a letter to you, I mean a letter to Hogan?—I have not seen any.

1537. You never saw any?—No.

1538. Had you a conversation with Daniel Ferris about a letter from Mr. O'Beirne to your partner Hogan, a letter after the election; did not you know that your partner John Hogan got a letter from Mr. O'Beirne?—I never saw one; he might have got one.

1539. Did he tell you that he got one?—No.

1540. Had you a conversation with Dennis 121.

Ferris about a letter, after the election of Mr. O'Beirne's?—I do not recollect that I had.

1541. Will you swear that you had not?—I never recollect having any conversation with Daniel Ferris.

1542. Or any of his family?—Or any of his family.

1543. I now put it to you directly, about a letter directing a cheque not to be presented?—I have no knowledge of it.

1544. Did you ever hear before, the words I now mention to you?

Mr. Hemphill objected to hearsay evidence being gone into, and inquired whether any conversation that any Witness might have had with anyone in Cashel, was to be considered as evidence against Mr. O'Beirne.

Mr. Baron Fitzgerald.] If the question is whether a vote is to be struck off, I must consider statements made by a voter, as to whether he was bribed.

Mr. Hemphill.] Where the voter is alive, and can be produced?

Mr. Baron Fitzgerald.] Yes.

1545. Mr. Heron (to the Witness).] You heard of the letter that I was examining you about; that is a letter of Mr. O'Beirne's directing a cheque not to be paid?—I have never seen it.

1546. A letter of Mr. O'Beirne's directing a cheque of 60 *l.* not to be presented; you never saw it?—No.

1547. Did you ever hear of it?—No.

1548. Till to day?—Not till I heard you ask me the question.

1549. Did you ever hear of a cheque for 60 *l.*?—

Mr. Hemphill objected to the question.

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Mr. Baron *Fitzgerald*.] My grounds for allowing it is, that I am not satisfied with the man's evidence, and I think they have a right to cross-examine him; I am receiving it as cross-examination to the credit of the Witness.

1550. Mr. *Heron* (to the *Witness*).] Do you know Patrick Russell?—I do.

1551. He is a voter?—He is.

1552. Were his rooms taken?—I do not know I am sure.

1553. Do you think they were?—I do not.

1554. Did not you hear that the 60 l. cheque was for Hogan's and Russell's votes?—No; I want you to understand that I know nothing about the 60 l. at all.

Mr. *Hemphill* stated that Hogan had not a vote.

1555. Mr. *Heron*.] Hogan the voter has a vote, and John Hogan has not a vote; it is Hogan the voter that I am asking about, that is, did John Hogan have a cheque for Russell and Hogan, the voter's vote, not for his own; do you swear to his Lordship that you never heard about Mr. O'Beirne's cheque?—I was asked the question by Mr. Laffan, and that was the only knowledge I had of it.

1556. When?—Some short time ago I was in Dublin, he asked me the question whether I knew anything about it; I told him I did not, and I tell you so now.

1557. That is the first you heard of it?—Yes.

1558. Then you did hear of the cheque before you were on the table to day?—Yes; I was asked by Mr. Laffan.

1559. Were you asked about that cheque in connection?—

Mr. *Hemphill* objected to the conversation with Mr. Laffan being gone into.

Mr. Baron *Fitzgerald* over ruled the objection.

1560. Mr. *Heron*.] You spoke to Laffan in Dublin?—I did.

1561. How long ago?—I think about a fortnight.

1562. Did he mention to you Pat Russell's name and Dan Ferris's name?—I do not recollect that he did; he asked me about the cheque, if I had any knowledge of it, and I said not.

1563. Was that a fortnight ago?—Yes.

1564. Then you came back to Cashel?—Of course I did.

1565. On your oath, did you then speak to your partner Hogan about what Mr. Laffan told you in Dublin; on your oath, did not you?—I told him I had a conversation with Mr. Laffan.

1566. About the cheque?—I told him the conversation.

1567. About the cheque?—Undoubtedly.

1568. And you spoke to Dan Ferris about the cheque?—I did not.

1569. And you spoke to Pat Russell about the cheque?—I spoke in the presence of those parties who were there.

1570. That is John Hogan and Pat Russell?—I mentioned it to a few parties that Mr. Laffan called on me at Dublin, and asked me about the cheque.

1571. Who were the few parties?—I mentioned it to Patrick Cunningham.

1572. Is he a voter?—No.

1573. Who else?—John Hogan.

1574. Who else?—I might have mentioned it to Pat Russell, but I am not certain, and I cannot mention all that I spoke to about it; I might have said to a few parties that Mr. Laffan spoke about it.

1575. Tell the judge in your own way what John Hogan said to you?—I do not know what he said to me; I only mentioned the matter to him.

1576. And he said nothing?—He said nothing.

1577. What did John Hogan say to you?—

Mr. *Hemphill* objected to conversations between John Hogan, who was not a voter, and the Witness, being admitted as evidence.

Mr. Baron *Fitzgerald* overruled the objection.

1578. Mr. *Heron*.] What did John Hogan say to you?—I cannot recollect what he said.

1579. Did you speak to him about the cheque?—I spoke about the conversation I had with Mr. Laffan.

1580. Did you speak to him about the cheque?—I told him that Mr. Laffan asked me whether I had any knowledge about the cheque.

1581. Did you speak to him about Mr. O'Beirne's letter?—No.

1582. Who was present?—I cannot say.

1583. Was Pat Russell present?—I cannot say.

1584. And you spoke to him the first thing?—I shook hands with him first, and asked him how do you do.

1585. You remember that?—Yes.

1586. Now I ask you what Hogan said to you about the cheque?—I cannot say what he said I am sure; I only told him of the conversation I had with Mr. Laffan.

1587. What did Hogan say to you?—I cannot say.

1588. When you spoke to Hogan, did Hogan deny having had the cheque?—Hogan did not tell me anything at all about the cheque.

1589. Did Hogan then deny that he ever had a cheque, when you said that Mr. Laffan had charged him with having a cheque for you, for Russell and the other Hogan?—Mr. Laffan's question to me was, whether I had any knowledge of the bank cheques, if I had seen any; I asked him what bank cheques meant, as bank cheques were of no use, or something to that effect.

1590. When did you see Russell about it?—It might have been the day after.

1591. Did you call and see him about it?—No.

1592. Did he call on you?—He calls at my place every day.

1593. Did he call on you?—Not specially for that.

1594. Did you tell him about it the first time you saw him?—I do not know the time I was speaking to him; I believe the first time I told him that Mr. Laffan had called on me.

1595. Were you present when Dan Ferris saw Mr. O'Beirne's letter?—Present where?

1596. Were you present when Dan Ferris saw Mr. O'Beirne's letter?—If I was, of course I would have some knowledge of the letter; consequently I was not present; if Dan Ferris did see the letter, I have no knowledge of it.

The Witness having left the box, was re-called.

1597. Mr. *Butt*.] Have you seen your partner since?—No.

[The Witness withdrew.

JOHN HOGAN, sworn; Examined by Mr. *Butt*.

1598. ARE you a partner with Mr. Ryan, who has just gone down?—Yes.

1599. You were not in court, and did not hear his evidence?—No.

1600. You were sent for to come up here?—Yes.

1601. Do you recollect having a conversation with your partner Robert Ryan, the night he came back from Dublin?—No.

1602. Do you recollect his coming home one night and telling you he had had a conversation with Mr. Laffan in Dublin about a cheque of Mr. O'Beirne's?—No, I heard it in Dublin.

1603. Who with?—Mr. Ryan told me Mr. Laffan called on him.

1604. It was in Dublin that you had the conversation?—Yes.

1605. You did not hear his evidence about it?—No.

1606. Nor he has not told you since?—No.

1607. Had you a cheque of Mr. O'Beirne's in your possession about the time of the election?—I had.

1608. How much was that cheque for?—£. 60.

1609. Who gave you that cheque?—Mr. O'Beirne.

1610. Where did Mr. O'Beirne give you that cheque?—At Mr. Dunn's.

1611. When did he give you that cheque?—About a month before the election came on.

1612. Where is that cheque?—I gave it back to Mr. O'Beirne.

1613. When did you send it back to Mr. O'Beirne?—I could not exactly say the date.

1614. About when?—About three weeks or a month ago.

1615. Had Mr. O'Beirne written to you for it, or did you send it of your own accord?—I sent it of my own accord.

1616. Then you have not used the cheque?—No.

1617. Had you any letter from Mr. O'Beirne about that cheque?—Yes.

1618. When; before you sent it back?—Yes.

1619. Where is that letter?—I did not know the letter was to be of any consequence; I might have destroyed it, or it might have been lost.

1620. In that letter did Mr. O'Beirne ask you not to present that cheque?—Yes.

1621. Did he give any reason for not presenting it?—No.

1622. But simply asked you not to present it?—Yes.

1623. How long after the election was that?—About the time I told you before.

1624. Did you tell, in that conversation that you had with Mr. Ryan your partner in Dublin, about that letter and the cheque?—No, I did not.

1625. Did he ask you about the cheque?—No; he knew nothing whatever about it.

1626. When he told you that Mr. Laffan had asked him, did you tell him?—No, I did not.

1627. When Mr. O'Beirne gave you that cheque, did he give you any instructions how you were to use it?—None.

1628. He gave you the cheque without any instructions?—He employed me as a canvassing agent; he employed me as his agent.

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1629. What were you to do with the 60 l.?—He employed me as an agent.

1630. Was it to pay yourself?—Yes, and nobody else.

1631. Do you mean to say, on your oath, that he gave you that cheque as payment for your own services as canvassing agent?—For my own services.

1632. Did you get anything else from him him for being his canvassing agent?—Nothing else.

1633. You got no money?—No, I have not received a single penny.

1634. He employed you, then, as his canvassing agent; do you swear that?—Yes, a month before.

1635. When he employed you as his canvassing agent, what did he say to you?—Simply that he had engaged me.

1636. Did you canvass anybody for him?—No.

1637. You never canvassed a single human being for him?—No.

1638. And did nothing?—And did nothing.

1639. You swear that?—Yes; consequently I returned the cheque.

1640. A month after the election?—A month or three weeks.

1641. Did you ever present the cheque?—No.

1642. Do you know a man of the name of Ferris?—Yes.

1643. Did you ever speak to him on the subject of his vote?—No.

1644. Do you know a man of the name of Russell?—Yes.

1645. Did you speak to him on the subject of his vote?—No.

1646. Did you ever speak to any voter in Cashel about his vote?—No.

1647. Why, when you were employed as canvassing agent for Mr. O'Beirne, did not you canvass?—I saw the danger; being a little green upon it. When I saw the danger, I did not put myself in danger.

1648. What was the danger in canvassing?—I saw I might get into a scrape.

1649. By bribery?—Yes.

1650. It was because you would not get into a scrape by bribery that you would not act as canvassing agent for Mr. O'Beirne?—Yes.

1651. Did you think you were employed to bribe?—I was not told so.

1652. Did you understand that you were employed to bribe?—No.

1653. Why were you afraid to canvass; tell my Lord?—I will ask your Lordship's protection.

Mr. Baron *Fitzgerald*.] Answer the question.

1654. Mr. *Butt*.] Why were you afraid to canvass?—Because I thought it would be dangerous to bribe; and, consequently, I did not do so.

1655. On your oath, did not you know that the 60 l. was given to you to bribe?—No.

1656. What did Mr. O'Beirne say when he gave it to you?—Nothing.

1657. He said nothing at all?—No.

1658. He did not tell you that it was to pay you?—

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you?—He told me it was for my own private use. “It is for yourself,” he said.

1659. He said, “This is for yourself”?—Yes.

1660. And you never used the cheque?—I never presented it.

1661. And never did anything for him?—No.

1662. Now, mind yourself; did you ever say to anyone that you had that cheque to pay for a vote?—No.

1663. To anyone?—No.

1664. Or for two votes?—No.

1665. Did you ever say that you had it to pay for Ferris?—No.

1666. You swear that, on your oath?—No.

1667. Did you ever say that you had it to pay Dennis Hogan?—Yes.

1668. You swear that?—I swear it.

1669. Or to Russell?—No.

1670. To anyone?—To anyone.

1671. Did you ever go back to Mr. O’Beirne after you were employed as his canvassing agent?—No.

1672. Did you ever speak to him since from that day to this?—I spoke to him last night.

1673. Where did you speak to him last night?—At Mr. Dunn’s.

1674. Did he send to you?—I went up to see one of the gentlemen with him, and I shook hands with him.

1675. Last night?—Yes; I said I was glad to see him, and turned out of the room.

1676. Did you say anything to him about the 60 l. cheque?—Not a word.

1677. Or to anybody else there?—No.

1678. Did you ever show the cheque to anyone when you had it?—Never.

1679. What did you do with it?—I kept it in my possession.

1680. Where?—In my own private possession.

1681. And you never mentioned to any person that you had that cheque?—Yes, of course.

1682. Who did you tell it to?—I met —

1683. I do not care who you met; who did you tell it to, on your oath?—I quite forget.

1684. Who did you tell it to?—I cannot recollect. I might have told a person, but I quite forget now.

1685. Did you ever tell Patrick Russell that you had that cheque?—No.

1686. Did you ever tell Dennis Hogan?—No, I have not seen the man at all.

1687. Did you ever tell Patrick Russell?—No.

1688. Who did you tell?—I might have told somebody.

1689. Do you mean to say that you had a cheque for 60 l. in your possession, and you cannot say whether you told anybody or not?—I cannot speak positively.

1690. You cannot speak positively whether you did or not?—I cannot say.

1691. Do you believe you ever told it to anyone?—I might have said so.

1692. Might you have said it to two people?—No.

1693. You swear that you did not tell it to two people?—Yes.

1694. On your oath, did you tell it to two people?—I might.

1695. Did you tell it to three people?—No.

1696. Will you swear that you did not tell it to three people?—I might.

1697. Do you understand my question; I ask you, on your oath, did you tell it to three people; either say yes or no, or say you cannot answer me?—I might.

1698. That is, you cannot say; did you tell it to four people?—No.

1699. Will you swear positively you did not tell it to four people?—Yes.

1700. You will swear positively that you did not tell it to four people; but you will not swear you did not tell it to three people?—Yes.

1701. You swear that?—Yes.

1702. And, on your oath, you believe that is true?—Yes.

1703. Will you swear that you did not tell it to four?—I might have told three.

1704. Did you tell it to four?—That is a question I cannot answer.

1705. Then you might have told it to four?—Yes.

1706. Might you have told it to five?—No.

1707. Who were the four people you told it to?—I cannot say.

1708. Where did you tell it?—I cannot say.

1709. Did you ever speak to anybody about it in your own shop?—Yes.

1710. You are sure of that?—Yes.

1711. Who did you speak to in your shop?—I cannot say.

1712. Are you sure that you did speak to some one in your own shop?—Yes, I might have done.

1713. It is not what you might have done; did you?—I cannot say.

1714. Did you tell or speak to some persons in your own shop?—I might have spoken to some person.

1715. Did you or did you not, on your oath?—I might have spoken to some person; I do not know who.

1716. How many letters did you get from Mr. O’Beirne about that cheque?—I never got only one letter.

1717. Did you ever show that letter to anybody?—No.

1718. Did you answer it?—I did not.

1719. How long was it after that letter came before you sent back the cheque?—About a fortnight, I believe.

1720. After you got the letter telling you not to present it, after the election, you kept the cheque, did you?—I kept it a fortnight or 10 days, I forget which.

1721. I will ask the question again, and ask you to recollect yourself, and take time to think. Did you ever speak to anyone about that cheque, and about presenting it?—I am sure I did not care 2½ d. about it; the cheque was for my own use.

1722. Answer my question. On your oath, did you ever speak to anyone about presenting that cheque at the bank?—No.

1723. Or about that cheque at all?—No.

1724. Do you know Pat Connors?—Yes.

1725. Did you ever speak to him about that cheque?—No.

1726. You never did?—No.

1727. You never said to him there were no funds in the bank?—Yes.

1728. You swear that?—Yes.

1729. Nor to Connors?—Nor to Connors.

1730. Did you know whether there were funds in the bank?—I did not pry into Mr. O’Beirne’s private business at all.

1731. You had the cheque?—Yes.

1732. Why

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1732. Why did not you present the cheque?—Because I got a letter from Mr. O'Beirne to that effect.

1733. It was a fortnight after the election; you had it six weeks in your possession?—No, only a fortnight.

1734. Why did not you present it that fortnight?—Because I had a letter from Mr. O'Beirne not to present it.

1735. When did you get the letter?—After he was elected.

1736. Was it before he was elected that you got the cheque?—Before.

1737. Why did you not present it during that 10 days?—Because I wanted to spare the gentleman.

1738. Did you intend to present it at any time?—Of course, I expected to get it.

1739. You expected to get the money during the 10 days, did you?—I did not.

1740. Did you tell me, this moment, you did?—That I intended to get the money?

1741. Is it true that you swore, this moment, that you expected to get it?—No, I did not expect to get it.

1742. At any time?—Of course I did.

1743. You wished to spare the gentleman, during the election, but you expected, at some time or other, to get the money?—Yes, because I was engaged a month before.

1744. And you expected to get the money?—Certainly.

1745. And you would have got it only for Mr. O'Beirne's letter, telling you not to present it, you would have presented it?—No, I would wait for it altogether.

1746. But you intended to present it; what did you take the 60 *l.* for?—I was to take it.

1747. For what; did you tell him the reason you did not use it was because you had done nothing?—Yes, when I saw the danger.

1748. What danger?—I would not work, consequently I sent back the cheque.

1749. Did you tell me, this moment, that you expected to get that cheque paid, some time or other?—It was optional with me.

1750. Did you say you expected to get it paid, some time or other?—Yes.

1751. Did you expect it; you have sworn twice you did; did you expect to get that cheque paid?—Of course, I did expect it.

1752. Do you say, now, that the reason you returned it was because you had done nothing?—Certainly.

1753. And yet you expect it to be paid?—Of course.

1754. And intended to have it paid?—He need not have paid me; I had done nothing, and I returned the cheque.

1755. Was it because you had done nothing that you returned the cheque?—Yes.

1756. Did he ask you to return it?—No.

1757. When he told you not to present it, did he say you could present it at a future time; did he say so in his letter?—The letter was torn up.

1758. Will you go and look for it; have you the letter, on your oath?—No, I have not.

1759. When did you last see that letter?—On my oath, I believe I did not see it for the last three weeks.

1760. Did you see it three weeks ago?—Three weeks ago.

1761. Where did you last see it?—In the desk.

1762. What desk?—The desk in the shop.

1763. Is that an open desk?—No.

1764. Under lock and key?—Yes.

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1765. Is it there now?—No.

1766. How do you know it is not there now?—I looked for it.

1767. When did you look for it?—About a fortnight ago.

1768. Who took that letter out of that desk?—I cannot say.

1769. Do you know who took it?—I might have destroyed it.

1770. Do you say you might have destroyed it?—Yes, I do.

1771. Did you look for it a fortnight ago?—I did, and could not find it.

1772. And you cannot tell whether you destroyed it or not?—No, I cannot say positively; I often have private letters in my pocket

1773. Did you leave it in the desk?—Yes.

1774. And you locked the desk?—Yes.

1775. And you say you went and looked for it a fortnight ago, and you do not know whether you destroyed that letter or not; is that your evidence?—Positively, I cannot say.

1776. Do you swear that you do not know whether you destroyed that letter or not?—I would not swear it.

1777. Do you know whether you destroyed it or not?—I cannot swear it.

1778. Do you know?—Sometimes I get private letters.

1779. I ask about that letter?—I might have burnt it with other letters.

1780. By mistake?—Yes, by mistake.

1781. Did you ever intend to destroy that letter?—It was no use to me.

1782. Did you ever intend to destroy that letter?—I did not.

1783. You never intended to destroy it?—No; it contained nothing.

1784. Did you intend to keep it?—Yes, of course.

1785. And you locked it up in your desk, intending to keep it?—There is no use in it.

1786. Are you married?—No.

1787. Who has access to that desk of yours?—Mr. Ryan had occasionally.

1788. If that letter had been in the desk, could Mr. Ryan have seen it?—No.

1789. Do you know a man of the name of Cunningham?—Yes.

1790. I ask you, on your oath, when was that letter last in your possession?—I cannot say.

1791. Had you ever any conversation with Cunningham about it?—No.

1792. You swear that?—Yes.

1793. Did you offer to show it to Cunningham?—No.

1794. You swear it?—No.

1795. I asked you before, did you show that letter to Dan Ferris?—No.

1796. You swear that positively?—Yes.

1797. I ask you again, on your solemn oath, was that cheque for 60 *l.* given to you to pay money for votes?—I swear it was not.

Cross-examined by Mr. *Hemphill*.

1798. You are not a voter yourself?—No.

1799. Is this desk, where the letter is, always locked, or occasionally opened?—Occasionally opened.

1800. As I understand, you have no recollection, one way or another, whether you destroyed that letter or not?—No recollection.

1801. I request you to search for that letter?—I will.

[The Witness withdrew.]

E

DANIEL FERRIS, junior, sworn; Examined by Mr. *Heron*.

D. Ferris, Jun. 1802. WERE you in court during the evidence of the last witness?—I was in part.

1803. You heard what he was saying?—I heard what he was saying.

1804. Did you know of the order made yesterday, that the witnesses were not to be in court?—I did know of the order yesterday, as I left the court yesterday.

1805. You have known the last witness, Hogan, for some time?—Yes, I knew him a long time.

1806. Did he ever show you a letter from Mr. O'Beirne?—Yes, I saw one from Mr. O'Beirne.

1807. How long ago?—I cannot say; it was after the election.

1808. Where did he show it to you?—In the shop, I think.

1809. Were you behind the counter?—No; I was outside the counter.

1810. Did you take it out of his desk?—I could not say.

1811. Was the letter from Mr. O'Beirne?—Yes; signed "James L. O'Beirne."

1812. Did that letter refer to a cheque?—Yes, it did, I think.

1813. A cheque of 60*l.*?—I cannot say the sum.

1814. Do you remember what the letter said about the cheque; was it that the cheque was not to be presented?—Yes, it was.

Mr. *Hemphill* stated that the witness voted for Mr. Munster.

1815. Mr. *Heron*.] Now, tell his Lordship all that occurred between you and Hogan about that letter; what introduced the subject?—I only know he showed it to me.

1816. What did he say?—He handed it to me to read.

1817. What hour of the evening was it?—In the middle of the day, I think.

1818. What did you say to him; did you say anything to him?—I said nothing to him; it did not concern me at all.

1819. Was the letter about anything else but about the cheque?—No; only about the cheque.

1820. And no one else was present?—No.

1821. Did you ever speak to Robert Ryan about it?—No; I never had anything to say to him.

1822. Were you canvassed for Mr. O'Beirne?—I was; Mr. O'Beirne came in to me.

1823. Were you canvassed by Captain Graham?—No.

1824. Who was with Mr. O'Beirne?—Dr. Coyle was one.

1825. You know many people who went with Mr. O'Beirne?—Yes.

1826. And who were they?—I cannot say.

1827. Was this a public canvass of the town, from door to door?—Yes.

Cross-examined by Mr. *Hemphill*.

1828. We have already that you voted for Mr. Munster?—Yes, I did.

1829. And your father also has a vote?—Yes.

1830. Was it Mr. Pat Laffan that canvassed you first for Mr. Munster?—No; he never asked me to vote for Mr. Munster.

1831. Did anybody ask you?—No.

1832. Did Mr. Munster ask you?—No.

1833. He is an extensive customer of your father's?—Yes, and myself too.

1834. You are doing business on your own account?—Yes.

1835. What business is yours?—A fancy trade altogether.

1836. Could you give us an idea of how much Mr. Munster bought from you?—I could not say.

1837. Did he buy over 100 *l.* worth?—No, he did not.

1838. £. 50?—Scarcely 50 *l.*

1839. What line is your father in?—In the drapery.

1840. Did you see Michael Laffan, the attorney, at all in reference to the election?—Of course I did see him before the election.

1841. He knew you were a supporter of Mr. Munster?—I voted for Mr. Munster.

1842. He knew you would vote for Mr. Munster?—I do not know whether he did or not.

1843. Do you know where Mr. Patrick Laffan is now?—No, I do not.

1844. Do you know the young gentleman?—Yes.

1845. He is a medical student, I think?—He is.

1846. Was he ever acting for Mr. Munster for weeks before the election?—He was going about the street; I did not know what his business was.

1847. You saw him going about with Mr. Michael Laffan?—No.

1848. With Mr. Munster himself?—No, I did not.

1849. With whom?—By himself.

1850. Did you see him going into voters' houses canvassing?—I do not know.

1851. Do you know Patrick?—Yes.

1852. Was he acting for Munster?—Yes.

1853. Did you see Mr. Pat Laffan the day of the polling up in the court-house?—I cannot say.

1854. Did you poll late yourself?—Yes.

1855. Did you stop long?—Yes, I remained here till about half-past two o'clock.

1856. It was after the election that Hogan showed you this letter?—Yes.

1857. Was it Hogan or Ryan?—Hogan.

1858. Do you recollect what was in the letter?—It was something about Mr. O'Beirne; it was telling him not to bring the cheque forward to the bank.

1859. Not to present it for payment?—Yes.

1860. That was the whole of it?—Yes, a short letter; one side.

1861. Just try and think, as well as you can recollect, was Pat Laffan there?—Yes.

1862. Was he ever in your place asking you for your vote before the election?—I could not say.

1863. He was at school with you?—Yes.

1864. And you are intimate friends?—Yes.

1865. Where is Pat?—I do not know.

1866. Do you know that he has gone to America since this petition was filed?—I could not swear.

1867. Did you hear it from Mr. Laffan?—No.

1868. Did you hear from Munster that he had gone to America?—No.

1869. Had you any conversation with either Laffan or Munster about Pat Laffan?—No.

1870. You

1870. You do not know, and did not hear, whether he had gone to America?—No.

1871. Is your father subpoenaed by Mr. Munster?—No, by Mr. O'Beirne.

1872. Do you know whether any rooms were taken in your house?—No rooms were taken.

1873. How much did Mr. Munster buy from your father?—I cannot say; it is his business to answer.

1874. You say Mr. Munster bought 50 *l.* worth?—I cannot say what he bought.

1875. Mostly toys?—Yes; if you wish I will bring up a list of what he bought of me.

1876. Fifty pounds' worth of toys before the election?—He did not buy 50 *l.* worth.

1877. But about, at all events, what he bought was toys?—Yes.

1878. Has he any young children of his own?—No.

[The Witness withdrew.]

PATRICK RUSSELL, sworn; Examined by Mr. *Carton*.

1879. WHAT are you?—A voter.

1880. Are you a voter for Cashel?—Yes.

1881. Do you know Hogan, who was examined here?—Which Hogan?

1882. The man in partnership with Ryan?—I do.

1883. Did you see him before the election?—Yes.

1884. Did you ever hear anything about a cheque for 60 *l.* that he had?—Never.

1885. When had you a talk with him about the election?—We were often talking over it.

1886. Was it in his own place?—No, out of town; I live in Lady's Well.

1887. Were you often down in Ryan's and Hogan's house?—Yes.

1888. Do you know Thomas Connors?—Yes.

1889. Had you any talk with him about the election?—Yes, I often had.

1890. Where had you the talk with him?—In the street, when we chanced to meet.

1891. You never heard anything about a cheque for 60 *l.*?—No. *P. Russell.*

1892. Did you ever hear that Hogan had any money?—No.

1893. Did you ever hear of a letter from Mr. O'Beirne, that he had?—No.

1894. You never heard anything at all about it?—No.

1895. Were you ever in Ryan's and Hogan's house before the election, talking?—Yes.

1896. Used there to be many with you?—There used

1897. What kind of a shop is it?—A whisky shop.

1898. How many would be there at a time?—I could not say; three or four, or more or less.

1899. As many as a dozen?—I could not exactly say.

1900. Would they be having drink there?—Yes, I often saw people drinking there.

[The Witness withdrew.]

MARY HOGAN, sworn; Examined by Mr. *Butt*.

1901. You are the wife of Dennis Hogan?—Yes.

1902. Where do you live?—I live on the Commons.

1903. I am sorry to hear your husband is not very well?—He is not.

1904. Do you know Mr. John Hogan?—I do.

1905. He is a shopkeeper in Cashel?—Yes.

1906. And Mr. Robert Ryan is his partner?—Yes.

1907. Were you ever, about the time of the election, in Mr. Hogan's shop?—I was not, unless I came about my business; not about the election.

1908. Did you come about your business?—I did come about my business.

1909. Was your husband ever there?—No, he was not able to come there.

1910. He voted, did he not?—He did.

1911. He was able to come and vote?—Yes, he came in a covered car.

1912. Who brought the covered car?—I cannot say.

1913. Before the election, was there ever anybody at your husband's house from Mr. O'Beirne, to ask him to vote?—From Mr. Munster there were people.

1914. Did he promise his vote to Mr. Munster?—No.

1915. Did he promise it to Mr. O'Beirne?—I cannot say.

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1916. Who did you see coming from Mr. O'Beirne for him?—I cannot say; there were a great many persons came to see him. *M. Hogan.*

1917. Was Mr. O'Beirne himself ever out there at your house canvassing?—Yes, he was canvassing.

1918. Out at your house?—Yes.

1919. How often was he at your house?—Only once; he canvassed the whole place, and came there.

1920. Do you know Tom Connors?—I do.

1921. Do you know Timothy Shea?—I know him.

1922. Was Thomas Connors ever out at your house?—He was not, to my knowledge.

1923. Was Timothy Shee ever out at your house?—He was not.

1924. Did you ever hear your husband say anything about any person having any money for him?—No; he did not promise his vote for any price to any person.

1925. Did he ever say anything to you about getting any money for the election?—He did not.

1926. Did he ever say anything about Mr. Hogan having asked him for his vote?—He did not. Mr. O'Beirne never spoke a word to him.

1927. Did you yourself ever get any money from anybody?—No, not a farthing; nor my husband either.

1928. Did you yourself ever get any money from Tom Connors?—Not a farthing.

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1929. Or

M. Hogan.
 16 February 1869.
 1929. Or from Mr. John Hogan?—Not half a farthing.
 1930. Or Mr. John Ryan?—No.
 1931. Or anybody else?—No.
 1932. Did you ever hear that there was any money for you at Lower-gate?—I did not.
 1933. Listen to me: tell the truth, because you are on your oath. Did you ever hear from anybody that Mr. John Hogan had a cheque, part of which was to be given to you?—I never did.
 1934. Did you ever hear of his having a cheque from Mr. O'Beirne?—No.
 1935. Did you ever say to anybody that he had a cheque?—No.
 1936. Are you sure of that?—Yes, I am.
 1937. You are quite sure that you are telling me the truth?—Yes.

Cross-examined by Mr. *Curtis*.

1938. Where do you live?—In the townland of Carran.
 1939. Your husband's name is Dennis Hogan, and he lives there too?—Yes.
 1940. Do you remember the night of the 17th of November last?—I remember, but I did not take any notice of it.
 1941. Do you know Pat Laffan?—I know the Laffans, but I do not know the names.
 1942. The young gentleman with sandy hair?—I know all the Laffans.
 1943. Mr. *Butt*] Were you ever at Dunn's Hotel?—Never.
 1944. You are quite sure?—Oh! I went in one day to the hall; and I just went in and turned out again.
 1945. What did you go there for?—I only walked out there.
 1946. What for?—For nothing, but my business led me there.
 1947. What was your business?—I wanted to see a friend there.
 1948. Who was your friend?—Some person from my own place.
 1949. Who was that?—My sister or brother, I wanted to see.
 1950. Was it your sister or your brother?—My brother.
 1951. What is your brother's name?—I have different brothers.
 1952. You tell me you went up to Dunn's Hotel to see your brother?—Yes; I expected to meet him, but I did not meet him.
 1953. What is the brother's name that you went to meet?—I have two or three different brothers; there is one in Kilkenny.
 1954. Where are your other brothers?—At Clonalty.
 1955. How far is that?—I suppose about six miles from Cashel.
 1956. How many brothers have you altogether?—I have two there.
 1957. And one in Kilkenny?—Yes.
 1958. Any more?—Yes.
 1959. How many more?—That is all I have.
 1960. Which of the brothers did you expect to meet the day you went up to Dunn's?—I expected to meet my brother Jerry, for I heard he was to come there.
 1861. It was to meet him that you went up there?—Yes.
 1962. Did you ask for him?—I did not go in then; I just went into the hall; I was afraid to go into there, for I was afraid they were gentlemen.

1963. Were you afraid to meet gentlemen?—I was afraid to meet them there.
 1964. Who brought you up to Dunn's?—No person at all; I walked up there.
 1965. Did any person go with you?—No person at all.
 1966. You swear that?—I do.
 1967. Do you know John Ryan?—Yes.
 1968. Did you see him that day at all?—I did.
 1969. Did not he take you up to Dunn's?—He did not take me up.
 1970. Did he go with you?—No, he did not.
 1971. Did you see him there?—I saw him pass by there.
 1972. Did you speak to him?—I did not speak to him.
 1973. Did he speak to you?—No.
 1974. You saw him pass by?—Yes.
 1975. Did you see anyone at all when you went up to Dunn's Hotel?—I did not; I went out into the yard and turned back again when I did not see the person I wanted.
 1976. You went into the yard?—Yes.
 1977. Did you expect to see your brother in the yard?—He was not there; I did not see anybody there.
 1978. Did you see anybody there?—I did not; Thomas Shea went out again.
 1979. What brought you into Cashel that day?—Why, business.
 1980. What business?—To buy a hat for my husband.
 1981. Did you buy it?—Yes.
 1982. What did you give for the hat; how much did you pay for it?—I suppose a couple of shillings.
 1983. How much did you pay?—Three shillings, because he was not well, and I did not want to go to the cost of buying a good one for him.
 1984. Was it before or after you were at Dunn's Hotel that you bought the hat?—It was the very minute I was coming in I went and bought it; I went about my business, buying what I wanted.
 1985. Before you were at Dunn's Hotel?—After I was there.
 1986. You brought it with you when you went to Dunn's Hotel?—Yes.
 1987. After that you bought the hat and other things that you wanted?—Yes.
 1988. How much money did you spend that day?—I cannot say.
 1989. About how much?—I cannot say.
 1990. Did you spend 5*l.*?—No, nor 10*s.* either.
 1991. Do you think that you spent 10*s.*?—I cannot say.
 1992. Do you think that you spent 10*s.*?—I cannot say; I bought bread and other things.
 1993. Mr. *Curtis*.] I believe Cashel is the market town of the Clonalty people?—Yes.
 1994. And Mr. Dunn's is the first hotel on the road coming in from Clonalty?—Yes.
 1995. The Clonalty people are in the habit of stopping there?—Yes.
 1996. Now, it was asked you, if you knew Pat Laffan, and you say you know all of them?—Yes.
 1997. Do you know a man of the name of Michael Halery?—Yes.
 1998. Do you know John Moloney?—Yes.
 1999. And Matthew Dwyer?—Yes.
 2000. Do you remember a night in November, about the time of the election, when Michael Halery,

Halery, John Moloney, Pat Dwyer, and Moloney came to your house?—No.

2001. Did anyone come?—No; no one came to our house any night in November.

2002. Any night?—No one in the world never came to my husband about a vote in the night.

2003. Do you remember their coming there any time?—No, they did not.

2004. That is to your knowledge?—Yes.

[The Witness withdrew.

M. Hogan.

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1869.

PATRICK MAHER, sworn; Examined by Mr. *Heron.*

2005. You are Pat Maher of Main-street?—Yes.

2006. No. 120?—Yes.

2007. You voted for Mr. O'Beirne?—Yes.

2008. Was your house taken?—It was not.

2009. What is your business?—The grocery business.

2010. Have you a spirit license?—Yes.

2011. Your house was not taken for a committee-room?—No.

2012. Did Captain Graham canvass you?—No.

2013. Are you sure?—Yes.

2014. Nobody canvassed you?—No; I went up to Mr. O'Beirne and gave him my vote the evening after he came to town.

2015. Did you tell Captain Graham that you would take 5*l.* less from him than from the other side?—No; I would take nothing at all from Munster's side, nor would not ask it from Mr. O'Beirne's either; I went voluntarily and gave my vote.

2016. Did you say in the presence of James Colley that you had got what you wanted?—No, never, not to my recollection; I never had any conversation with reference to the vote with him at all.

2017. Do you know the meaning of the phrase in the election times, getting what you wanted?—No, I never had a vote before.

2018. You do not know the meaning of getting what you wanted?—No.

2019. You do not know the meaning of getting a bribe?—No.

2020. You do not know what I mean by saying that?—No.

2021. Did you say you would vote for no man without being paid?—I did not.

2022. You are positive about that?—I am.

2023. Did you say if you could you would get money from the two sides?—Well, I might have said that.

2024. That is, both from O'Beirne and Munster?—I would not take any money from Mr. O'Beirne, nor he did not tender it me either.

2025. What might you have said when you say you might have said it?—Out of a joke.

2026. That is, you would take money from the two sides?—I might have said it out of a joke.

2027. But that you would have taken 5*l.* less from O'Beirne than Munster?—There was no joke about that.

2028. Did you ever ask any one on Munster's side what they were going to do for you?—I did.

2029. Whom?—Pat Cunningham.

2030. You understand what you meant by it?—But I would not accept of it.

2031. Says you to Pat, "What are you going to do for me"?—Yes.

2032. Where was this?—At Corcoran's.

2033. A public-house?—An hotel.

2034. Did you call up there?—I often called in there.

2035. When you said to Pat, "What are you

going to do for me;" what did Pat say to you?—Pat said to me that if I would give him a note for 30*l.* he would give it up the night after the election.

2036. Did you tell that to Captain Graham?—To my knowledge, not; I do not think I had a conversation with Captain Graham.

2037. Did you go and tell it to O'Beirne's side?—No.

2038. Did you tell it to any one?—Not to any one connected with O'Beirne's until after the election.

2039. You do not think you ever did?—No.

2040. Were you at Dunn's Hotel?—I was.

2041. Were you there the evening before the polling?—I was not.

2042. Were you there the evening before the nomination?—I called up there.

2043. Was Mr. O'Beirne there?—He was coming down to the dinner that the voters had given at O'Dwyer's.

2044. Were you one of the free and independent people who dined there?—I was.

2045. You were in to dinner?—I was not there; I went in immediately after the dinner; the door was opened and I went in then.

2046. That is, at Miss O'Dwyer's?—Yes.

2047. What hour did you go there?—I think about nine.

2048. Had you a glass of punch?—I had not.

2049. What was your favourite liquor that evening?—I think I took one half glass of wine out of my own home that night.

2050. Did you dance that evening?—I did.

2051. With whom did you dance?—With many persons; unfortunately there were no young ladies there.

2052. Were you dancing from half-past 11 till half-past five?—No, I went home about half-past three and went to bed.

2053. Had the door to be unlocked for you?—No, I had full leave to go in and out; I went out once or twice and came back again.

2054. Did you see the door locked?—The door was locked.

2055. You did not see the door locked?—No, the key might have been turned.

2056. There was some drinking going on at your own house?—Sure there is going on that way every day.

2057. And a little more than usual at election times?—Of course.

2058. You treat people?—Why would not I.

2059. Had you any little bill?—No.

2060. How many people did you treat?—I should have a good memory to tell the people I treat from time to time.

2061. The day of the nomination did you treat any person?—Not one connected with O'Biernes; I treated every one that came in and out and paid me for it.

2062. I do not call that a treat?—I did not give a treat.

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2063. You

P. Maher.

P. Maher.

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2063. You did not give a treat during the whole election?—No.
2064. Do you know Mr. Farrey?—Yes.
2065. Did he order any drink from you?—No.
2066. Nor Connors, the expense agent?—No; I had no drink for anybody connected with O'Beirnes.
2067. Or Mick Keif?—Mick Keif got some drink for the mob.
2068. How many were the mob?—I could not say.
2069. A couple of hundred?—I could not say how many.
2070. How much drink did the mob get?—I could not exactly say.
2071. Did they get a gallon of whiskey?—They might.
2072. Two?—At different times.
2073. Three?—At different times.
2074. Four?—They did not get four.
2075. How many bottles of porter did they drink?—I could not exactly say.
2076. You kept no account of it at all?—No.
2077. You did not ask any payment for it?—No.
2078. And never expected to be paid a shilling?—I expect to be paid by the man who got it.
2079. Who is that?—Mick Keif.
2080. How much did you supply to Mick Keif?—A reasonable share.
2081. You got your share of what was going?—I did, in one sense.
2082. What is the one sense?—Whatever was going about during the election; whatever money the people had to spend I got my part of it.
2083. What is your claim against Mick Keif?—I think it is about 6 l. or 7 l.
2084. And you swear that you will not ask him for more?—I will not ask him for more than is due.
2085. How much do you intend asking for?—So much.
2086. £. 6 or 7 l.?—Yes.
2087. Have you it in your book?—No.
2088. Was it on the nomination day?—No.
2089. On the polling day?—No.
2090. How long before the election was it?—A fortnight before the election.

Cross-examined by Mr. *Hemphill.*

2091. I suppose you were often in and out at Corcoran's Hotel?—Frequently.
2092. During the election time?—Yes.
2093. Was there much liquor going in Corcoran's Hotel?—Yes.
2094. Did you see drinking going on there?—Yes.
2095. Mr. Munster had Corcoran's Hotel for his friends?—Yes.
2096. Do you recollect how many days before the election Pat Cunningham had this talk with you?—Two days; the second night before the nomination.
2097. Before the nomination or the polling?—The day between both. I think the night before the polling, or the night after the nomination.
2098. Either at one or the other?—Yes.
2099. You told me, I think, or you told that gentleman, that Pat Cunningham said to you he would give you a note for 30 l.?—He would give me 30 l. if I would give him my vote.
2100. And he would give back the note the

evening after the election?—Yes, the same evening.

2101. What was he to give you 30 l. for?—I suppose to vote for him.
2102. For whom?—Mr. Munster.
2103. Did you see Pat Cunningham after concerned for Mr. Munster before the election?—Yes.
2104. Did you see him with Mr. Michael Laffan?—Yes.
2105. Connected with the election?—Yes.
2106. Going about?—Yes.
2107. Did you see Pat Cunningham with Mr. Munster?—I saw him in the same room, but not speaking to him.
2108. When?—In Corcoran's rooms.
2109. Was Mr. Munster in the room at the time?—Yes.
2110. And other friends?—And other friends.
2111. Was Mr. Michael Laffan on any of those occasions in the room?—Yes.
2112. Was Mr. Pat Laffan on any of those occasions in the room at Corcoran's?—Yes.
2113. Had Mr. Munster a committee-room at Corcoran's?—Yes.
2114. Did you promise to vote for Munster for 30 l.?—No, I would not vote for Munster if he gave me 100 l.
2115. Did you see any drinking at Corcoran's in the presence of Munster?—Yes.
2116. What did they have?—Wine.
2117. Did you see any voters there?—I did.
2118. Were you often in that room?—I was never in that room but twice.
2119. I am speaking before the election?—Yes.
2120. What was the greatest number you saw on either of those occasions?—There were over 50, I believe.
2121. It is a large room?—Yes.
2122. You are a publican yourself?—Yes.
2123. And could make a pretty good guess of the quantity of the bottles in the room. Did there seem to be much liquor in the room, or wine?—Every person in the room was taking a glass of liquor.
2124. Did you see any ale or porter?—I saw no ale or porter.
2125. Wine was what you saw?—Yes.
2126. Was there any champagne?—I could not see. I think there was every kind of drink there except porter.
2127. Was Mr. Munster sleeping at Corcoran's at that time?—I cannot say.
2128. How many voters were in the room. You say there were 50 in the room; how many of them were voters?—I am sure there were 30 voters and more.
2129. You said you gave money and drink to Keif for the mob?—Yes.
2130. Had Munster any mob during the election?—He had.
2131. Had he a large mob?—Of course he had, and he has them up to the present day.
2132. How many men and women?—You could not count them; they are innumerable.
2133. Mr. *Heron.*] I suppose O'Beirne had only 10 or 15?—Yes.
2134. Do you know a person of the name of Howragan?—Yes.
2135. Did he get any drink from you?—No.
2136. Did he get any for the mob?—I do not know.
2137. Did you see him going about with Munster's mob?—I saw him with the Cashel people.

[The Witness withdrew.]

Mrs. ANN MANSELL, sworn; Examined by Mr. Carton.

2138. You live in Cashel?—Yes.
 2139. Your husband has a licensed house in Cashel?—He has.
 2140. Was there any drinking going on in your house during the election?—There was.
 2141. And before the election?—And before the election and after the election.
 2142. Was there more than usual going on before and during the election?—It is most likely there was, when there were a few more people in the town than usual.
 2143. Can you tell me about how many were in your house the week before the election?—I cannot say; we had no great push of business.
 2144. Did any one order drink in your house?—No one at all whatever.
 2145. And all the drink that was consumed in your house, before and during the election, was paid for on the spot?—Certainly not.
 2146. To whom did you give any drink on credit?—To my usual customers; to my long customers.
 2147. Tell me the names of them?—The parties between the commons particularly.
 2148. Just tell me some other names?—Richard Stapleton, Dan Dwyer, Dan Maloney, Thomas Hearn, John Dwyer, Dennis Ryan.
 2149. Any more?—There might have been a good many more.
 2150. Were all these men voters?—They were.
 2151. They were all voters?—Yes, I think so.
 2152. Can you tell me how much drink you gave on credit to these men during that time?—Little or none at all, with the exception of two.
 2153. How much?—It is very trifling.
 2154. How much to the two?—In all about a couple of pounds worth, or 45s. to each.
 2155. Have you any book in which this is entered against them?—Yes.
 2156. Have you brought your book here?—I have not brought it; my husband did; they

were brought here yesterday, and he was not examined about them.

2157. Have you ever asked for payment of these small bills since the election?—I have not.

2158. You did not?—No; but I am fully confident that whenever I present my bill it will be paid.

2159. Are you in the habit of giving drink to those parties on credit?—Yes, to any amount; they are parties of good character, and they will not go beyond what they reckon their means are able to meet.

2160. How many altogether from the commons were in your house, and got drink before the election?—People came in in the morning, about election times; there is always a good deal of curiosity which leads them into the town; they come in and wander about; they come and they call for a round, or something like that.

2161. Did you see Mr. O'Beirne at your house?—Yes.

2162. How often was he there?—That I cannot reckon; he never came half so often as he was welcome.

2163. How often was he there for 10 days before the election?—I took no particular account.

2164. Might he have been there a dozen times?—No.

2165. Did he go out there every day?—No.

2166. Every second day?—No.

2167. Once a week?—I cannot say.

2168. Was he there more than once?—His visits were so very few; they were really angels' visits.

2169. Was he there more than once?—Yes.

2170. Was he there half a dozen times?—No.

2171. Was he there at any time when the people from the commons, that you mentioned, were drinking?—Never.

2172. Are you sure of it?—I am confident of it; I have often thought had the ladies in Cashel a vote, how much majority would Mr. O'Beirne have.

[The Witness withdrew.]

Mrs.
A. Mansell.
—
16 February
1869.

Mr. MICHAEL DWYER, sworn; Examined by Mr. Butt.

2173. ARE you the son-in-law of Mr. Mackey who was examined before?—Yes.
 2174. What business are you?—The leather and spirit business.
 2175. Did you give any drink at the elections to any persons without being paid?—I gave it to Keif on his order.
 2176. That is Mick Keif?—Yes.
 2177. To what extent did you give drink to Mick Keif?—Two or three pounds.
 2178. Did you give any drink to Connor's on his order?—Yes.
 2179. How much did you give to Connors?—About 30s. or 2l.
 2180. Did you give drink on the order of anybody else?—Yes.
 2181. Whom?—Dennis Geary; he is in the habit of coming into my house; he is a customer of mine.
 2182. He was an old customer of yours?—Yes.
 2183. How much drink did you give to the order of Dennis Geary?—£.3, or say 50s.
 2184. Have you any book to show these things?—Yes.
 2185. Have you brought it here?—Yes.
 121.

2186. Take the book in your own hand, and tell me how much drink you gave on the order of Mick Keif?—£.3 1s.

2187. How much on the order of Geary?—£.4 10s. 3d.

2188. Who was the other man, Connors?—£.2 1s. 9d.

2189. How much else?—That is all.

2190. Have you those in one page of that book?—No.

2191. They are scattered through the book?—Yes.

2192. Have you anything else in that book?—No; there are private things there of my own.

2193. Is it private about the election?—No; it is a copy of an order.

2194. Had that anything to do with the election?—No.

2195. I will take your word for this; how came you to keep a book for these three gentlemen?—Because I never had an account to keep for Connors before, and I did not want to mix up his account with the leather account.

2196. This book has nothing in it except the
E 4 three

Mr.
M. Dwyer.
—

Mr.
M. Dwyer.
16 February
1869.

three accounts?—No; because I kept a memorandum of the drink I gave at several times, and at my leisure times I totted it into that book.

2197. Why did you put these three accounts into this big book?—I am just after telling you.

2198. Tell me again?—I had no account against Keif before that, and of course I made an entry of it in that book.

2199. Why in that book more than any other book?—Because it is more handy to bring to court.

2200. Did you give any other people drink on credit?—Yes, to a large amount.

2201. Was not it because it was an election account, that you kept it in this book?—Certainly, and no mistake.

2202. Did you ever ask anyone to pay that account?—No; I will apply to them, and they will pay me, of course.

2203. Did you ever furnish an account to anyone?—No.

2204. Are you sure of that?—Yes.

2205. Who drank this 10*l.* worth and more?—Not so much.

2206. Well, whatever it is; I suppose the three men did not drink it themselves?—No.

2207. For whom did they get it?—For the mob.

2208. At different times?—Yes.

2209. They got it from you for the mob?—Yes.

2210. Was your house taken at all during the election?—No; I am telling the truth.

2211. We do not doubt it in the least; it was not let during the election?—No, certainly not; I was never asked by either party.

Cross-examined by Mr. Curtis.

2212. Is this Michael Keif you speak of an elector?—No.

2213. What is Connor's Christian name?—Thomas Connor.

2214. That is not this man (*pointing to the expense agent*)?—No.

2215. Is Thomas Connor an elector?—No.

2216. Is Dennis Geary an elector?—He is.

2217. It was for the mob, the non-electors, that the drink was supplied?—Yes.

Re-examined by Mr. Butt.

2218. How do you know that the people to whom you supplied the drink were non-electors?—I know the electors, all the men in Cashel.

2219. Can you swear that none of the electors got any drink?—Not as far as I know.

2220. Mr. Curtis.] Geary is a shoemaker, and he buys his leather from you?—Yes, to a large amount.

[The Witness withdrew.

Mr. Heron read the bill furnished by Mrs. Dunn to Mr. O'Beirne to the amount of 106*l.* 2*s.* 6*d.*, from the 10th of October to November 24th.

Mr. JOSEPH RYAN, sworn; Examined by Mr. Heron.

Mr.
J. Ryan.

2221. YOU are an elector?—Yes.

2222. And you voted for Mr. O'Beirne?—Yes.

2223. What are you?—A shopkeeper.

2224. Have you a public-house?—Yes.

2225. What is your street?—The main street.

2226. Did you give any drink on orders?—Yes.

2227. On whose orders?—The orders of Michael Keif.

2228. How much drink did you give on his order?—On the whole, 2*l.* 1*s.* 8*d.*

2229. Did you give drink on anybody else's order?—No.

2230. Was that the only drink you gave on order?—Yes, the only drink; I think somebody else got something, but the whole amount was 2*l.* 1*s.* 8*d.*

2231. Have you furnished an account of it?—Yes, to Michael Keif; he called upon me for my bill, to send in to Mr. Grace.

2232. When did he call?—I cannot say the day.

2233. How soon after the election?—A considerable time.

2234. Were you ever paid since?—Never, and I never got it.

2235. Did you give it to Keif to be brought to Mr. Grace, or did you send it to Mr. Grace?—I sent it to Mr. Grace by my son.

2236. You have a son named Francis Ryan?—I have.

2237. He has no vote?—No.

2238. Did he get any employment at the election?—He did.

2239. What employment did he get?—I could not exactly say.

2240. Was he a watcher or a canvasser?—He was both; he will account for that.

2241. How much was he to get?—I cannot say.

2242. How much did he tell you he got?—I do not know.

2243. Did not your son tell you what he got?—I think he got nothing yet.

2244. What was he to get?—I made no bargain with him.

2245. You were not present at the bargain?—No.

2246. Did you ever go to Dunn's hotel?—Frequently.

2247. You went there how many evenings?—Upon two occasions.

2248. Was Mr. O'Beirne there?—He was.

2249. Was Captain Graham there?—Upon one occasion.

2250. Was Connors, the expense agent, there?—I do not recollect.

2251. Mr. Dennis Geary?—Unless on the day of canvassing; I met many persons there on that day.

2252. That is, when the public canvass was going on; were all these men with Mr. O'Beirne upon the canvassing?—I believe so; I saw them.

2253. Going from house to house with him on a public canvass?—No, going to the Commons; I could not say whether Captain Graham was there on that occasion.

2254. Were you with Mr. O'Beirne?—Yes.

2255. Who were the persons who went out to canvass the Commons; there were Mr. O'Beirne and Mr. Geary?—I am not certain.

2256. Yourself?—Yes.

2257. Who else?—My son.

2258. Who else?—Mr. Maher.

2259. Who else?—I could not say.

2260. About how many?—About 20.

2261. Most

2261. Most of them were voters?—I think so.

2262. You know the town's people; tell us all?—I could not tell every one of them.

2263. Who were they?—Mr. Tom O'Connor, of Laffener, the two Mr. Handlys; I could not name the parties; I should think there were about 18 or 20 voters on the Commons with him.

2264. Do you know Dennis Hogan?—I do.

2265. Do you know Mrs. Hogan, the wife of Dennis Hogan?—I do.

2266. Did you bring her up to Dunn's one day?—I am sure I could not bring to mind that I brought her up.

2267. But tell what occurred?—I could not say what occurred, but I recollect seeing her and all the Commons' people upon one particular day, and a Commoner introduced her.

2268. The day she was in and went to Dunn's, were all the Commons' people in too?—Oh, dear, not at all.

2269. Some of them?—Some of them.

2270. Did she go with them and come up to Dunn's?—Not to my knowledge.

2271. What conversation did you have with Mrs. Hogan on that day?—I had no conversation; I did not interest myself about the matter; she was frequently in my house for the last 15 or 16 years; I know the whole family.

2272. Do you know William Ryan?—I do.

2273. Had he a bill on the bank?—What do I know of it?

2274. Did he tell you that he had?—Sure, I know he had many bills in the bank.

2275. You said you knew he had many bills on the bank?—I have cause to know.

2276. He sometimes accommodated you with his name?—Yes.

2277. And you sometimes accommodated him with your name?—Yes.

2278. How long have you and he been accommodating each other in this way?—For the last seven or eight years.

2279. In which bank?—In the Loan Bank.

2280. Who is the manager of the Loan Bank?—Mr. Delahunt.

2281. Was there a bill of yours in the bank at the time of the election; a bill between you and William Ryan Richards in any bank?—No, not in the National Bank, unless it was in the Loan Bank.

2282. For how much?—£. 10. is the heaviest sum.

2283. How long was the bill for 10*l.*?—Three bills for 10*l.*, and 8*l.*, 9*l.*, and 10*l.* bills. He and I were security for different people round about. I signed bills for 60*l.* one day there.

2284. Do you know a man named O'Mara, security for William Ryan Richards for a 25*l.* bill?—I know Andrew O'Mara; I know him to be a security for William Ryan Richards.

2285. On a 25*l.* bill?—I cannot say.

2286. Was that bill in the National Bank?—I cannot say.

2287. That was at the time of the election?—I do not know what time; it has been going on for the last four years.

2288. Is that the bill now paid?—I could not tell. All I know is we accommodate each other. When he is short he helps me and I help him.

2289. Had you any money in your hands for the election; generally for the election?—Only for my own purposes.

2290. How much?—I could not tell.

2291. I mean, was there any money in your hands for the use of the election?—No.

2292. Did you spend any money yourself for the use of the election?—Not a shilling.

Cross-examined by Mr. *Hemphill*.

2293. Did those people to whom you supplied the 2*l.* 1*s.* 8*d.* worth of drink, drink it in your shop?—No; there was only a portion of it drunk; there may be about 8*s.* worth of spirits drunk in the shop.

2294. Were they voters or non-voters?—Non-voters.

2295. Were they what you call a mob?—Decidedly so.

2296. How long a time did the 2*l.* 1*s.* 8*d.* cover; how many days?—From the 9th to the 17th.

2297. Of November?—Yes, I think so.

2298. Did he say that he wanted it for the mob that were shouting?—They were the messengers themselves.

2299. Who were the messengers?—The mob.

2300. And they got the drink?—Yes.

2301. And they took the drink from your establishment?—Yes.

2302. Did you supply any voters with drink?—No, I supplied non-voters.

2303. With reference to the 2*l.* 1*s.* 8*d.*?—No, not for that.

2304. Did you supply any drink to Houragan, do you recollect?—I did.

2305. During this election?—Decidedly I did.

2306. Did you supply him with much drink?—Only what he came to the counter for.

2307. Did he get any from you?—No.

2308. I suppose a great number of voters went out to the Commons with Mr. O'Brien, backing him up?—Yes.

2309. About 20 voters?—I believe so.

2310. He only went out one day?—The second day as well.

2311. And it was the second day that these voters went that you speak of?—He went upon two occasions.

2312. For this election?—Yes.

[The Witness withdrew.]

FRANCIS RYAN, sworn; Examined by Mr. *Carton*.

2313. You are the son of the last witness?—Yes.

2314. You live in Cashel?—Yes.

2315. With your father?—Yes.

2316. Were you employed during the last election?—Yes.

2317. By whom?—Mr. O'Beirne.

2318. Was it Mr. O'Beirne himself?—Yes.

2319. What were you employed to do?—Walk about the street.

2320. How much were you to get for walking about the street?—They did not make any bargain at all.

2321. That is not an answer to the question; I ask,

J. Ryan.

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F. Ryan.

F. Ryan. I ask, how much were you to get?—I could not say.

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2322. How much did you expect to get?—I do not know how much. If I get nothing I am satisfied; if I get money I will take it; if I get nothing I will do without it.

2323. Do you mean to say that you had not the slightest idea of what you were to get?—No.

2324. What were the rest getting?—I do not know what any other men were getting.

2325. And you were getting nothing at all?—No.

2326. And no promise?—No.

2327. Are you sure of that?—Yes.

2328. From nobody?—No.

2329. When did Mr. O'Beirne employ you?—About eight or 10 days before the election.

2330. What did he say to you when he was employing you?—He said he wanted me to walk about the streets and see how matters were going on.

2331. That is what he said to you?—Yes.

Cross-examined by Mr. *Curtis*.

2332. Was not it to observe what voters were going into Corcoran's hotel?—Yes, and other things besides that.

2333. And to report to Mr. O'Beirne what voters were going into Cawkern's hotel and into Laffan's?—Yes.

2334. Would you tell what instructions you actually got from Mr. O'Beirne; tell precisely what Mr. O'Beirne told you to do?—That if I saw any voter going into Cawkern's, or into Mr. Munster's, or with any of Mr. Munster's agents, to report it to Mr. O'Beirne's.

2335. Did you do that?—Yes.

2336. Did you do it every evening during the time you were directed to do it; how long were you employed in that?—I was to go every evening, but some evenings I could not see him, and then I came next morning.

2337. And you reported to Mr. O'Beirne accordingly what voters you saw going into those places, or going with Mr. Laffan?—Yes.

[The Witness withdrew.]

Mr. RICHARD GRACE, sworn; Examined by Mr. *Butt*.

Mr.
R. Grace.

2338. Do you keep a public-house in this town?—I do.

2339. I suppose you keep books?—I do.

2340. Have you your books with you?—I have my day-books.

2341. Are you an elector?—Yes, I am.

2342. Did you vote for Mr. O'Beirne?—I did.

2343. Did anyone canvass you to vote for Mr. O'Beirne?—Not one.

2344. You were never asked to vote?—Mr. O'Beirne canvassed me.

2345. When did he come to you?—Before the election.

2346. Did you supply any drink to any person on credit?—I have been in business for 20 years, and giving value out in the town to many people. I went on in the same way during the election.

2347. Did you supply any drink to Daniel Geary?—No, I did not. His men came to me in his name for some drink a few times, and they came to me at another time. I said I would not give any more, because Mr. Geary did not give an order to supply them, and then they did not call after that.

2348. Did he call after that?—He did not.

2349. When you say his men, who were Mr. Geary's men?—The shoemakers.

2350. Is he a shoemaker?—Yes.

2351. Do you mean men in his employment?—Yes, they work for him.

2352. Was that all the drink you gave in Mr. Geary's name during the time of the election?—Yes.

2353. Tell me some of the other people on whose name you gave drank?—I gave drink to different people. I will show the book. This is the book.

2354. Tell me the persons to whom you gave drink?—I got no verbal order. I had nothing from Mr. O'Beirne or Mr. Grace; I supplied no drink whatever.

2355. To whom did you supply drink?—To people who are in the habit of drinking.

2356. Who are they; come to the 10th of

November; let me look at that?—Everything is down here.

2357. Are these all on credit?—Yes, to different people; the town's people.

2358. Do you make out accounts against any people?—The only account is, I gave some drink to Keif, and I gave some drink to a man of the name of Patrick Ryan, who voted for Mr. Munster, and I gave some more to another supporter of Mr. Munster.

2359. I want to know about Keif; how much drink did you give to Keif?—I gave him a gallon of whisky; two gallons of whisky, and some glasses besides.

2360. Have you been paid for that?—No.

2361. When was that?—Before the election.

2362. How long before?—From the 4th November to the 18th of November.

2363. This is something between 2*l.* and 3*l.*?—£. 2. 7*s.*

2364. "Michael Keif, November 4th, a gallon of spirits; 10 glasses, 2*s.* 4*d.*; eight glasses, 2*s.* 4*d.*;" and four something of porter, 1*s.* 4*d.*; then, from the 4th to the 18th, there is no entry; and on the day of nomination you gave a gallon of spirits?—Yes, there are other things that make it up; there are small accounts there as well.

2365. Now, looking at that account, was it in your own handwriting; did you make it at the time?—Yes, at the time.

2366. On the day of nomination, were you in the shop when Keif got those gallons of spirits?—I was.

2367. Is this the day-book you keep?—Yes, where small accounts are made; you can see the running accounts there.

2368. Do you keep the election accounts separate in this book?—When I got an order for anything; but I got no order; if I got an order for Mr. O'Beirne or his agent.

2369. There is your day-book for the 18th of November: now, upon the 18th of November Keif got a gallon of spirits; is that entered in your day-book for the 18th?—It might be, but I took it into a separate account.

2370. Just

2370. Just look at your day book for Wednesday the 18th of November; is there a gallon of spirits to Keif entered there?—No, not in the day. This is a separate thing. I did not enter everything, particularly when they were not in the habit of running accounts with me; I kept it separate. I kept a separate account for Keif.

2371. What he got you did not enter?—No; nor what Patrick Ryan got. He is a man living there; he is a man belonging to Munster.

2372. What he got you kept separate?—Yes; and Ned Ling is another.

2373. What is torn out at the top of the page?—If we want a slip of paper we tear it up to write on it.

2374. You tear up your account books?—Yes.

2375. When was it torn?—I cannot say when it was torn.

2376. Look at the new tearing upon it?—Yes.

2377. When, on your oath, was it torn?—I cannot tell.

2378. When was it torn?—I could not tell.

2379. Can you form a judgment?—I cannot say; when I want a slip of paper I tear it out, without minding where I tear it.

2380. Mr. Baron *Fitzgerald*.] Was there anything written on it?—Not a ha'porth.

2381. Mr. *Butt*.] Are you sure of that?—I have no recollection of it.

2382. Do you recollect it being torn out?—No.

2383. Do you see that little tail of writing there?—Yes.

2384. Was there anything written there; on your oath?—Not a ha'porth wrote by me.

2385. Was there anything written there?—Not at all.

2386. Did you ever look at that page?—I never minded only looking at the writing of it.

2387. Were you subpoenaed to bring your books here?—Yes.

2388. When did you get your subpoena?—On Saturday night.

2389. When you got your subpoena, did you look at your book?—No.

2390. Have you looked at it since?—I looked at it a few days ago; Saturday, I think.

2391. What did you look at it for?—To see what accounts I had.

2392. When you looked at it, was it torn out?—Yes.

2393. When you looked at it first?—Yes.

2394. Did you remember it was torn, when you looked at that book first?—I think it was torn before I wrote at all on it. I do not remember it at all. I think it was torn before I wrote on it.

2395. When you looked at that book on Saturday last, did you remember that it was torn?—I saw it.

2396. Did you remember how it was torn?—No.

2397. Did you ever send that account of Keif to any person?—No, because Keif is a good security for it. I will tell you what I gave. I gave a drink myself to the mob, in order to keep free from them, and in order to keep from having rows; more drink than that I gave away.

2398. How much drink did you give away; did you give a pound's worth; how often did you give drink to the mob?—Several times during the day, in order to quiet them; in order to have more influence. I saw a man nearly murdered going into the house.

2399. What was the value of the drink that you gave to the mob?—I really cannot say.

[The Witness withdrew.]

Mr. THOMAS EDMONDS CLOSE, sworn; Examined by Mr. *Heron*.

2400. I BELIEVE you voted for Mr. Munster at the last election?—I did.

2401. Were you ever in the committee-rooms at Dunn's hotel?—I was in Mr. Dunn's house.

2402. Who were there on that occasion?—If you want me to explain the reason I was there at all—

2403. Who sent for you?—I met Mr. O'Beirne in the street, and he said he was surprised I had not called on him before; that was four or five days after he had been in town. In the meantime I had been in Thurles about my business, and it was the first time I came from Thurles that I met Mr. O'Beirne in the street. He said he was surprised I had not called on him before; that was on the Thursday, and then on the Saturday afterwards I went up to pay him a visit.

2404. Mr. Baron *Fitzgerald*.] What Thursday is this; the day before the nomination?—I do not remember the date, but I could soon ascertain that.

2405. How long about was it before the election?—If there is anybody in the court that can tell me—

2406. Mr. *Heron*.] Was it a week or 10 days?—Yes; I could ascertain the date.

2407. What day of the week was it?—On

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the Thursday I first met him, and it was on the Saturday I went to see him.

2408. In Dunn's hotel?—In his private rooms.

2409. What hour was it that you went into Dunn's hotel?—It was about 11 o'clock.

2410. In the evening?—In the morning.

2411. Who were in the rooms when you went in?—Mr. O'Beirne himself.

2412. What conversation had you with him?—Only some gentlemanly conversation; I was very happy to see him.

2413. Did you see Captain Graham there present?—Mr. O'Beirne, Captain Graham, Mr. Michael Handly, and Michael Quirke, and another or two were in the room; I cannot recollect who they were. I did not go up upon any business at all; certainly not anything to do with the election; it was only to see Mr. O'Beirne.

2414. Had you any conversation with Captain Graham about the election?—Not exactly about the election; but after I had bidden Mr. O'Beirne good morning (I do not think I was there more than 10 minutes), Captain Graham followed me and my son out of the room.

2415. Where did he follow you to?—To the lobby, or a small passage at the top of the stairs, and he called me on one side, and said, "Mr. Close, I shall be very happy to give your son some employment

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employment during this election." I said, "Well, Captain Graham, I am not sure whether he will be here during the election, for he is under a nomination for the Civil Service, from Lord Hawarden's nomination."

2416. That is to pass his examination?—Yes; "and I am not sure whether he will be here at all." "Well," said he, "I know you would be very glad of it; I will give him that," writing on a piece of paper, "20*l*."; he did not write it in letters, but in figures.

2417. Before that, had you been asked for your vote in the room?—No, I had not; Mr. O'Beirne never spoke a word about my vote, or anything at all about the election.

2418. What occurred when he wrote this 20*l*. on a piece of paper?—All I said was, "Captain Graham, I will think about it; I cannot say that my son will be here at all, and I must think of it."

2419. Did he say anything about why the money was to be given to your son, and not to you?—He said, "I cannot speak to you yourself, but I can speak to your son; your son can manage things or arrange it." He says, "I cannot engage you for anything; what is done must be done through your son."

2420. Mr. Baron *Fitzgerald*.] Say distinctly what he said?—He said, whatever was done must be through my son, and not through myself. "I cannot speak to you," he says; "I can speak to your son."

2421. Mr. *Heron*.] Was that all that occurred?—It was. I was not there afterwards; I was not there from that time until the present.

Cross-examined by Mr. *Hemphill*.

2422. You told us that you voted for Mr. Munster?—I did.

2423. Now, as I understand what you say, Captain Graham said, after he left the room with you, was, that he would give your son some employment?—It was.

2424. During the election?—Yes.

2425. Did he say anything as to the nature of the employment?—Not at all.

2426. And then, you say, he gave you a slip of paper?—No, he did not give me a slip of paper.

2427. What did he do, exactly?—He had a pencil in one hand and a piece of paper in the other, and he wrote down 20*l*. (*describing the same*).

2428. And you said, "I cannot say that my son will be here," when he did that?—I did.

2429. And of course the 20*l*. would not be given unless your son was here?—I suppose not; there was nothing said about that.

2430. Did you get any money from Mr. Munster?—Not a penny.

2431. Have you been promised any?—Not a penny; not a fraction of a penny.

2432. Had you been on Mr. Munster's committee, or had he any committee?—Not a single committee, or anything; I attended, and I was the first person in Cashel that tendered my vote publicly to Mr. Munster.

2433. Where is your son?—He is in Cashel.

2434. Is he in any employment?—He is in the Civil Service department.

2435. Has he any employment?—He is in the Civil Service in London.

2436. Through whose interest?—No interest

except Lord Hawarden nomination, which he got from the Duke of Montrose.

2437. Mr. Munster had nothing to do with it?—Not the least.

2438. Did Mr. Munster employ your son since the election?—He did.

2439. When?—He employed him, I think, for a month or five weeks.

2440. After the election?—After the election. But would you allow me to explain the way in which Mr. Munster has employed him?

2441. Yes?—I told you, my Lord, that he was under an engagement to go under his examination, and as he had not passed previously at the first examination, we had fears with reference to his French. Mr. Munster was a very excellent French scholar, and I asked Mr. Munster to examine him in French, to see if he would pass his examination. Myself and son went up to Mr. Munster one evening. Mr. Munster examined him in his French, and Mr. Munster found that he was so far a superior scholar to what he had any idea of, that he said he would be very happy to do something to forward him in what he was going about; and he said he did not see how he could possibly legitimately do anything for him; that is to send him to London; that he could not do it, but he would be glad of his services. The next morning his secretary came to me —

2442. Answer the question; did Mr. Munster employ your son?—I told you he did.

2443. What did he employ him as?—He was assistant secretary.

2444. To himself?—No, assistant secretary to Mr. Munster's secretary.

2445. What is the secretary's name?—Mr. Biggan.

2446. Where does Mr. Biggan live?—He lives everywhere with Mr. Munster, wherever he is.

2447. Did your son live everywhere with Mr. Munster?—No, he was sent with Mr. Munster's messages to Dublin and other places, and was up at five o'clock in the morning writing for him.

2448. How much did he get?—Two guineas a-week.

2449. Did he get his board besides?—No.

2450. Did he board himself?—No.

2451. Did he get his travelling expenses?—He is here; he will be downstairs.

2452. You say you do not know that he got anything but two guineas a-week?—No.

2453. When did his employment commence?—I cannot tell.

2454. How soon after the election did the employment commence?—I cannot say.

2455. The election took place on the 20th of November; when did the employment commence?—I have not a note of it, but I can refer back to the notice with regard to my teaching, and I think I can find it. I think it must be about the beginning of December.

2456. You live in Cashel?—I do.

2457. Do you recollect, shortly after the election, seeing a placard about Cashel offering a reward of 500*l*. to anyone that would give information as to bribery?—Yes.

2458. Who made the offer; was it Munster?—I could not say.

2459. Did not you read the placard?—Yes.

2460. Did not it purport to be an offer of Mr. Munster of 500*l*.?—Mr. Munster's name was down for the money.

2461. How soon after the election did you see that?

that?—Before the election, and after the election, too.

2462. £. 500. was the figure?—Yes, I think there was another 100 *l.* offered.

2463. Again?—There were some.

2464. Was that for private information?—I could not swear what it was for, but I know that there was 500 *l.* offered for information.

2465. Did you borrow any money from Mr. Munster?—No.

2466. Did you get any note or bill?—No.

2467. Did he accommodate you with his name?—No, never, in any shape or form.

2468. Did he accommodate your son, or lend him any money?—Not that I know of; you had better ask him.

2469. Did you borrow money from anyone?—No.

2470. Do you know Con Carroll?—Yes.

2471. Did you borrow money from him?—No.

2472. Did you borrow 8 *l.*?—What 8 *l.*?

2473. Did you borrow 1 *l.*?—I have occasionally.

2474. Are you not very hard up?—No, I do not say that I am hard up.

2475. Are you well off?—No, I am sorry to say I am not.

2476. Do you know a man named Frith?—Yes.

2477. Did you ask him for the loan of 10 *l.*?—Never in my life.

2478. Nor any money?—There is a difference between 10 *l.* and 1 *s.*

2479. Did you ask him for the loan of any money?—Not with reference to the election or any other time.

2480. Was it about the time of the election?—It was not.

2481. When was it?—A twelvemonth ago.

2482. Do you know—

Mr. *Butt* objected to the private circumstances of the Witness being gone into.

Witness.] If you wish to know my cir-

cumstances, I will say I am a great deal poorer than I wish to be.

Mr. Baron *Fitzgerald* stated these questions could not be put.

2483. Mr. *Hemphill.*] Did you ever tell anyone that you could prove this; did you ever tell anyone what you came here to-day to prove?—Yes, when I was asked, I did.

2484. Did you ever tell anyone but Mr. Laffan, the attorney?—I did; when I was asked, I did; I never said a word about it until I was asked.

2485. Did you lately have any conversation with anybody as to what you could prove here in reference to this, within the last week?—Yes, within the last three days.

2486. With whom?—With Mr. Laffan and Mr. Scallan.

2487. Anybody else?—No.

2488. And Dr. Russell?—I was going to make that exception. On Sunday morning I saw Dr. Russell, and he asked me whether my son would be over here, and hoped he would be able to prove what he mentioned to him; but for that I would not have said anything about it.

2489. That he would be able to prove against O'Beirne?—Not against O'Beirne, but to substantiate what he said before.

2490. When was that conversation?—Last Sunday morning.

Re-examined by Mr. *Heron.*

2491. When did you publicly announce, in Cashel, that you would vote for Mr. Munster?—I was the first person in Cashel that publicly announced I would vote for Munster, without being solicited by Mr. Munster or any one of his agents.

2492. How long was that before the election?—I think three weeks.

[The Witness withdrew.

Mr. HENRY EDMUNDS CLOSE, sworn; Examined by Mr. *Butt.*

2493. You are the son of Mr. Thomas Close?—Yes.

2494. You now hold a situation in the General Post Office?—Yes, in the Savings' Bank Department.

2495. How long have you held it?—Since the 5th of January.

2496. You obtained it by a competitive examination?—Yes.

2497. On a nomination obtained for you by Lord Hawarden?—Yes.

2498. Do you recollect, before the election, going up to Mr. O'Beirne, at Dunn's hotel, one day, with your father?—Yes, I do.

2499. Did you see Mr. O'Beirne?—Yes.

2500. Who was with Mr. O'Beirne?—Mr. Michael Handley, I think, Mr. Michael Quirke, and Captain Graham; I remember them.

2501. Do you remember Captain Graham following you and your father out of the room?—Yes.

2502. Did you hear what passed between them?—I did not hear all that passed between them, but I saw Captain Graham make marks on some paper, and he asked would that do.

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2503. Did you hear your father reply?—My father did not say anything, but laughed it off, and said he would see about it.

2504. State what you heard?—He took him over to the window, in the lobby.

2505. Did you hear any more of the conversation?—Not at that time.

2506. Did Captain Graham ever speak to you?—Yes.

2507. When was that?—Some time after that.

2508. How long after that?—I think in the following week: I could not tell you what particular day.

2509. When did Captain Graham see you?—The first time was at the corner, just opposite to Dr. Coyle's shop.

2510. What did he say to you then?—He said he would be very glad to do anything for me. "I would be glad to have your father on our side, and anything that is done must be done through you." He said, "I have offered your father 20 *l.* for your services, and of course we do not want your services. You know what it is for."

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2511. What

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2511. What did you say to that?—I said I would see about it; I said I would speak to my father.

2512. Did you take the employment?—No.

2513. Did you ever see Captain Graham again?—Yes, I met him the same week; he was coming up, along with his daughter, at the corner of the Golden-road.

2514. What passed between you then?—He asked me had I made up my mind? I said, "No."

2515. Did you mention to your father what had occurred?—No.

2516. Did you mention it to any person since?—I made no secret of it at all.

2517. Do you know Dr. Russell?—Yes.

2518. Did you mention it to him?—Yes.

2519. Now, you were afterwards in Mr. Munster's employment?—Yes.

2520. In what capacity?—As his assistant private secretary.

2521. How long were you in his employment?—Up to the time that I left for England; up to about the 3rd of January.

2522. What did you receive from Mr. Munster for that employment?—Two guineas a week.

2523. Were you paid or given anything more by Mr. Munster than the two guineas a week?—No; whatever expenses I was under on his business he paid me.

2524. Did you go on his business?—Yes; I went up to Dublin with some parcels of his on private business.

2525. While you were in Mr. Munster's employment as assistant secretary, did you really work?—I really worked.

2526. What did you do; what was your occupation?—Copying his letters, and copying several other things, and writing and travelling to and fro; I went to Dublin five or six times for him.

2527. And of course you were paid your travelling expenses?—Yes.

2528. How many hours a day were you employed?—I had no stated hours; sometimes I was up at four o'clock in the morning, and sometimes I never got to bed at all.

Cross-examined by Mr. Curtis.

2529. When did you first arrange with Mr. Munster, or he with you, for the two guineas a week?—I forget the exact date; I could give you the agreement between us. Mr. Munster has got the agreement between us.

2530. A written agreement?—Yes.

2531. Before the written agreement was drawn up, was it with him, or anyone on his behalf, that you negotiated?—No one on his behalf. Mr. Biggan came down and said that Mr. Munster wanted me to go with him as his private secretary. He said that Mr. Biggan was very tired and worked very hard, and he wanted some one to help him, and if I would accept of the situation Mr. Munster would employ me.

2532. Were the two guineas a week mentioned then?—Yes.

2533. How many weeks were you receiving the two guineas a week?—I cannot say; it was from the time the agreement was made between us up to the 3rd of January.

2534. Did you receive any other money from Mr. Munster or Mr. Biggan?—I received a loan

of 5*l.* from Mr. Munster to pay my expenses to go over to London.

2535. When was that?—The night I left Cashel to go to London on the 3rd of January.

2536. Did you receive any other money?—No, except my other expenses.

2537. How much did you get for expenses and everything else?—I do not know; I gave my accounts to Mr. Munster of what money I had received from Mr. Munster.

2538. For how many weeks?—For the time I was with him.

2539. Could you form any opinion of all the money you got altogether, including the two guineas a week and everything else?—I do not know how many weeks I was with him; I dare say I was with him about six weeks; I do not think I was any longer; that would be 12*l.*

2540. Then the 5*l.* in addition to that?—That was only a loan.

2541. What was the nature of your duties, copying his letters?—Copying his letters.

2542. Anything else?—Travelling to see about his business.

2543. In what direction; what business?—To Dublin sometimes, sometimes to Portarlington.

2544. What was the business you were travelling for?—I am not at liberty to explain.

Mr. Munster.] You are at perfect liberty.

2545. Mr. Curtis.] Upon what business did you travel to Dublin and Portarlington?—I travelled to Dublin to take letters; I travelled to Portarlington to see about an hotel where he was going to stop, and to see whether I could get a proper house for him to stop at when he was going on a visit to Mr. Moore.

2546. You brought letters to Dublin for him?—Yes.

2547. To whom; were they connected with the election?—No.

2548. Do you know what was in the letters?—No.

2549. Did you bring a letter to Mr. Patrick Laffan from Dublin?—No, I never had any connection with him.

2550. Did you bring a letter to Dublin from Patrick Laffan?—No.

2551. Or write any letter to Patrick Laffan for Mr. Munster?—No.

2552. To whom did you bring the letter you brought to Dublin?—I posted them in Dublin.

2553. If you sent them through the post office, what was the object of your bringing them to Dublin?—The post closes in Cashel at 10 o'clock; the night mail goes up then, and the night mail does not close in Dublin till half-past five in the morning; and if Mr. Munster had not the letters written in time, I brought them up and posted them in Dublin.

2554. How many were the letters?—Three.

2555. To whom were they directed?—I do not know.

2556. It was in consequence of Mr. Munster having lost the post on a particular day that you were sent up to Dublin?—They were very important letters.

2557. How do you know that?—I believe Mr. Munster—

2558. How did you know they were important letters?—If they were not very important letters, I am sure Mr. Munster would not let me go to Dublin to post them.

2559. How

2559. How much money altogether did you get from Mr. Munster?—I could not tell you the exact sum.

2560. Did you get 20 *l.* altogether?—Including my wages?

2561. Yes?—My wages and expenses amounted altogether, I daresay, to 20 *l.*

2562. Did you get 40 *l.*?—No.

2563. £. 30?—No.

2564. £. 25?—About 25 *l.*, perhaps not that.

2565. Were any of the letters that you posted in Dublin addressed to persons in Cashel or to any person in Cashel?—No.

2566. You read the direction on them?—Yes.

2567. You do not remember the directions?—No, but I remember they were not to any persons in Cashel; they were all English letters.

2568. Now the time you say you met Captain Graham in the street, and that he made allusion to the 20 *l.* —?—What time?

2569. After the time that you say you and your father visited Mr. O'Beirne at Dunn's?—I met him twice.

2570. The first time after that, the second time you say he only asked you had you made up your mind, but the first time he made an allusion to the 20 *l.*, and said he had offered your father 20 *l.* for your services; was not it for your services he said the 20 *l.* was offered?—Yes, but he also said, "You need not do anything."

2571. He said that the 20 *l.* was for your services?—Yes.

2572. Not a word was said about voting or anything else?—Yes, there was.

2573. I am alluding to the time when you and your father were at Dunn's?—I did not hear the conversation; I told Mr. Butt that I did not hear the conversation; I only heard part. I heard Captain Graham say, "Will that do?" or "Is that enough?" or something to that effect, and I saw him making marks upon paper.

2574. Were you in court during the time your father gave evidence?—No, I have not been in court for the last two months.

2575. Supposing your father said that no allusion was made to a vote at all at the interview on the lobby between Captain Graham and him, would that be true?—I swear that I did not hear all the conversation.

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Re-examined by Mr. Butt.

2576. You got money to pay your travelling expenses to Dublin and the other places you were sent to?—Yes.

2577. Did you give to Mr. Munster a return of the money you had actually spent in travelling?—I gave it Mr. Munster through Miss Thorn or Miss Haig.

2578. Did you give a return of anything but what you actually spent?—No.

2579. The rest was accounted for?—Yes.

2580. You received nothing more than the two guineas a week?—I always had a pound in my pocket for any incidental expenses; if Mr. Munster was not in the place I could pay for things, but I accounted for it. Mr. Munster always lets every person in his house have a certain sum of money, so that if anybody is not in the way they may pay.

2581. Mr. Curtis.] Were you in Cashel at the election of 1865?—I was.

2582. Do you know for whom your father voted at that election?—

Mr. Butt objected to the question.

Mr. Curtis was heard in support of his question.

Mr. Baron Fitzgerald ruled that the question could not be put.

[The Witness withdrew.

The Court adjourned for a short time.

Upon resuming,

WILLIAM CASHIN, sworn; Examined by Mr. Heron.

2583. HAVE you got two sons named John and James Cashin?—Yes.

2584. Were they employed at the election for Mr. O'Beirne; was John employed at the election for Mr. O'Beirne?—No.

2585. Was William?—He was doing something for him, I believe.

2586. How much was he to get for doing something for him?—How do I know what he was to get? I know nothing about it.

2587. You voted for Mr. O'Beirne at the last election?—I did.

2588. And the election before, in 1865?—Yes.

2589. Do you know John Davis White?—I do.

2590. Do you remember signing a bill that he witnessed?—I do not remember the bills, it is so long ago.

2591. Mr. Baron Fitzgerald.] What is so long ago?—I have no knowledge of the bills; I know nothing at all about them.

2592. Mr. Heron.] Do you know some that
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John Davis White witnessed, and which you signed?—I have no knowledge of it.

2593.—Do you remember signing a bill?—No.

2594. Did you sign a bill?—I do not know whether I did or no.

2595. On your oath, did not you sign a bill?—No.

2596.—Did you sign a bill at any time?—I do not know whether I did or not; it is so far ago.

2597. Did you get any money at the time you signed the bill?—I did not. I do not know whether I signed the bill or no. I never got a halfpenny.

2598. Did they give you back your bill?—I cannot say whether they did or not; how could I prove it? I do not know whether I passed the note or not.

2599. You cannot say whether you passed the note or not?—I did not say I did not.

2600. Did they give you up any bill, or your son, shortly before this election?—I know
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nothing about what happened between my sons and myself; how can I foretell?

2601. Mr. Baron *Fitzgerald*.] Did you give up any bill yourself?—No, I did not, nor pass any bill either.

2602. Mr. *Heron*.] Do you mind taking a retainer for 5*l.* 5*s.*?—I got five guineas the morning after from Mr. Laffan; he told me he had a job for me to do, and told me he had a job. I asked him what kind of a job it was, and he told me he would tell me when I got out.

2603. You remember all this?—Yes.

2604. You remember all this?—I remember what happened about a fortnight ago, or a month ago; I do not know which.

2605. Did you take the five guineas at first?—Yes.

2606. Did you afterwards take them back?—I gave him back the five guineas.

2607. Who told you to give back the five guineas; did you get any money at this election?—No, I did not get any; not as much as would shave me.

2608. Do they shave for a penny?—I could shave for a penny here.

2609. Did you know a man named White at the last election of 1865?—That is four or five years ago; how do you know what happened at that time? If I did not put it down in a book, how could I know?

2610. Maybe you were written down in a book?—Maybe I was not.

2611. Where did you last see White about the election?—What do you say to that?

2612. I want you to tell me?—I will if I can.

2613. When did you last see White?—What do I care about White?

2614. Mr. Baron *Fitzgerald*.] When did you last see White?—I did not see White this last three years.

2615. Mr. *Heron*.] Do you swear that you did not see White for three years?—I do; maybe he passed me.

2616. You did not see him to speak to him?—No.

2617. Did you speak to him three years ago, at the time the bills were going?—Maybe I did.

2618. What is White?—How do I know? he is a man.

Cross-examined by Mr. *Hemphill*.

2619. Do you know Mr. Pat Laffan; young Pat Laffan?—He has a beard across his lip, that is all I know of him.

2620. I mean the brother of that young gentleman there?—He gave me a cheque for five guineas; he told me he had a job for me.

2621. What did he tell you the job was?—He told me I would lose the job.

2622. Where did he give you the cheque?—In Corcoran's hotel.

2623. Was it a cheque he gave you?—A cheque on the bank.

2624. Who was the cheque signed by; whose name was to the cheque?—I suppose Laffan's.

2625. Was it Michael's or Pat's?—I do not know what you call him.

2626. What did he say the job was; he gave you a job there?—He said he saw some notice up against listing for votes; he said, "When you will go out, I will show you how to do the job."

2627. What did you do with that cheque afterwards?—He thought to list me to vote for Munster.

2628. It was for the five guineas?—I want to explain what the list was.

2629. You saw some notice up about listing for votes; what were the words of it?—I have no notion what it was; I saw it wrote up, any man that took any money.

2630. When did you return the five guineas cheque to him?—In the morning I offered the money and he would not take it.

2631. Was that to that young man or the brother?—I cannot swear which gave it me.

2632. Was it in the office; do you know where Attorney Laffan's office is?—It was in Corcoran's Hotel.

2633. Was it there you brought back the cheque?—Yes.

2634. You had not got cash for it?—Yes, he told me to run over and get cash for it.

2635. Did you get cash for it?—Yes.

2636. Where?—Opposite Corcoran's, the National Bank.

2637. Did you get cash for it the day you got the cheque?—Yes, half an hour after I got it.

2638. After that, how many days had you the cash before you returned it?—I gave it up on Saturday. I gave it back when I saw it posted up on the walls about taking money.

2639. Can you say what you said when you gave back the money?—I told him I would not keep the money; I gave him the money back again.

2640. Did you say you would not keep his money?—He would not take it from me; I went up again and he would not take it again, and I left it on the table; "Keep it now," said I, "and do what you like with it."

2641. Were you served with any written paper or notice by Mr. Laffan?—No, I was not.

2642. Was that the notice you saw (*handing the same to the Witness*)?—Yes.

Mr. *Heron* read the notice from Mr. Peirce Grace, which was posted, cautioning the electors of Cashel.

[The Witness withdrew.

Sir JOHN GRAY, M.P., sworn; Examined by Mr. *Butt*.

Sir
J. Gray,
M. P.

2642*. DID any money for the purposes of the Cashel election pass through your hands, and if so, to whom did you give it?—No money of any kind; I had no connection with the Cashel election, directly or indirectly, in any form or shape.

2643. Or to Mr. O'Beirne?—Or to Mr. O'Beirne.

2644. Or any money of which you were cognisant?—No, never from Mr. O'Beirne to me or from me to Mr. O'Beirne.

2645. I only ask you as to the Cashel election; you are not cognisant of any money which was transmitted to any person for any purposes of the election?—No; I gave you a most comprehensive answer, including not only Mr. O'Beirne, but anybody connected with Cashel.

[The Witness withdrew.

Miss KATE O'DWYER, recalled; Examined by Mr. Butt.

2646. HAVE you got your books?—Yes.

2647. Upon that night of the dinner, have you any entries in your books relating to that?—Do you want to see it?

2648. Yes?—There is very little in it; there is an entry to Mr. O'Connor.

2649. Show me?—Here it is (*handing the same to the learned Counsel*).

2650. "Mr. J. P. O'Connor, five punch, 2 s. 6 d.; breakfast for 48, at 1 s., 2 l. 8 s.;" was that the morning after the dance?—Yes.

2651. Mr. Thomas O'Connor you have entered here, "14th, two port hot, 1 s. 4 d., one brandy hot, two decanters of spirits, 10 s., on the 19th; and one port and lemonade, 8 d.; —, 17 s.;" that is to Mr. Thomas Connor. Here is J. L. O'Beirne, Esq., a bill against him of 33 l. 4 s. 3 d.?—Yes.

2652. Are those entered in your own handwriting?—Some are and some are not.

2653. You would not enter them if the things were not supplied?—No.

2654. Now tell me this, how many persons dined there that day?—I could not tell.

2655. Take it in your hand; these are the names of those who paid for dinner on the 19th of November 1868, given to Mr. O'Beirne by his friends; and then there are 12 people, by James Ryan, of the Commons, 3 l.; then there is "Pat Bryan, Pat Maber, Michael Hanley, Mr. Patrick Maunsell, John Phelan, and Dr. Maloney; Mr. Fahie, Denis Hency, Dr. Wood, Wm. Gorman, and Mr. John Sturdy," 5 s. each, making in all 5 l. 15 s.; that is so?—Yes.

2656. Do you know how many people dined there?—No, I have no idea.

2657. Now I see here, in Mr. O'Beirne's bill, on the 21st November, "Lunch for 68 people, 17 l.;" what was that?—That was the day of the declaration of the poll.

2658. Is there anything else in the book?—Nothing, except Mr. Geary's account.

2659. Show me the accounts that relate to us?—They are here (*showing the same*). That is Mr. Geary's, but there is only one item belonging to that night; he deals with me.

2660. "Mr. Geary's account, brought from page 187;" this begins on May the 8th?—Yes.

2661. "18th, 3 spirits; 19th, 4 dinners and spirits, 1 l. 1 s.;" this is in his ordinary account?—Yes.

2662. I see 12 dozen of champagne?—No; one dozen and a half.

2663. "Two dozen of wine, 6 l., 21st of November;" I suppose that was the same day as the luncheon?—Yes.

2664. The whole thing is that luncheon, except 4 l.?—Yes.

2665. Have you been paid that account?—No.

2666. Was your house taken?—No, sir, I think not.

2667. Why do you think not?—There was no understanding about taking it; there is no voter in my house.

Miss
K. O'Dwyer.
16 February
1869.

Cross-examined by Mr. Hemphill.

2668. Just look at "Breakfast for 48 at 1 s.?"—Yes.

2669. Is that Mr. O'Connor of Laffener?—Yes.

2670. He is a county voter; he is not a borough voter?—No.

2671. I did not catch what you said Mr. Geary's account was?—£. 1.

2672. When was that supplied, the 1 l.?—The 19th.

2673. Was Mr. Geary one of those who subscribed to this dinner for Mr. O'Beirne?—Yes.

2674. One of his supporters?—Yes.

2675. All the parties named in this list which you have produced, did they pay their own 5 s. to you?—Yes, they paid what you see there.

2676. That was, the parties paid themselves?—Yes, they gave me the money.

2677. You took down their names as they paid?—Yes.

2678. And you look for payment of the others?—Yes.

Re-examined by Mr. Butt.

2679. Have you any paper showing the number who dined there?—No.

2680. Could you tell me the number who dined there?—No.

2681. How will you get the 5 s.?—I must just chance it.

2682. Were there 20 who did not pay?—I do not know.

2683. Were there 50 who did not altogether?—Yes.

2684. You had only 30 there?—That is all.

2685. You have only been paid for 23 persons dining there?—Yes, that is all.

2686. And there were more than 50, do you think?—I do not think there were.

2687. Were there 50?—I do not think so.

2688. Were there more than 40?—I do not know. There was a great rush of persons coming in, and the whole thing was confused, so that it would be very hard to tell.

2689. That is all that you were paid for, at all events?—That is all.

[The Witness withdrew.]

WILLIAM MEEHAN, sworn; Examined by Mr. Carton.

2690. WHEREABOUTS do you live?—Attikitt.

2691. Is that on the Commons?—Yes.

2692. Do you know John Davis White?—I do.

2693. Did he ever witness any bill of yours?—No.

2694. Are you sure of that?—I am.

2695. Do you remember the election of 1865?—I do. W. Meehan.

2696. You voted for Mr. O'Beirne?—I did.

2697. Will you still say that Mr. John Davis White never witnessed any bill or promissory note, or anything of that kind, of yours?—I do.

2698. You swear that positively?—I do.

G

2699. Did

W. Meehan. 2699. Did you ever pass a promissory note in your life?—Never.
 16 February 1869. 2700. You never passed a promissory note in your life?—No.
 2701. Did you ever put your name on a stamp?—Never.
 2702. Would you know the look of a stamp if you saw it?—I would, I think.

2703. You are positive you never put your name to anything, in the presence of Mr. White, in the way of a bill or promissory note, or anything else?—No.
 2704. Or got any money from him?—No, never.

[The Witness withdrew.]

Mr. JOHN DAVIS WHITE, sworn; Examined by Mr. *Heron*.

Mr. *J. D. White.* 2705. Do you know the last witness, William Meehan?—I have seen him.
 2706. Do you remember the election of 1865?—I do.

Mr. *Hemphill* inquired whether what occurred in 1865 could be gone into.

Mr. Baron *Fitzgerald* ruled that if it had reference to the last election of 1868, it could be gone into.

2707. Mr. *Heron*.] Were you ever a witness to any document that William Meehan signed?—To the best of my recollection, that man, William Meehan, that went down there, was one of the persons whose names I witnessed to a promissory note.

2708. What time exactly was it; was it in reference to the election of 1865?—It was before the election of 1865.

2709. How long before the election?—I cannot charge my memory.

2710. It was some time near to the election?—Yes.

2711. Do you remember the amount of the promissory note?—£.30.

2712. First, I ask you, how many documents did you witness, and what were the nature of the documents?—There were, to the best of my recollection, 10 of 30*l.* each.

2713. Were they made payable to any person?—They were made payable to a person of the name of John Phelan.

2714. Who was he?—I do not know, except to hear that he was an attorney's clerk in Dublin, or something of that sort.

2715. Were the 10 documents signed before the election?—I cannot say that.

Mr. *Hemphill* objected to the examination, on the ground that the Petitioners had not in any way shown any effort or exertion to obtain the promissory notes, and that they could not give evidence of anything reduced to writing without exhausting the proper sources.

Mr. Baron *Fitzgerald* stated that the existence of the documents could be shown, but they could not be examined into further.

2716. Mr. *Hemphill*.] Are you a solicitor,

and were you acting for Mr. O'Beirne, in 1865, as solicitor?—I was acting for Mr. Johnson, who was solicitor for Mr. O'Beirne.

2717. Were you acting as solicitor in the transaction?—I was acting as under agent to Mr. Johnson, who was my partner, and who was Mr. O'Beirne's agent.

Mr. *Hemphill* objected to the witness being examined upon matters of which he was cognisant as a professional man only.

Mr. Baron *Fitzgerald* overruled the objection.

2718. Mr. *Heron* (to the Witness).] To whom were these documents given up when they were signed, whatever they were?—To the best of my recollection, I sent them by Mr. Johnson to Dublin; that is what I would naturally do, I know; I will not tell you anything but what I am certain of.

2719. Do you know old Cashin?—I do know him, but I am not acquainted with him.

2720. Did you see the old man examined?—I was kept out of the court.

2721. Do you remember the appearance of the old man?—Yes, he is a bald man.

2722. Where was it that these bills or these documents were witnessed by you?—In my parlour.

2723. That is here, in Cashel?—In Cashel.

2724. Were they all witnessed by you on one occasion?—The very same time; the same day and hour; the two were together.

2725. Did you ever see those documents since?—I should think not.

2726. Did you know old Cashin at the last election of 1865?—I have no personal knowledge of any man, previous to that time, to the best of my recollection; I would remember the appearance of Cashin and Meehan.

2727-8. You do remember the appearance of both those men?—Yes.

2729. Did old Cashin sign one of these documents?—Yes.

2730. Do you remember the name of any other elector who signed?—No.

2731. Do you remember that man (William Hackett)?—No.

[The Witness withdrew.]

JEREMIAH NEIL, sworn; Examined by Mr. *Heron*.

J. Neil. 2732. Do you know that gentleman, Mr. White?—No, I do not.

2733. Did you never see him before?—To my knowledge, I did not.

2734. Have you ever seen him before?—No.

2735. Did you ever give a note for the last election; the 1865 election?—No.

2736. Did you get any money at the 1865 election?—No.

2737. Do you remember being canvassed at his election?—I do.

2738. Who

2738. Who canvassed you?—Mr. O'Beirne; I pledged myself to him.
 2739. Did you get any money at this election?—No.
 2740. Were you at Foley's house?—Yes.
 2741. And a good many of the other commoners?—I, Ferris, and three or four more of us.
 2742. Who else?—Ned Maloney, Thomas Welch, and others.

2743. All commoners?—Yes.
 2744. How long was that before the election?—I could not exactly say that.
 2745. Were you asked there, would the old figure do?—No.
 2746. Did you never hear that word?—I did not.

J. Neil.
 16 February
 1869.

[The Witness withdrew.]

Mrs. MARY GORMAN, sworn; Examined by Mr. *Butt*.

2747. You are the wife of William Gorman?—Yes.
 2748. Where do you live?—In Cashel.
 2749. Do you know Thomas Connor?—Yes.
 2750. Do you know anybody of the name of Hurley?—Yes; Hurley, the painter, is it?
 2751. Yes?—Yes.
 2752. Were you ever up at "Dunn's Hotel" at the time of the election?—Very often; nearly every day.
 2753. What were you doing there?—Delivering information and getting orders.
 2754. What for?—Meat orders.
 2755. What is your husband?—A butcher.
 2756. Do you recollect Connor coming for you at any time to go up there?—No.
 2757. Or Hurley?—Yes.
 2758. Do you recollect his coming one night for you very late?—Yes.
 2759. What time did he come?—I think it was near 10.
 2760. Did you go?—Yes.
 2761. Was Connors in your house when Hurley came for you?—Yes, there was Connors, a butcher or jobber.
 2762. That was another man?—Yes, he was sitting at the fire.
 2763. And did you go up then?—Yes.
 2764. With Hurley?—Yes.
 2765. Did Connors go with you?—No.
 2766. Do you recollect his wanting to go with you?—No.

2767. There was nothing said about his going with you?—Connors said I might as well go home; Connors said we could not walk it; it was fun to say O'Beirne and Munster would not be together; just like a joke.
 2768. You went up with Hurley?—Yes.
 2769. Where did you go?—Up to Mr. Dunn's.
 2770. Did you see Mr. Dunn?—No; I only saw his wife.
 2771. Did you see Mr. O'Beirne?—No, I never spoke to him in my life; I never saw him anywhere than walking the streets.
 2772. Who did you see there?—I could not say I saw any one but himself; I saw O'Beirne's boy walking about the shop, or at least his valet.
 2773. What did Mrs. Dunn want with you?—She wanted chops for an early breakfast; there was the nomination the following morning, and so as not to be in a bustle in the morning, to send her up 5 lbs. or 6 lbs. of chops.
 2774. And you did it?—Yes, and if she liked 12 lbs. I would have done it.
 2775. Your husband is a voter?—Yes; if she required a sheep's head I would have given it as willingly as that much.
 2776. Your husband is an elector?—Yes.
 2777. He voted for Mr. O'Beirne?—Yes, indeed he did, with the greatest of pleasure.

Mrs.
M. Gorman.

[The Witness withdrew.]

JAMES CULLEN, sworn; Examined by Mr. *Heron*.

2778. WHERE do you live?—The Lower Gate.
 2779. Is your father a voter?—Yes.
 2780. What is he?—A cooper.
 2781. Were you employed at the election?—Yes.
 2782. Who by?—Mr. O'Beirne.
 2783. What did he employ you for?—To watch the Munsterites.
 2784. How long before the election were you employed?—I cannot exactly tell; I kept no account.
 2785. A week before the nomination?—Yes, a week.
 2786. How much were you to be paid?—I do not know; I made no bargain with him, nor he with me.
 2787. And you never got a penny?—Yes.
 2788. How much did you get?—£. 1.
 2789. Who gave you the 1*l*.?—Mr. O'Beirne's man.
 2790. The valet?—Yes, by Mr. O'Beirne's orders.
 2791. Were any other boys paid along with you?—Yes.
 121.

2792. Who else?—Four more.
 2793. What other four?—They were not voters' sons; I cannot tell you all; a boy of the name of Canavan, and Manahan, Squire, Pat Flaven, and James Colne, and your obedient servant.
 2794. None of them were sons of voters but yourself?—One.
 2795. Who was the one?—Squire.
 2796. What day were you paid?—I kept no account.
 2797. Is he a son of George Squire of Friar-street?—Yes.
 2798. What is his name?—I do not know.
 2799. Was it before the nomination that you were paid?—I kept no account, good, bad, or indifferent.
 2800. Was it before the election?—It was the day of polling.
 2801. What day was it?—I cannot say.
 2802. Was it before the polling-day?—It was the same day.
 2803. What hour were you paid it?—Well, by God! I would want to be a prophet to think of it since.

J. Cullen.

J. Cullen.
16 February
1869.

2804. Do you know what hour it was?—No.
2805. You do not know whether it was in the morning, or in the evening?—It was the morning.
2806. Was it up at Dunn's Hotel?—Yes.
2807. Were you told to go there for payment?—I was not told to go there.
2808. Do you expect anything more?—No.
2809. What?—I do not know what you mean.
2810. Do you swear you do not know what I mean?—I swear positively.
2811. Do you expect any more from Mr. O'Beirne?—Mr. O'Beirne is an honourable

gentleman; he can do what he likes with me; if I get no more I am satisfied.

Cross-examined by Mr. *Hemphill*.

2812. How many days were you employed altogether for the 1*l*.?—Eleven days.

2813. What were you doing during the 11 days?—Watching the Munsterites; especially the young man, Mr. Laffan.

2814. And giving information?—Yes, to Mr. O'Beirne.

[The Witness withdrew.]

MICHAEL MALOCHNEY, sworn; Examined by Mr. *Carton*.

M.
Malochney.

2815. Is your father a voter?—Yes.
2816. You are not a voter?—No.
2817. Were you employed in Cashel at the last election?—Yes.

2818. Who employed you?—Mr. Johnson.

2819. Last November I mean?—I was not personally employed, but I did business for Mr. O'Beirne; there was no agreement between us at all.

2820. Did anybody speak about your doing business for Mr. O'Beirne?—No, I went up to Mr. O'Beirne the day he arrived in Cashel, I just spoke to him on Sunday evening first.

2821. What passed between you and Mr. O'Beirne?—I just went up to see him, and told him about the transaction occurring that passed between Cunningham and two or three voters that evening previous to that, where they said Mr. O'Beirne was a pauper and that he had no money, and that there was an immensity of money lodged by Mr. Munster, and that he would be the man for Cashel; also he introduced a subject of his own, about the previous election of 1865, saying where Mr. O'Beirne owed him a certain amount of money, and that he did not pay it until December 1866, I think.

2822. Did Mr. O'Beirne say anything to you or did you say anything to Mr. O'Beirne on that occasion about doing any work?—Not a word.

2823. You swear that?—Yes.

2824. You say you were employed in the 1865 election?—Yes.

2825. And was anything due to you on the 1865 election when you went up to Mr. O'Beirne that night?—No.

2826. Now, on your oath, how much were you paid for the 1865 election?—25*l*.

2827. Was not there a balance due to you when Mr. O'Beirne came up to Cashel, and you went up to him?—At that time it was the first night Mr. O'Beirne came, not the night of Sunday evening; there was nothing between us that evening.

2828. There was afterwards?—Not so far as any money between us.

2829. Did Mr. O'Beirne, upon any subsequent occasion, employ you to work for him at the election?—Never to give me any occupation.

2830. Did Mr. O'Beirne, on any subsequent occasion, employ you to work for him?—No, except to tell me to come up at such a time, he never spoke about money at the election at all.

2831. You still have not given me an answer to the question; did Mr. O'Beirne at any of these times tell you to work for him during the election, or did he employ you to work for him?—

He told me to watch Mr. Munster's doings at the election.

2832. Do you swear that there was no balance due to you at the last election?—No.

2833. Did not you get the sum of 10*l*. in the month of November?—I swear I never received a shilling from Mr. O'Beirne.

2834. From whom did you get the 10*l*.?—I never received a shilling from any man.

2835. You did not receive a single shilling?—A single shilling.

2836. How long were you working for Mr. O'Beirne during this last election?—I was working all through, from the first time he came into the town, though I had not been with him.

2837. What is your employment?—I am a tradesman.

2838. What tradesman?—A brogue maker.

2839. Are you so well off that you can afford to give up your work, and go about working Mr. O'Beirne's business for nothing?—I could do it very well.

2840. Do you swear that you did not get a single shilling for what you did at the present election?—I swear I did not get a shilling from any man except Mr. Munster.

2841. Or before the election?—Or before the election.

2842. How much did you get from Mr. Munster?—1*s*.

2843. And you took it?—Yes, and spent it.

2844. Was that with the subpœna?—Yes.

Cross-examined by Mr. *Curtis*.

2845. I believe you are not a voter?—No.

2846. As to the conversation you heard between Cunningham and the voters on the hill; who were the voters on the hill?—Pat Callivan and Tom Murphy, the three were standing there one Sunday evening, and he and another man, Foherty, walked down together on the hill and passed us by, and walked 20 or 30 yards. Foherty led him away, and he turned back again to get on, and said Mr. O'Beirne is such and such. All through I was going to vote in favour of Mr. O'Beirne, and they said not to let him go on, for he was inclined to vote for Mr. O'Beirne more than any other man in Cashel. Cunningham then introduced a subject of his own about his money questions at the election before, and said there was 105*l*. due since the last election until December 1868, and if Mr. O'Beirne's life was taken short as stronger men's than his was, he was done with it.

2847. What did they say about Munster?—He said Munster was the only man for Cashel.

2848. Why?

2848. Why?—Because a man with money was the right man for Cashel.

2849. Were there any other voters joined in that conversation?—Yes, Mr. Gorman made a

remark, where was the 105 l. in his house if the money was due, or where was the value for it.

[The Witness withdrew.

M. Malochney.
16 February
1869.

JAMES CASHIN, sworn; Examined by Mr. *Butt*.

2850. You are not a voter?—No.

2851. Your father is?—Yes.

2852. Were you employed at the last election?—No.

2853. By any person?—No.

2854. What is your name?—James Cashin.

2855. Is your brother Patrick here?—No.

2856. Have you a brother Patrick?—A brother John.

2857. Is he here?—Yes.

2858. Do you know whether your brother John was doing anything at the last election?—No.

2859. Do you know of your brother getting anything at the last election?—No.

[The Witness withdrew.

J. Cashin.

EDWARD SQUIRE, sworn; Examined by Mr. *Heron*.

2860. You are a son of Mr. George Squire?—Yes.

2861. He is a voter?—Yes.

2862. He voted for Mr. O'Beirne at the last election?—Yes.

2863. Were you employed at that election?—Yes, by Mr. O'Beirne.

2864. When were you employed?—About a month before the election.

2865. What were you employed for?—I was about the town the same as Cunningham, looking after Mr. Munster's agents.

2866. Used you to be about the town all day?—Yes.

2867. And whenever you got thirsty you used to have a little drop?—No.

2868. Where did you have your luncheon every day?—I used to go home.

2869. What were you paid?—I only got 1 l., and no more.

2870. Was any arrangement made to pay you anything at all when you were employed?—No, he did not agree with me for anything.

2871. Where was it that Mr. O'Beirne employed you?—At Mr. Mackey's tally-rooms.

2872. Pat. Mackey's tally-rooms?—Yes.

2873. Were there other persons employed too?—Yes.

2874. Who were the other two?—There was Curran and Flavan.

2875. What is Flavan's Christian name?—Joseph Flavan.

2876. What did Mr. O'Beirne say to the three of you?—He told us to be on the street every day, and watch Mr. Munster's agents.

2877. Did you make your report?—I made two or three reports.

2878. What did you report at head-quarters?—I used to see Mr. Munster's supporters going into Corcoran's hotel after Mr. Laffan, and two or three more of his agents.

2879. And you would bring word of it?—Yes.

2880. Did you make three reports during the whole time?—I made several.

2881. How much did you expect to be paid?—I brought in a bill for 50 s.

2882. Did you send any bill to Mr. Grace?—Yes.

Mr. *Heron* (to Mr. *Grace*).] Show me the bill.

Mr. *Grace*.] I have it not.

Mr. *Heron*.] You will have the bills in the morning?

Mr. *Grace*.] Yes.

2883. Mr. *Heron* (to the *Witness*).] Did the others send in a bill?—I do not know.

2884. Did you agree between yourselves what you would be paid?—No.

2885. Did you send in the bill after you got the 1 l.?—After.

2886. And you got 30 s. more?—Yes.

Cross-examined by Mr. *Hemphill*.

2887. About how many days were you employed?—About 14 days.

2888. Did you make any of these reports in writing to Mr. O'Beirne?—Yes.

2889. Could you say how many days you reported in writing; five or six of them?—Five or six of them.

2890. Or more?—More.

2891. And gave them to Mr. O'Beirne?—Yes.

2892. Used you to bring them to him in the evening?—Yes.

2893. Did the reports state what you had observed during the day?—Yes.

[The Witness withdrew.

PATRICK HICKEY, sworn; Examined by Mr. *Carton*.

2894. Is your father a voter?—Yes.

2895. And voted for Mr. O'Beirne at the last election?—Yes.

2896. Were you employed during the last election?—No.

2897. Did you do any work at the last election for Mr. O'Beirne?—No.

2898. Did you get any money?—No.

2899. You never interfered?—No.

[The Witness withdrew.

P. Hickey.

THOMAS BUCKLEY, sworn; Examined by Mr. Butt.

T. Buckley.
 16 February 1869.
 1900. WHAT are you?—I drive a car.
 1901. Who for?—Mr. Mansell.
 1902. Do you know Tom Connors?—I do.
 1903. And do you know Timothy Shea?—
 I do.
 1904. Do you recollect any time last November driving them out to the commons?—I do.
 1905. Could you tell me about the time you drove them out?—By God I could not tell you; I never knew the time I drove gentlemen out; I could not keep the time I drove them out.
 1906. Do you remember the election?—Yes.
 1907. Could you tell me whether it was long before the election?—About a few days before the election.
 1908. Was there any one on the car with you?—No.
 1909. Was there anybody in it except Timothy Shea and Thomas Connors?—No.
 1910. Was it dark when you went out?—Yes.
 1911. What time was it?—Six o'clock.
 1912. How long were you there?—I cannot say; I was home at 10.
 1913. You left home at six and were home at 10?—Yes.
 1914. Did you follow them to any houses in the commons?—Yes.
 1915. How many houses?—I cannot say.
 1916. The houses were a bit off the road?—On the side of the road mostly.
 1917. How many times did you stop?—I could not say how many times I stopped.
 1918. Did you stop a dozen times?—I could not say.
 1919. Did you stop 10 times?—I cannot say.
 1920. Did you stop six?—I dare say I did.
 1921. When you stopped did they get out of the car?—Yes.
 1922. What did they do?—I cannot say.
 1923. Did you see them go into any house?—Yes.
 1924. Did they both go into the houses?—I could not say that.

2925. Are you sure one of them went into the houses?—I could not say whether they went into the houses or not, but they went off the car.
 2926. Did they get back to the car?—Yes.
 2927. Was it opposite a house they stopped?—Yes, quite convenient to the house.
 2928. Did you see them go towards the house?—Yes.
 2929. Did you see them come back from the house?—Yes.
 2930. Did you see them in a house?—No.
 2931. You could form no opinion upon that point?—No.
 2932. How far were any of these houses from the road?—Forty or 50 perches on.
 2933. You were 40 perches away?—Yes.
 2934. Did you see any other cars?—Yes, Mr. Munster's car.
 2935. Did you see it after you?—Yes; it was after me.
 2936. Did you run a race?—No; it ran before me sometimes and then stopped after me.
 2937. Who got first to the commons?—He got first to the Cross before me.
 2938. Who was first back, do you think, in Cashel?—I was; sure myself was first back.
 2939. Did you win the race?—By God I do not know whether I did or no.

Cross-examined by Mr. Curtis.

2940. Who was in Mr. Munster's car; was his car a covered car?—His car was an outside car; the car that came after me, and was running bang into my car; I shouted to the driver to keep out of the way.
 2941. Did you see the people on it?—No.
 2942. You do not know who they were?—No.
 2943. Any of them?—One of them is Daniel, of Ladyswell; he drove up to me to see who I had in.

[The Witness withdrew.]

Mr.
J. D. White.

Mr. JOHN DAVIS WHITE, recalled; Examined by Mr. Heron.

Upon William Cashin being called,

2944. (To Mr. White.) Is that the man who signed the note?—Yes.

[The Witness withdrew.]

ALICE STAPLETON, sworn; Examined by Mr. Heron.

A. Stapleton.
 2945. You are a daughter of Daniel Stapleton, one of the commons?—Yes.
 2946. Your father voted at the last election for Mr. O'Beirne?—He did, with the greatest of pleasure.
 2947. Did your father give you any money about the time of the election?—No, your Lordship, he did not.
 2948. Nor a shilling?—Nor a farthing.
 2949. Did your father give you any money during the whole month of November?—No, your honour, never.
 2950. Did you buy any things in town during the month of November?—Indeed, I did not; not that I can recollect.

2951. Do you know Tom Connors?—I do.
 2952. Do you remember his coming to your father's house during the time of the election?—I was in Cashel at the time he came.
 2953. He was there with Tim Shea?—I was in town; I met him on the way, and he did not tell me what he wanted.
 2954. You met him on the way down to your father's?—Yes.
 2955. Did you know he was going there?—No.
 2956. Did your father tell you that Tom Connors had been there?—Well, he did not.
 2957. Who told you?—I heard this in town, by some of the neighbours I met walking out to the commons, but not at the same time.

2958. Did

2958. Did you go home that night?—I did.
 2959. What hour did you get home that night?
 —It was a late hour enough; I suppose it was after six.
 2960. Was your father at home when you went out?—He was.
 2961. Did Tom Connors come there after you went out?—No, never; not at any time during the election he never came into my presence.
 2962. Did your father tell you that Thomas Connors had been there while you were out?—Yes, he said Tom Connors had been there, and took down his name, and the morning after their names was on the walls of Cashel; my father's name was there, and any further than that I do not know.
 2963. How many are you in family at your father's?—Ne'er a girl but myself.
 2964. Have you any brothers?—I have a step-brother, and a nephew of mine there.
 2965. After that visit of Tom Connors, did your father give you any money?—Never.
 2966. Did Tom Connors ever give you any money?—Never a shilling I ever possessed, except the shilling I received for the subpoena.
 2967. That is the only shilling you ever got?—That is the only shilling I ever got.
 2968. Did you ever see any money in the house after Tom Connors was there?—No.
 2969. Did you hear them talking about the

money?—No, I never did in any sort of a way, never.
 2970. No talk at all about any money going?—No.
 2971. Did you hear the words "the old figure?"—No.
 2972. Do you know what that means?—No, I never heard a word of it, and no one ever came into the house to trouble me on that occasion in any sort of way.
 2973. Did you buy any clothes in November?—No, I did not.
 2974. Or in December?—No, I could not recollect that I bought any clothes; but I bought clothes other days.
 2975. I do not mean your own wearing clothes?—Any other clothes I never possessed.
 2976. Is it you that buys the things for your house, for your father?—Yes, and everything that comes into the house.
 2977. You manage the house?—Yes, I do.
 2978. Do you mean to say that you made no purchase for the house?—No, I did not.
 2979. Did any new bedding and table covers come into the house?—No, in any sort of way it never came into the house.

[The Witness withdrew.]

TOM CONNORS, sworn; Examined by Mr. Butt.

2980. You are the brother of Patrick Connors?—Yes.
 2981. Do you know your brother was appointed agent for election expenses for Mr. O'Beirne at the election?—I am not certain.
 2982. Did you never hear it?—No.
 2983. You never heard that he was?—No.
 2984. Do you mean to say, on your oath, that you did not know that your brother was expense agent or not?—He has never told me.
 2985. Do you know it?—I do not.
 2986. Do you mean to say that you do not believe that your brother was expense agent?—No, I could not swear it.
 2987. You do not believe he was expense agent?—I cannot swear.
 2988. You swear you do not believe it; have you any belief on the subject?—No.
 2989. You have no belief on the subject, whether your brother was expense agent, or not?—No.
 2990. You swear that?—Yes.
 2991. Were you yourself an agent for Mr. O'Beirne?—Never.
 2992. In any way?—No.
 2993. Did you do anything for him in the election?—I went to the commons on one or two occasions.
 2994. Was that all?—Yes.
 2995. You never did anything else?—No, except taking a message, or anything like that.
 2996. Did you do anything for Mr. O'Beirne at the election?—It was very little I could do for any one.
 2997. Did you do anything?—Very little.
 2998. Did you never canvass?—No.
 2999. Did you treat any voters?—No.
 3000. Did you treat the mobs?—I gave drink at my own expense.

3001. How much drink did you give at your own expense?—I gave drink at Miss O'Dwyer's.
 3002. To whom did you give drink at your own expense at Miss O'Dwyer's?—To Con Carroll.
 3003. Is Con Carroll a voter?—Yes.
 3004. Did you swear, a moment ago, that you never gave drink to a voter?—I did not swear any such thing.
 3005. How much money did you spend at Kate O'Dwyer's in giving drink?—I cannot say.
 3006. How much do you think?—I cannot say.
 3007. How often did you give drink?—Before and after the election; for a number of years I have been giving drink to people at Miss O'Dwyer's.
 3008. Do you mean, by that answer, to tell me that you gave no more drink at the time of the election than you were generally in the habit of giving?—I may give more at that time.
 3009. Did you give more?—I am sure I did.
 3010. Besides Miss O'Dwyer's, did you give drink at any place else?—Yes.
 3011. Where?—I gave drink at Mr. Michael O'Dwyer's.
 3012. To whom did you give drink at Michael O'Dwyer's?—I cannot say who they are.
 3013. Did you give drink at any place else?—I have given drink at several places—at John Comon's.
 3014. To whom did you give drink there?—I cannot say who they were.
 3015. How much do you think you owe for drink there?—Twelve or fifteen shillings.
 3016. Did you tell me how much you owe Miss Kate O'Dwyer for drink?—I cannot say; I have not been furnished with the account.
 3017. As much as 2 l. or 3 l.?—No.

T. Connors.

T. Connors.
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3018. Can you say any other place where you gave drink?—I gave drink at Patrick Connor's.

3019. How much do you owe there?—Nothing.

3020. How much did you pay there?—I paid as they came in and out.

3021. During the election how much did you pay there?—I was not in there during the election.

3022. During the month, and the day of the election, I want to know where you gave drink; I want to know several places?—I am not certain.

3023. Do you mean that you cannot answer my question as to any other place where you treated persons about the time of the election?—No, I cannot swear that I gave drink at any other places.

3024. Did you give any at Dunn's?—Yes, I treated parties at Dunn's.

3025. How much do you owe at Dunn's?—I do not know what I owe at Dunn's.

3026. Did you ever ask for it?—I have paid accounts at nearly all the houses in town.

3027. When did you pay those accounts?—I paid no accounts at all since the election.

3028. Do you understand that I am asking you about the time of the election?—I understand you perfectly well.

3029. Tell me any other houses in which you gave drink to people during the time of the election?—I cannot tell you any other house.

3030. How often were you at the commons?—On two occasions.

3031. Were you there at Timothy Shea's?—Yes.

3032. What time did you go out?—Between five and six o'clock.

3033. When did you come back?—Before ten.

3034. What were you doing there that night?—There was a rumour in the town that most of the commons men that were pledged to Mr. O'Beirne were coming over to Munster's; and, to know the accuracy of it I went out to see.

3035. How many houses did you go into that night?—I suppose from 28 to 30.

3036. About 30 houses?—Yes.

3037. Were all those the houses of voters?—Yes.

3038. Were you alone with any voters that night?—No.

3039. Was Timothy Shea present at every interview you had with the voters that night?—No; all the parties in the house were present when I went in.

3040. Did you never take a voter into the inside room that night?—No.

3041. You positively swear that?—I do.

3042. Did you ask those voters how they were going to vote?—No; I asked them would they give their signatures if they were inclined to vote for Mr. O'Beirne, and some of the men gave me their signatures as I went down that night, and some did not.

3043. Had you the paper signed; what was the paper?—The electors on the commons determined to vote for Mr. O'Beirne in the election now to take place; it was posted on the wall.

3044. What became of the paper that you got signed?—The printer may have it.

3045. What did you do with it?—I gave it to the printer.

3046. Do you call that canvassing for Mr. O'Beirne?—I do not; I went there for myself.

3047. Were you canvassing that night for Mr. O'Beirne?—No, indeed.

3048. You were not?—No.

3049. Were you ever at Dunn's Hotel with Mr. O'Beirne?—Yes.

3050. How often were you with him there?—I cannot say how many times.

3051. Were you there every night?—I was not.

3052. How many nights from the time Mr. O'Beirne came to Cashel, how many days passed without your seeing him?—Many days.

3053. How many days?—Half a week, or more. I might see him passing through the town, but not having an interview with him.

3054. When you were going out to the commons at night, did you talk of taking any one else with you?—Yes.

3055. Who was the person?—I was going to take Michael Keif.

3056. What prevented you taking him?—He was going with me; he met Timothy Shea, and asked Timothy Shea to come with me.

3057. Do you know John Hogan?—Perfectly well.

3058. Did you ever get any cheque of Mr. O'Beirne from Hogan?—None.

3059. Did you ever speak to Hogan about a cheque of Mr. O'Beirne?—No.

3060. Did you never know that Mr. O'Beirne had given a cheque of 60 L. to John Hogan?—I may have heard it.

3061. Did you ever hear of the cheque of 60 L.?—No.

3062. Do you swear you did not?—I heard it in court.

3063. Before to-day did you ever hear it?—No.

3064. Did you ever speak to John Hogan about that cheque?—Never.

3065. Did you ever see any drink at Mr. O'Beirne's room at Dunn's?—I saw drink there at Mr. Dunn's, but I do not know who had the drink there.

3066. Did you ever see any one drinking?—I drank there myself.

3067. Did you ever see any one else drinking?—I cannot say who I saw drinking.

3068. Did you ever see any one else drinking at Dunn's?—Yes.

3069. How many?—I cannot say.

3070. Were you ever present when drinking was going on at Dunn's, in Mr. O'Beirne's room?—I was.

3071. Were you a friend of Mr. O'Beirne's, when he was here?—I would like him to be returned, that was all.

3072. Were you much with him?—No, not very much with him at all; I had business to mind.

3073. What is your business?—Clerk to Mr. Hanly.

3074. Did you ever say to any person that you had taken money out with you to the commons?—Never.

3075. Do you know a man of the name of William Gilbert?—Yes.

3076. Had you ever any conversation with him?—Several times.

3077. Had you ever any conversation with him about the election?—I cannot say; we were always speaking about the election for the last 12 months.

3078. Since the election, had you any conversation with him?—Not of any importance.

3079. Had

3079. Had you any conversation with him at all?—Not about the election. I have said nothing to him about the election since it was over.

3080. Now I bring your attention particularly to it; were you ever drinking in Ryan and Hogan's house with William Gilbert?—I may have taken a glass of drink.

3081. Were you?—I cannot say what evening you mean.

3082. Any evening since the election?—I was.

3083. Do you remember any evening you met William Gilbert in Ryan and Hogan's public-house?—I met him on several occasions.

3084. Do you remember one evening that Cunningham was there?—Cunningham has been there very often.

3085. Do you remember any evening that Gilbert and Cunningham were there together?—I cannot tell you that; Cunningham has said so much about the election. He said if he thought I went to the Commons he would have followed me out and robbed me, if he thought I had the money.

3086. Where did Cunningham say that?—In Mr. Corcoran's hotel, and Mr. Michael Laffan was there.

3087. Were you present?—Yes.

3088. Cunningham said if he knew you had money, he would have robbed you on the way?—Yes.

3089. I want to know whether Cunningham, Corcoran, and you had ever any talk about your going to the Commons with money, in Ryan and Hogan's public-house?—Never.

3090. Had you any conversation with them?—I had several conversations with them.

3091. About going to the Commons; Gilbert, Cunningham, and yourself, and four or five others, being present?—Not to my recollection.

3092. Is that all you can say?—Yes.

3093. Will you swear you did not?—I will swear I do not recollect.

3094. I ask you will you swear you had no conversation, not that you do not recollect?—I swear that I had no conversation about money on the Commons.

3095. About your going to the Commons, had you any conversation there about your going to the Commons?—I may have had.

3096. Had you?—I will not swear.

3097. Did you ever say you left Tim Shea in the kitchen while you arranged with the voters in the room?—Never.

3098. You did not say that in Ryan and Hogan's public-house to Gilbert and Cunningham?—Never.

3099. Did you say that you had spent 500 l. in the Commons?—Never.

3100. Did you ever give anyone any money after the last election?—Never.

3101. You swear that?—I do.

3102. Did you take any house?—No; for what would I take a house?

Cross-examined by Mr. Curtis.

3103. Did you, in point of fact, bring out any money at night to the Commons?—No.

3104. For what did you go there?—It was reported in the town that the men who were to vote for Mr. O'Beirne were voting for Mr. Munster, and I went out to get their signatures, and to ascertain the fact.

3105. The men who had previously promised?—Yes.

3106. To get their signatures to a paper?—Yes.

3107. You said the paper was posted on the wall?—Yes.

3108. Was that a copy of the document signed?—Yes.

3109. You are not a voter yourself?—No.

[The Witness withdrew.]

WILLIAM GILBERT, sworn; Examined by Mr. Heron.

3110. Do you know the last witness, Thomas Connors?—Yes.

3111. Were you with him one evening, in Ryan and Hogan's public-house, after the election?—Yes.

Mr. Hemphill objected to the course of the examination.

Mr. Baron Fitzgerald over-ruled the objection.

3112. Mr. Heron,] Did the conversation turn on the election?—Not that I am aware of; sometimes it did.

3113. Did you hear Tom Connors say anything about giving money, and how much?—No, I did not.

3114. Did you hear him say anything about going out to the Commons?—Yes, I heard that.

3115. And about Shea being with them?—Yes, I heard that after the election.

3116. Did you hear Tom Connors say it?—No.

3117. What did Tom Connors himself say?—I do not remember.

3118. Did you hear him say anything about Mick Keif?—No.

3119. Not at all?—No.

121.

3120. Did you hear him mention Tim Shea's name?—No.

3121. What did he say about having gone out to the Commons?—I did not take note of it.

3122. Did he say anything about bringing any money out there?—Not that I am aware of.

Cross-examined by Mr. Hemphill.

3123. Are you in the employment of Mr. Andrew O'Mara in this town?—Yes.

3124. What business?—Drapery.

3125. Does he live in Main-street?—Yes.

3126. Is Mr. O'Mara a voter?—Yes.

3127. Did he vote for Mr. Munster at the late election?—He voted for Mr. Munster.

3128. Did you see Mr. Munster in the shop occasionally, before the election?—I saw him occasionally.

3129. About how often did you see him?—About twice.

3130. Before the election?—Yes.

3131. Was he there on any particular business?—Nothing whatever, except that he bought something for himself.

3132. Drapery?—Yes.

3133. Any large quantity?—Not very large.

3134. Was it for Mr. Leahy that he bought the goods?—He bought some.

H

3135. Do

T. Connors.
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3135. Do you know whether Mr. Munster discounted any bills for Mr. O'Mara?—Well, I do not know.

3136. You say he did not discount any bills for Mr. O'Mara?—Yes.

3137. Were any of the bills discounted for any of the Commons' men at O'Mara's?—No, not that I am aware of.

3138. Did any of the Commons' men come into Mr. O'Mara's before the election?—Yes.

3139. Did any of them bring any bills or I O U's?—Not that I am aware of.

3140. Did you ever hear from Mr. O'Mara that they had?—No.

3141. Is there a lane behind Mr. O'Mara's house?—Yes.

3142. Is there an entry from that lane into the kitchen?—Yes.

3143. Did you see any commoners go in through the back way?—I saw them going in the front way.

3144. Did you see them going in through the back way?—No.

3145. Do you know John Maloney?—Yes.

3146. Did you see him going into O'Mara's?—Yes, both before and after the election.

3147. What business was he doing with Mr. O'Mara?—I do not know.

3148. Was he in the shop?—Yes.

3149. You cannot tell what passed between them?—No.

[The Witness withdrew.]

TIMOTHY SHEA, sworn; Examined by Mr. *Carton*.

T. Shea.

3150. Do you recollect going out to Commons some nights before the election, with Buckley?—I do.

3151. How long was it before the election, do you recollect?—I did not keep an account.

3152. Was it a week?—I suppose it was about a week.

3153. Were you out there more than once before the election?—I was with Mr. O'Beirne; when the cars were going about I went in a car.

3154. You were driven by Buckley and you went out with Tom Connors?—Yes.

3155. Did you go into any houses that night?—No, I did not go into many houses; I was not very well; I remained in the car. I went into some of the houses. I will explain; I was on the start and this Connors called me and asked me would I go out to the Commons with him. I asked him what he wanted me for and he told me he had some sort of requisition to sign, and I do not know the contents of it now, and he read it; he satisfied me then, and I went with him, and no more than that, in the car.

3156. When you went out to the Commons, did Connors go into the houses?—He did, and I went with him to some of the houses.

3157. I thought you said you stayed in the car?—Into some of the houses; the night was cold and I had very bad clothes on me, and I did not care to stir out from where I was.

3158. Into how many houses did you and Connors go together, to the best of your recollection?—To the best of my recollection, I saw them sign the paper; I forget the contents, but it was a sort of requisition, saying that they would vote for Mr. O'Beirne. There was a rumour in the town that a good many Commons people intended to vote for Mr. Munster; in consequence

of that, he went to ascertain who were the persons who were supposed to vote.

3159. Did you hear Connors asking these people to vote for Mr. O'Beirne, and see them sign the paper?—I did not.

3160. Of course there was not a word said about money?—Indeed, my Lord, as far as I am concerned, Connors was as single that night as I am now; if I could state what I heard, I do not believe he had a shilling in his waistcoat pocket.

3161. Into how many houses did you go with Connors?—Really I cannot say now.

3162. Did you go into half a dozen?—I believe about six or seven.

3163. He went into about 30?—He did not that night.

3164. He said so?—I do not know exactly.

3165. Do not you think that he ought to know how many houses he went into?—I know the houses he went into.

3166. If you know the houses he went into, you could know how many houses you did go into?—I went into Matthew Duggan's, and there were people on the way home; three or four came in and signed the paper there in my presence; they were on their way home.

3167. Tell me the names of the houses you went into?—Dan Dwyer's and Duggan's; I forget their names.

3168. There would be more than six altogether?—I did not take the number; I could not exactly say.

3169. That is all you know about it?—That is all I know about it.

3170. You do not know what happened when you were outside?—No; there were four or five signed the paper in my house.

[The Witness withdrew.]

GEORGE SQUIRE, sworn; Examined by Mr. *Butt*.

G. Squire.

3171. ARE you an elector?—I am.

3172. You voted for Mr. O'Beirne?—Yes.

3173. I believe your son was examined here?—He was.

3174. Were you ever at Dunn's with Mr. O'Beirne?—I think I was a couple of nights; I was just in and out.

3175. Do you know whether your son was employed at the election or not?—I believe he was, but not to my knowledge.

3176. Do you mean to say that you do not know whether he was employed or not?—I know he was employed, but I did not know upon what terms.

3177. Did you ever ask your son upon what terms he was employed at the election?—I do not know that I ever asked the question.

3178. Did you never ask your son upon what terms he was employed at the election?—I do not know upon what terms he was employed; I know that he got 1 *l.*, that is all I know.

3179. You

3179. You know that your son was employed?—Yes.

3180. Did you ever ask him what he was to get for his employment?—No, I do not think I did.

3181. Will you swear you did not?—I am sure I did not.

3182. You say you do not think; that implies a doubt; are you sure?—I am almost positive; I do not believe he knew himself what he was to get.

3183. How do you know that he did not know?—Because I did not ask him any questions about it.

3184. How do you know he did not know what he was to get?—Because I do not think he knew himself.

3185. Have you told me that you knew your son was employed?—Yes; I knew how he was employed.

3186. Then you think he did not know what he was to get?—I do not think he knew what he was to get.

3187. Why do you think that?—Because I never asked the question.

3188. Because you never asked the question, you think he does not know what he is to get?—I say, I do not think he knows.

3189. I ask you, did you ever ask him what he was to get?—Never.

3190. Did you ever talk to him about his employment?—I often talked to him, and he told me that he got 1*l*.

3191. Did you know the nature of his employment?—I believe he was employed as a sort of—I could not exactly tell you what—going about with messages.

3192. Does your son live with you?—He is apprenticed out, and he lodges in the house.

3193. You see him every day, and he takes his meals with you?—Yes.

3194. Did you have the curiosity to ask him the nature of his employment?—I asked him what he was doing, and he said he was going about.

3195. And you never asked him what he was to be paid for it?—No.

3196. Did you never ask anybody else what he was to be paid?—No.

3197. Did you ever get any money from any person in connection with the election for your son or anybody else?—My son got 1*l*.

3198. Did you yourself get any money from any person in connection with the election?—No, except when Mr. Munster's servant served me with a summons, I got 1*s*.

[The Witness withdrew.]

DENNIS GEARY, sworn; Examined by Mr. *Heron*.

3199. You voted for Mr. O'Beirne at the last election?—Yes.

3200. Did you take any houses for him?—No.

3201. Or give any orders?—Not for Mr. O'Beirne, I gave orders.

3202. Did you give any orders?—For what purpose?

3203. For the purpose of drink?—Not for Mr. O'Beirne; but with my own free will.

3204. Did you give orders for drink?—I gave orders for drink as my own free act and will.

3205. Where did you get it?—Mr. James Dunn in one case. I am a bootmaker by trade, and my hands asked me for drink and I sent them over to Grace's.

3206. For how much?—I told them to have a drink.

3207. How much did you pay at Grace's?—Nothing.

3208. How much did you pay at Dunn's?—Nothing yet.

3209. Any other place?—Mr. Michael O'Dwyer.

3210. How much did you order there?—I could not tell.

3211. Any other place?—I was, the night of the dinner, at Miss O'Dwyer's, and I ordered a glass of drink for my friends.

3212. And you did not pay?—Certainly not.

3213. And you never intended to pay?—Yes, as soon as ever I can.

3214. And you would not take a farthing from Mr. O'Beirne?—Decidedly not.

3215. Do you mean to say that you never got money from Mr. O'Beirne?—For what purpose do you mean?

3216. Did you ever get any money from Mr. O'Beirne?—For what purpose do you mean?

3217. For anything?—I received 50*l*. from Mr. O'Beirne this time three years.

121.

3218. Did you ever see any bills for voters?—I did, but not at this election.

3219. How many?—Six.

3220. Whose bills?—Three Dwyers', one Ryan, and two Careys'.

3221. What are the Christian names of the Dwyers?—Daniel in one case, and James and John.

3222. Where did you witness the bills?—In my own house.

3223. What is the name of the two Careys?—John, who is dead, and Michael is the other.

3224. Michael is here, and is a voter?—Yes.

3225. And he voted at the last election?—I could not tell you that.

3226. Were the six men together when you witnessed the bills?—No.

3227. Were any of them together, or was it done separate?—Four came into my house the 22nd June 1865; as well as I recollect there were four in one case, one afterwards, and one did not come at all; Michael Carey got the money of his brother.

3228. Who paid him the money?—I paid him the money.

3229. How much money had you then to pay? Thirty pounds in each case.

3230. That is 180*l*.?—Yes.

3231. Who gave you the 180*l*.?—Charles Fraser Johnson.

3232. Was all the money that you gave them money to bribe the voters?—No such thing; I disbelieve that word; he did it for no purpose; there was no consideration between the voters, me, nor Johnson.

3233. It was the 22nd of June?—Yes.

3234. Is that the day of the polling; was it before or after the polling?—I believe the election came off on the 15th of July; it was nearly a month after.

3235. But the addresses of the candidates were out?—Yes.

3236. And

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D. Geary.
—
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3236. And Johnson was agent for Mr. O'Beirne?—I do not know; people deny it; I never was informed that he was the agent for Mr. O'Beirne.

3237. Who paid you the 50*l*.?—Mr. O'Beirne sent me 50*l*. from London, next August two years; it was a bill upon the bank three months after date; I accepted it and I got the money; the bill was taken up; not by Mr. O'Beirne.

3238. By whom?—Am I to answer that?

Mr. Baron *Fitzgerald*.] I do not see why we should go on with this.

Mr. *Hemphill* objected to the question.

Witness.] On my solemn oath, at this election of 1865, neither directly or indirectly have I voted for pay, or been paid one way or the other.

3239-40. Mr. *Heron*.] Of the six men whose bills you witnessed how many are now voters?—I was after stating that; two are dead and four alive.

3241. Who are alive?—The three Dwyers and one Carey; Ryan and one Carey is dead; John, James, and Dan Dwyers.

3242. John Dwyer, Dan Dwyer, James Dwyer, and Michael Ryan?—Yes, that is it.

3243. That is Price's lot?—I do not know it.

3244. What is the name of the other man; Michael Dwyer?—No, John, James, and Dan.

3245. Dan Dwyer of Laurel's lot?—I do not know which lot he lives in.

3246. And James Dwyer of Laurel's lot; they are all on the Commons?—Yes.

3247. To whom were the bills of the three Dwyers made payable?—Am I to answer that, my Lord?

Mr. Baron *Fitzgerald* stated that the question could not be put.

3248. Mr. *Heron*.] What was done with the bills?—I have them; I was subpoenaed to the effect to produce the bills, and I have them.

3249. Show them to me?—Here they are (*handing the same to the learned Counsel*). On the morning of the 22nd of June 1865, Johnson called at my house; I was at my employment; he asked for a pen and ink; I gave it him, and he showed me this copy and said, "draw the bills to this effect"; I had no information of Mr. Johnson's action till then.

3250. This is the draft?—Yes.

3251. "Three months after date, I promise to pay Mr. John Whelan, or order, at No. 44, Main-street, the sum of 34*l*. sterling"; was John Whelan living at 44, Main-street?—I do not know.

3252. Who got the stamps?—Carey got them with his brother; I had no stamps at the time; Mr. Johnson told me the terms of the bill.

3253. Have you had those in your possession ever since?—Yes.

3254. Mr. Baron *Fitzgerald*.] You kept them from that time?—Yes.

3255. Mr. *Heron*.] Michael Ryan, James Dwyer, Daniel Dwyer, John Dwyer; did you canvass the Dwyers for this election?—No.

3256. Do you know them?—I do.

3257. Did you call at their house?—Never.

3258. Did you tell anyone that you had these bills of the voters?—I have often jested; there were so many funs about this late election, that

I continually spoke of it; from time to time my talk was of it; I did not personate my explanation to tell that I had these bills; I might have said in a jest that I had them.

3259. Did not you boast that you had the bills?—I certainly said that I had the bills in 1865.

3260. Bills of the men who were going to vote in 1868?—I did not say when they were going to vote.

3261. But bills of men who were going to vote in 1868?—The living men.

3262. Now tell me, did you tell Mr. O'Beirne that you had those old bills?—On my solemn oath, from the day Mr. Johnson gave me those, to that hour, I never mentioned them directly or indirectly to him.

3263. Did you tell Mr. Grace that you had the bills?—Never in my lifetime.

3264. Whom did you tell that you had the old bills?—I told Mr. Laffan in July last that I had the bills, and he told be to burn them.

3265. At that time, had you made up your mind which candidate you would be for?—Mr. O'Beirne for 20 months before he came to Cashel, in preference to any man, and if he comes again I will support him in preference to any man.

3266. Do you know Connors, the expense agent?—Who is he? Call him by his Christian name.

3267. You never knew that there was an expense agent?—As a matter of fact I have not known him; but if you tell me his Christian name I will know.

3268. Do you know that man (*pointing to Pat Connors*)?—I know that man.

3269. You never knew that he was expense agent?—No, I never heard it.

3270. Were you with him at Dunn's, at Mr. O'Beirne's?—Yes, I was often at Dunn's Hotel since Mr. O'Beirne came to town.

3271. Were you on Mr. O'Beirne's committee?—No.

3272. As far as you know there was no committee?—I do not know.

3273. As far as you know there was none?—There might have been.

3274. But as far as you know, was there any?—No.

3275. You did not know any man at this committee-room?—No.

3276. You did not know anyone to have a committee-room?—I live by my head, and I do not get into the extremes of knowing what Mr. Munster or Mr. O'Beirne would carry out; I did not go for the pay of Munster or O'Beirne either in any case.

3277. Did you know that Thomas Murphy's house was a committee-room?—Who is Thomas Murphy?

3278. I do not know; do you know Thomas Murphy?—Yes.

3279. Do you know that his house was taken for a committee-room?—No.

3280. Did you know that Michael Coffey's house and Michael Dwyer's house were taken?—No.

3281. Did you know that Michael Ryan's house was taken?—Yes, I knew that.

3282. Did you know of Patrick Mackey's house being taken for a committee-room?—Yes.

3283. And James Brown?—Yes, I heard Captain Graham had his rooms, not for Mr. O'Beirne, but Captain Graham's own use, living there.

3284. What

3284. What is the total amount of orders that you gave?—I cannot tell; I was never furnished with a bill.

3285. Did you give 10*l*.?—I might.

3286. Did you give 20*l*.?—I might.

3287. Did you give 30*l*.?—I cannot say.

3288. Do you swear that you did not give 40*l*.?—I cannot swear.

3289. Will you swear that you did not give 50*l*. in drink?—I cannot say.

3290. Will you swear that you did not give 100*l*.?—I cannot say; I was never furnished with an account.

3291. Will you swear that you did not give 500*l*.?—I will swear nothing but what I know.

3292. Did you give any orders to non-electors for drink?—Certainly I did, and the greater amount of drink I gave was to the mob when they came up to my door, and asked me, after my hours of business, to know whether there would be anything for them. I sent these people to the different houses, and they got some drink.

3293. For the purpose of fighting?—No, it was not.

3294. For what purpose?—The street was in such a state, upon my oath I was in dread to come out of my own door.

3295. What did you give them drink for?—To save myself and the others when the people came to my own door to assault me there.

3296. Was the mob protecting you?—My mob?

3297. Yes?—I did not want that gross protection unless I passed down the street, and would be overhauled; when money was thrown in the street of Cashel, and nobody to take it up, you must expect what the state of the town was.

Cross-examined by Mr. *Hemphill*.

3298. Did Mr. O'Beirne or Mr. Grace ever authorise you to give any orders for drink in any house during the election?—On my solemn oath, neither from Mr. Grace or Mr. O'Beirne, directly or indirectly, nor through any man, have I received any order.

3299. Was it altogether your own act?—Positively so; neither through them or any agent under them have I received any orders; I did it as my own act.

3300. There was an overwhelming mob?—Yes.

3301. For what purpose did you give the drink?—I wanted to show to his Lordship that there was an overwhelming mob, and every citizen required protection; I required protection for myself, as I was a friend to the cause of Mr. O'Beirne.

3302. Were there strangers to the town among that mob; did the mob come from the neighbouring counties?—I do not know.

3303. You say there was money thrown on the streets of Cashel?—I cannot say that; I did not see it.

3304. Whose money was it?—I could not say that; I heard the bellman call out that money was found, and if there was any owner, but nobody came forward, and the bellman kept it.

3305. These bills were passed on the 22nd of June 1865, and you have retained them ever since?—Yes.

3306. I see there is a bill to John Carey, or promissory notes; John Carey, Michael Carey; this is a blank form; Michael Ryan, James Dwyer, Dan Dwyer, and John Dwyer?—Yes; those are the six bills that I got.

3307. Did you ever use these bills for the purpose of the present election?—Never.

3308. John Carey is dead?—Yes.

3309. Was he dead before the election?—He died some time after the last election of 1865.

3310. Did you have any conversation with the Dwyers about these bills?—Never since these were signed; they never asked me about the bills.

3311. Does the same answer apply to Michael Carey?—As to Carey, he was speaking about these bills; Carey demanded this bill, and I would not give it him.

3312. When you refused it, did you say anything about voting?—He asked me, and my reply was to him, "Am I not as trustworthy as I was the last four years?"

Re-examined by Mr. *Heron*.

3313. How long before the election did Carey ask for the bill?—I could not state the number of days, there might be about four weeks.

3314. What did Carey say to you?—He came up, and said "I want that document from you."

3315. What right have you to the document?—The right was this, that I kept it, and I have it.

3316. By force?—From whom?

3317. What right have you to the bill; did not Carey sign the note?—For the 30*l*. he received out of my hands.

3318. Did he owe the money to you?—No.

3319. To whom did he owe it?—I do not know, I never heard what the consideration was at all.

3320. Was Carey angry at your not giving up the bill?—I thought he was.

3321. What did he say?—He said nothing, but walked down.

3322. Did he say that he would make you; did he say that he would have you prosecuted?—I did not hear that.

3323. For whom were you keeping the bills?—For my own pleasure and will; they were my own.

3324. You do not know who Phelan is?—I do not know who Phelan is, directly.

3325. What do you mean by directly?—I never heard who Phelan was.

3326. Is there any such person alive?—There is a thousand men of the name of Phelan in Ireland.

3327. I speak of 44, Main-street?—I do not know 44, Main-street, Cashel.

3328. You never had it pointed out to you?—I do not know the number I live in myself, and you need not be surprised at my not knowing the other.

3329. Do you believe that the promissory note that you refused to Carey represented a debt to Phelan?—I believe the law speaks for itself in this case; when the money is lent the document is made; I am not a lawyer; I am a very poor one; my hands and brains are very good, and I live like a gentleman; there is nothing that money can buy that I do not have.

3330. Did any one tell you to keep the bills?—Never; no one.

3331. Will you give those bills to any one?—An act of my own, if I like.

3332. Will you give them to Mr. O'Beirne if he asks for them?—That is a question I will not answer you.

3333. Do you intend to give them to Mr. O'Beirne

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D. Geary. O'Beirne if he asks for them?—I will not give them.
 16 February 1869. 3334. If he asks for them will you give them to him?—Well, I will not give them to him.
 3335. Or to Mr. Grace?—No.
 3336. Never?—I never will.
 3337. Will you give them to anyone?—An act of my own; if I like, I may.
 3338. Whose are the bills?—I hold them in trust, that is all I know about it.

3339. For whom?—I do not know for whom; I will keep them as long as I like.
 3340. Mr. Baron *Fitzgerald*.] From whom did you get the money for those bills?—In 1865?
 3341. Yes?—From Charles Fraser Johnson, who is now dead; there was no consideration; I delivered this money without any consideration for the voters.

[The Witness withdrew.

JAMES DWYER, sworn; Examined by Mr. *Butt*.

J. Dwyer. 3342. ARE you an elector?—I am.
 3343. You voted for Mr. O'Beirne?—Yes.
 3344. Did you get anything for your vote?—Nothing.
 3345. Were you promised anything?—No, nor asked it.
 3346. You would not take anything for your vote?—No; if I would I could get it.
 3347. From Mr. Munster, I suppose?—I suppose so.
 3348. Did you ever pass a bill for money given you for your vote?—I did, some time ago, but not at the present time.
 3349. But in 1865; is that the bill you passed (*handing the same to the Witness*)?—That is my name, at any rate.
 3350. Did you expect to get anything for your vote at this election?—No.

3351. Why did you not?—Because I did not expect it, or did not want it; because I intended always to vote for Mr. O'Beirne.

3352. Did you expect to be paid for it?—No.
 3353. Did you expect it at the last election?—I did not.

3354. But you got it at the last election in 1865?—There was no mention made of it.

3355. Then what was the 30 *l.* given you by Mr. Geary for?—When Mr. Johnson was canvassing agent at the election he was here.

3356. That is the note you signed?—Yes, that is my name (*the note was handed to the registrar and marked*).

3357. At this election you got nothing?—No, nor asked.

[The Witness withdrew.

Mr. MICHAEL HANLY, sworn; Examined by Mr. *Heron*.

M. Hanly. 3358. You voted for Mr. O'Beirne?—I did.
 3359. And I believe you canvassed for him also?—I canvassed with him.
 3360. Was there a public canvass from house to house at the election?—Yes.
 3361. Who were with you on the canvass?—Mr. O'Beirne and I and some other parties; I forget who the rest were; Mr. O'Beirne and I were on the first day, and canvassed the first day about the town.
 3362. Were you paid an old debt by Mr. O'Beirne before this election?—No; I was not paid a penny by Mr. O'Beirne.
 3363. Was your mother paid?—I think so.
 3364. How much?—About 19 *l.*
 3365. By whom was she paid?—I believe it was Mr. Grace.
 3366. What was the original debt?—Nineteen pounds.
 3367. Was that for treating in 1865?—No, it was not.
 3368. What was it for?—Car-hire.
 3369. In 1865?—In 1865.
 3370. Before the old debt was paid I believe you were not very friendly to Mr. O'Beirne?—Not exactly very friendly; I wrote to Mr. Johnson about the amount of the bill, he was Mr. O'Beirne's agent; I did not get a very agreeable letter, and I was not very friendly; but as soon as Mr. Grace wrote to Mr. O'Beirne the amount was sent over.
 3371. When was that?—Some time before the election.
 3372. Was it a month before or a week before?—I cannot say.
 3373. Just before the last election?—It was some time before the last election.

3374. Was Mr. Grace the gentleman who paid it?—Yes, Mr. Grace paid it.

3375. For the hire of how many cars was this?—I do not recollect how many cars.

3376. How many cars had you at the time?—There were several horses and cars employed.

3377. Was this for driving out to canvass the commoners in 1865?—No; there were some cars employed to go to Goold's Cross for Mr. O'Beirne.

3378. What did you say to Mr. Grace about the old debt?—Complaining I was not paid.

3379. Did not you say that Johnson behaved badly to you?—I did.

3380. And very badly?—I said that it was not proper treatment; I have his letter still.

3381. Show me the letter?—I have it not about me.

3382. Did you show it to Mr. Grace?—No, I was determined to show it to Mr. O'Beirne, but I did not.

3383. What did you say to Mr. Grace?—I told Mr. Grace that I thought the debt ought to be paid.

3384. You said more than that?—I may have said more.

3385. Did not you speak to Mr. Grace because he was the conducting agent for 1868?—I spoke to Mr. Grace about it.

3386. Because he was the conducting agent?—Of course.

3387. When you spoke to Mr. Grace did not you know there was going to be an election?—Of course I knew it.

3388. Did you speak to him, and intimate to him what you were going to do, or did not Mr. Grace know that you would not vote for Mr. O'Beirne

O'Beirne unless the old debt was paid?—He did not know any such thing; he could not draw any such conclusion as that.

3389. Were you at Dunn's?—Yes.

3390. Often?—Yes.

3391. Were you on O'Beirne's committee?—I know nothing about his committee.

3392. You do not know that there was a committee?—No.

3393. Did you see Captain Graham at Dunn's?—Yes.

3394. Did you advise about the taking of houses?—Yes; not exactly advise, but Captain Graham desired me to go to Ryan and see about his house, that is Ryan in the Main-street; I went to Ryan and Murnan; I met Murnan.

3395. That is the old man?—Yes; Murnan called upon Ryan, his brother-in-law, and he went aside and said that Mr. Munster, or some party from Mr. Munster, were taking the rooms.

3396. For how much?—I think he said 60*l*.

3397. Murnan said that in Ryan's presence?—I think it was Ryan said it; I said it was an enormous amount of money.

3398. You knew the rooms were not worth the money?—Yes.

3399. You thought it an enormous and ridiculous amount?—I did at that time; said he, "I will give the preference to Mr. O'Beirne;—he always took my house, and I will give him the preference to those rooms."

3400. Before you went down had not you a talk with Graham?—What?

3401. Did not you and Graham come to the conclusion if you did not take the committee-rooms you would lose the two votes?—We did not come to a conclusion.

3402. You got them independently of that?—No.

3403. What did you go and bargain about the rooms for?—For the use of a committee, if there was a committee formed.

3404. At that time there was no committee formed?—No; that was three weeks before the election.

3405. If there was to be a committee formed, you went down to take the committee-rooms?—Yes.

3406. Did not you know that if you did not take the committee-rooms you would lose the two votes?—I did not know any such thing.

3407. Did not you canvass the old man for his vote?—I do not think I did.

3408. Look at his Lordship and say this; was not your object in going to the committee-rooms, to secure the two rooms?—On my solemn oath it was not.

3409. You said you thought 60*l*. a ridiculous and monstrous price?—Yes.

3410. Did you say so at the time?—I said it was too high; he said it was not too high; Mr. Munster had offered 60*l*.; I did not offer that sum of money.

3411. When you went down to bargain about the committee-rooms, did not Ryan say to you, "You know that we have two votes here"?—He did not say any such thing.

3412. Were you consulted about employing the sons of voters?—No.

3413. Were you present when the sons of voters were employed?—No.

3414. Did you go to bargain for any other committee-room?—No.

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3415. Did you know any other committee-rooms were being taken?—No.

3416. You were every night at Dunn's?—Not every night.

3417. And you saw Graham every day?—Not every day.

3418. Nearly every day?—He was often up and down.

3419. During the whole time, up to the polling, do not you think there were any other houses taken in Cashel?—Yes.

3420. Whose houses?—I heard there were houses.

3421. Any one else's houses?—And Mackey's.

3422. Taken for committee-rooms?—Yes.

3423. Were you ever in any of those committee-rooms?—No, never.

3424. Or anybody else to your knowledge?—Not to my knowledge; I heard there were—Mackey's.

3425. Was Michael Ryan's house taken?—Yes.

3426. Did not you hear, altogether, that there were 10 or 12 committee-rooms taken?—No.

3427. Were you at Miss Kate O'Dwyer's the night before the polling?—Yes.

3428. Were you there nearly all night?—No.

3429. What hour did you leave?—Eleven o'clock.

3430. Did you give any orders for drink?—Yes.

3431. On what house did you give orders?—I gave orders to Pat Maher for 10*s*.

3432. How much did you order there?—I gave an order there for 10*s*.

3433. On what day?—I do not recollect the day.

3434. Was it for the mob?—Some parties that came in.

3435. Was that the only order that you gave?—Yes; I gave an order for 5*s*. at another time; some people came up to me, and in order to get rid of them, I gave an order for 5*s*.

3436. You used to go about with Captain Graham?—No.

3437. Did you see Captain Graham going about canvassing with Mr. O'Beirne?—No; I went canvassing with Mr. O'Beirne whenever he went canvassing.

3438. Was Captain Graham in Cashel the whole time?—Mostly.

3439. Where was he living?—He stopped at Mr. Brown's part of the time.

3440. Did you visit Captain Graham there?—No.

3441. In Dunn's Hotel, where Mr. O'Beirne was staying in the evening, did you go with a list of voters to Mr. O'Beirne?—No.

3442. Did you see the list on the table?—I had a list myself.

3443. Had you marked on the list the men pledged either to Mr. O'Beirne or to Mr. Munster, or the unpledged men?—I did not mark them off, I made a guess at them.

3444. You knew the people, from your own knowledge?—Yes, I knew he would be returned from the very commencement.

3445. In your own mind you marked the men who would vote for him, and the men who would not, and the unpledged men; did you ever discuss the unpledged men with Captain Graham or Mr. O'Beirne?—No.

3446. Did you know at the time the houses were taken; first, as regards Ryan and Murnan's

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nan's, at the time you went down there they were unpledged?—I do not know whether they were unpledged or not.

3447. Did you know that they were pledged?—I could not say what they were.

3448. I first asked about your general knowledge of the town, and you said you knew the men safe for O'Beirne, and the men safe for Munster, and the men that were doubtful?—I knew Murnan would vote for Mr. O'Beirne.

3449. You were sure of Murnan but not of Ryan?—No, Ryan was not there.

3450. Patrick Mackey; did not you know that he was a doubtful man?—Indeed I did not.

3451. Did not you know that Mackey voted for Lanagan the last election against O'Beirne?—Yes.

3452. At the time that Mackey's house was taken did not you know that he was not a pledged supporter of Mr. O'Beirne?—No, I did not know at the time his house was taken.

3453. Do you know Pat Condon?—Yes.

3454. Did you hear that his house was taken?—I did not.

Cross-examined by Mr. Curtis.

3455. You reside in Cashel?—Yes.

3456. You are an owner of land in the neighbourhood?—Yes.

3457. How much land?—I hold only 200 acres of land.

3458. You recollect Mr. O'Beirne in the election?—Yes.

3459. You are a town commissioner of Cashel?—Yes.

3460. As to the 19 l., you said just now that

you could not exactly recollect how long before the election it was paid to your mother?—No, I know that it was paid.

3461. Do you remember Mr. Grace's illness?—Yes.

3462. Was not he ill a considerable time before the election?—Yes.

3463. Was not it before his illness that the money was paid?—Yes.

3464. Was not that first payment three months before the election?—It may be six months.

3465. Your mother does not live with you?—No.

3466. She lives separate?—Yes.

3467. Is there any voter of Cashel living in the same house with your mother?—No.

3468. She lives by herself?—No.

3469. Tell me whether the payment of 19 l. to your mother at all influenced your vote at the election?—I do not know; I was going to write to Mr. O'Beirne previous to the election to contradict a rumour that I would not support him.

3470. Would you not have voted for Mr. O'Beirne whether the 19 l. was paid or not?—Yes.

Re-examined by Mr. Heron.

3471. What letter were you going to write to Mr. O'Beirne?—I was going to write to Mr. O'Beirne to tell him that I would support him, to contradict the rumour that I would not support him.

[The Witness withdrew.

[Adjourned to To-morrow,
at Ten o'clock.

Wednesday, 17th February 1869.

Mr. WILLIAM JAMES O'BRIEN, sworn; Examined by Mr. Butt.

3472. HAVE you your books?—I have them here (*producing the same*).

3473. Just open Mr. O'Beirne's account?—I have not brought the correct account; I was only asked to bring this.

3474. We want the other too; can you send for it?—Yes.

3475. Open the cheques on branches?—Yes; at what date.

3476. For October and November, the time of the election. What is that book?—It contains all the cheques cashed here on all branches in England or Scotland, or anywhere else.

3477. And all the branches of the National Bank?—And any other bank.

3478. Did you, in the months of October and November, cash any cheques bearing Mr. O'Beirne's signature on any other bank?—No.

3479. That book would tell you if you did?—Yes, it would.

3480. Did you cash any cheques of Mr. Cocks'?—No, not to my knowledge.

3481. Can you tell by the book?—To the best of my knowledge I did not; where shall I begin?

3482. Begin at the 10th October. I suppose they are not very numerous?—These are every day's transactions during the week, up to 1st of January.

3483. You need not go further than the 20th of November or the 1st of December?—This contains every single cheque.

Mr. Baron Fitzgerald.] Are you inquiring about these particular cheques or whether there are any other cheques?

3484. Mr. Butt.] Look also if there were any cheques cashed for either Captain Graham, Mr. Cocks, or Mr. O'Beirne?—The cheques of Mr. O'Beirne appear under different headings; I must go through them separately.

3485. You said also there were no cheques drawn by Mr. O'Beirne cashed by anybody?—On other banks outside Cashel, no.

3486. Now were there any cheques drawn by any person cashed for Mr. O'Beirne, for Captain Graham, or for Mr. Cocks?—I will look through. (*The Witness examined the book with Mr. Laffan.*)

[The Witness withdrew.

Mr. Heron stated that they had served a subpoena on Simon Tracey, but he would not appear, and he therefore asked for judge's order.

Order accordingly.

MICHAEL BAREY, sworn; Examined by Mr. Heron.

3487. Do you produce the original subpoena?—Yes.

3488. Do you know Simon Tracey?—Yes.

3489. Did you serve him with a copy of that?—Yes.

3490. When?—On the 6th day of January.

3491. Where does he live?—In Friar-street, Cashel, in his own dwelling-house.

3492. You know the man well?—Yes, for the last 20 years.

3493. When did you see him last?—Not this month; he absconded after it was served.

[The Witness withdrew.

Mr. PIERCE GRACE, sworn; Examined by Mr. Heron.

3494. Do you produce all the accounts for Mr. O'Beirne that were sent to you?—These are all the accounts. I have tied them up.

3495. Is that all you have got?—That is as far as my recollection goes (*producing the same*). The reason I mention that is, there were one or two bills mentioned here yesterday that had been furnished to me. I did not see them amongst them; that is the reason why I expressed a doubt about the matter.

3496. The first bill is Mr. James Dunn's, for 106 l. 2 s. 6 d., already rendered; No. 2, J. Lyster O'Beirne, Esq., M.P., to Edmund Canavan, for services given during the election, 10 l. Cashel, December 4th, 1868. Edmund Canavan?—He is not an elector.

3497. What is that for?—He was one of the men that were about the streets. Perhaps I might mention that I did not interfere with these bills, or dispose of them. I merely put these bills together; I knew nothing about them myself; I merely kept them till Mr. O'Beirne would come.

3498. "No. 3, J. Lyster O'Beirne, M.P., debtor to Patrick Dwyer to the amount of 10 l. sterling, being due to him for canvassing at the late election of the city of Cashel, on the 21st October to the 20th November, and employed by him in the presence of Mr. James Carey. 20th of November 1868. Patrick Dwyer, Cashel." I do not find him an elector?—No, I think not.

3499. "No. 4, James J. O'Beirne, Esq., M.P., to I J. Quirke."

Mr. W. J. O'Brien.

17 February 1869,

M. Barey.

Mr. P. Grace.

Mr. J. Quirke." Is he an elector?—He is a printer.
P. Grace. There is John Quirke, an elector.
 17 February 1869. 3500. This is printing; the total amount is 13 *l.* 12 *s.* 6 *d.*, including carriage and pair?—Yes, carriage and pair to the Commons, 2 *l.*; two carts, 1 *l.* 11 *s.*; total 13 *l.* 12 *s.* 6 *d.*

3501. This is David Ryan?—Yes.

3502. Who is he; is he an elector?—No, he is not.

3503. "James Lyster O'Beirne debtor to David Ryan to amount of 10 *l.* sterling, due to me for canvassing the late election, the city of Cashel, from the 21st October to 20th November, and recommended by Miss O'Dwyer to him. Dated the 26th November 1868. David Ryan, Cashel." "Cashel, 4th December 1868. Mary Glasgow ruled 40 women during the election; speeched and agitated day and night six weeks in the interest of O'Beirne; shook hands with that honourable gentleman, and kept loyal and true the whole time; the exertion of the contest has left her rather backward in health, and she begs to submit to him a bill of 3 *l.*, hoping that he will enjoy good health. Your obedient servant, M. Glasgow. To — Grace, Esq." Here is Thomas Murphy's bill; is he an elector?—He is.

3504. "J. Lyster O'Beirne to Thomas Murphy the sum of 25 *l.* sterling, for the use of part of his house at Lower Gate during the late election. Cashel, 15th December 1868." "James Lyster O'Beirne to James Curran, November 17th, 1868. To amounts due to me as agent at the recent election at Cashel, 5 *l.*;" that is the boy examined yesterday?—Yes.

3505. He said he got 1 *l.*?—Yes.

3506. Here is Edward Squire's bill, 1 *l.* 10 *s.*; "J. Lyster O'Beirne, debtor, for 10 days reporting, at 5 *s.* per day, 2 *l.* 10 *s.*; paid, 1 *l.*; balance, 1 *l.* 10 *s.* Edward Squires."

Mr. Hemphill.] Have you read them all?

3507. Mr. Heron.] No; but they are immaterial. (To the Witness.) Who wrote out the nomination for the expense agent?—I did.

3508. At the time you wrote out the nomination, I presume you wrote it out in the usual way for Mr. O'Beirne to sign?—Yes.

3509. Had you got his consent for Connors to be his expense agent?—I had not.

3510. Did you tell him that he was expense agent?—Soon after the election.

3511. How soon after the election?—Soon after.

3512. Within a week?—I should think so.

3513. I presume Mr. O'Beirne nominated Connors to you?—We spoke of the matter here at the nomination, and we agreed upon nominating Connors.

3514. You have already said that you had nothing to do with the payment of bills?—No, I had no order whatever about them; I was sick during the greater part of the time.

Cross-examined by Mr. Hemphill.

3515. His Lordship has heard already that you were conducting agent, at the late election, for Mr. O'Beirne?—Yes.

3516. Did you ever in any way employ Dennis Skirry?—Never.

3517. For any purpose?—No.

3518. Connected with the election?—Never.

Mr. Baron Fitzgerald.] I think you had better keep this part of the case for a subsequent occasion, and recall Mr. Grace.

[The Witness withdrew.]

Mr. THOMAS CLOSE, recalled; and further cross-examined by Mr. Hemphill.

Mr. 3519. YOU voted for Mr. Munster at the late
T. Close. election?—I did.

3520. You are a musical gentleman?—I am.

3521. Had you a concert immediately before the last election, in 1868, in Cashel?—I could not say; I have had so many in Cashel; I could not tell you.

3522. I must ask you to try and remember; the nomination took place on the 18th of November 1868, and the election took place on the 20th?—I do not think I had one in the month of November.

3523. Had you one in October?—I might have had; but I cannot tell you.

3524. Cannot you recollect whether you had a public concert in Cashel either in October or November?—I do not remember.

3525. Is your memory so inaccurate?—It is so long ago, I cannot remember. I have been at scores of concerts since that.

3526. Had you a concert in December?—No, I do not think I had.

3527. Had you any concerts at all last winter in Cashel?—Oh yes, I had.

3528. In 1868?—Yes.

3529. Before Christmas?—Yes.

3530. How long before Christmas?—I think I can tell the date; it was about the 18th of November. I have not a memorandum about it.

3531. Now you recollect it was the 18th of

November?—I think it was the 18th of November.

3532. About the 18th?—It was.

3533. Did Mr. Munster take tickets for that concert?—Yes.

3534. How many?—100 tickets.

3535. What was the amount?—£. 12 10 *s.* I asked Mr. O'Beirne's gentlemen to take them, and they would not.

3536. Mr. Munster took some tickets, but Mr. O'Beirne refused?—Mr. O'Beirne did not refuse, but Captain Graham refused to take tickets.

3537. Have you more sons than one?—I have.

3538. Did your son get four suits of clothes from Mr. Munster, about the time of the election?—He did not, indeed.

3539. Either of them, or any of them?—No, not either of them.

3540. Did they get any clothes?—Mr. Munster gave him some clothes, I forget what it was, just before he went to London.

3541. Try and think?—He made him a present of some clothes; I do not exactly know how much they were. He made him a present when he was in his employ; that was long after the election.

3542. Which boy was that?—The eldest.

3543. The boy examined yesterday?—Yes.

3544. That was before he went to London?—Yes.

3545. The

3545. The second son; did he give clothes to him?—No.

3546. None at all?—No.

3547. Did he present any of your family with a gold watch?—No, not one.

3548. Or any watch?—No; we have not a watch in the family.

3549. Do you know a man of the name of Cornelius Carroll; Con Carroll?—Yes, I do.

3550. Had you dealings with him?—I have still.

3551. Had you before the election?—I had.

3552. Did you owe him 14*l.* before the election?—I think I did.

3553. Have you any doubt about it?—No; I am not quite sure of the amount.

3554. You owed him some money?—Yes; we deal with him quarterly.

3555. Mr. *Heron*.] It was a quarter's bill?—Yes.

3556. Mr. *Hemphill*.] You gave him a bill for it?—Yes.

3557. Has it been paid?—No.

3558. It is in the bank?—Yes; I did not give him a bill for 14*l.*

3559. But whatever the amount was?—Yes; I paid him cash besides.

3560. Do you recollect bringing him to Corcoran's Hotel at any time before the election?—I do.

3561. Did you introduce him to Mr. Leahy?—Yes.

3562. Was Mr. Leahy an active person on behalf of Mr. Munster?—Yes; he was the first person I spoke to about voting for Mr. Munster. I was there, and Mr. Leahy. Before I saw Mr. Munster I promised him.

3563. Was there a conversation between you, and Mr. Leahy, and Carroll, in reference to this bill of yours, or this demand of Carroll's against you?—Not a word; I had no conversation with them both together at all.

3564. Did not you introduce him to Mr. Leahy?—Yes.

3565. What did you do when you introduced him?—I left him in the room; I thought he wanted to set his house.

3566. Did you hear what conversation there was between Mr. Leahy and Carroll?—I did not.

3567. Were you afterwards informed by Mr. Leahy that he had offered to sign a bill for Carroll, to be discounted at the bank for your demand, if he would be on Munster's side?—Mr. Leahy never mentioned anything of the sort.

3568. Did any one tell you?—No.

3569. Did Carroll tell you?—No; I asked him if he would set his house, or something of that sort; he said Mr. Leahy would not give any cash, and he would not take a bill or anything else.

3570. A bill for what?—A bill for what I understood the purpose I introduced him there was, thinking he would set his house to Mr. Munster's party. I had no idea of taking him there to sell his vote, but he frequently said he would be glad if he could set his house. I met him and said, Mr. Leahy is the man to speak to if you want to set your house; it was for no other purpose than that I took him. I thought of doing him a good turn instead of a bad one.

3571. Did Carroll tell you that a bill had been offered to him, if he would vote for Mr. Munster?—No.

121.

3572. What did he say about voting for Mr. Munster?—He said that Mr. Leahy would not give him the cash for any transaction, and he would not take a bill or anything else.

3573. What was the nature of the transaction; have you any doubt that it was to vote for Munster?—If a man lets his house, it is a natural thing to believe that he will vote for the person he lets it to. With regard to the bill in the bank, that Mr. Hemphill said was connected with the election, it was long since the election I gave the bill and paid the money.

3574. Mr. *Heron*.] That is for your own private account?—Yes.

3575. Mr. *Hemphill*.] Is your son, who is in London, living at Mr. Munster's residence in London, his lodgings, or hotel?—No, he is living at his own place.

3576. Has he been living there?—He was there a week or nine days.

3577. Not more?—Not more.

3578. Do you know a man of the name of Williams?—In Cashel; a shoemaker?

3579. Yes?—I do.

3580. Did you owe him money at the time of the last election?—I owe him money now, but merely an ordinary transaction; I paid him money the other day. I had some new things from him; the things I have on now; my boots I had last Saturday, and so I owe him money.

3581. Did you tell Williams on Saturday last that you would pay him after the election petition was tried, or anything to that effect?—Not that I remember; I paid him some money last week.

3582. Do you owe him anything now?—Yes, I owe him for the things I have on.

3583. You owe him for the boots you have on?—I owe him about 1*l.* altogether.

3584. Had you any conversation with him last Saturday?—I was in there for these boots.

3585. Had you any conversation with him?—It is very likely I had.

3586. Was it about what you owed him?—Yes, it was about what I owed him, because I paid him money on Saturday.

3587. Do you still owe him a balance, after paying a few shillings on Saturday?—Yes.

3588. Was it on Saturday that you got the new boots?—Yes.

3589. Do you only owe him for the new boots?—Yes; this morning I was in there and he said he had not made up the account; I do not know what I owe him.

3590. Did you on Saturday tell Williams (do not mind the particular words I put to you); did you, in substance, tell Williams on Saturday that you would pay him after the election petition was over?—My Lord, how could I do it when I did pay him.

3591. Mr. Baron *Fitzgerald*.] Did you or did you not?—Not that I know of.

3592. Mr. *Hemphill*.] Might you have said it?—I might have said anything; I do not recollect.

3593. Do you expect to be in funds after the election petition is over?—Not a penny piece, except what I earn.

3594. How earn?—I am teaching; I am at a loss of time now, my Lord.

Re-examined by Mr. *Heron*.

3595. The Mr. Leahy you mention is the brother of the Archbishop Leahy?—Yes, and

I 2

Mr.
T. Close.

17 February
1869.

for

Mr. for that reason I took an interest in Mr. Munster's election.
T. Close.
 17 February 1869. 3596. And the Con Carroll you have mentioned was the man who was always asking you to try and get his rooms taken?—No; but it was as a matter of a joke he said, "I wish I could let my house;" "I have a fine house, I

wish some one would take it; I would not care whether it was Mr. O'Beirne, or Mr. Munster, or Mr. Scallan;" I wish I could let it.

3597. Carroll voted for O'Beirne?—I believe he did.

[The Witness withdrew.]

MRS. CATHERINE TRACEY, sworn; Examined by Mr. Butt.

Mrs. 3598. I BELIEVE you are the wife of Mr. Simon Tracey?—Yes.
C. Tracey.

3599. Do you remember when he was served with a subpoena to come here?—Yes.

3600. When did you last see him?—I am not certain; about a fortnight or a month ago.

3601. Do you say a fortnight or a month?—About a fortnight.

3602. Where did you see him last?—In my own house.

3603. Where is he now?—I could not tell you at present where he is; when I last heard from him he was in London.

3604. When did you hear from him?—A fortnight ago.

3605. He left home after he was served with the subpoena?—He did.

3606. Was he canvassing for Mr. O'Beirne, at the time of the election?—Well, I do not know; I do not think he was; I believe he went with him one Saturday morning; that is all I can recollect.

3607. He went on a Saturday morning?—Yes.

3608. Where did he go that Saturday morning?—He went about the town.

3609. With Mr. O'Beirne?—Yes.

3610. Did you ever see any cheques of Mr. O'Beirne's with your husband?—Never.

3611. Did you ever offer money to anybody?—Never.

3612. You swear it?—Yes.

3613. Did you ever offer a cheque to any person?—No.

3614. Did you ever talk to any person about money?—I recollect a woman named Rochford coming in one night; she asked was my husband in; I said not. She said, Did I know where he was; I said no; she went to look for him, and she came back and said, did I know whether he would give him any money; she said could she get 20 l.; Mr. Munster's party had offered her 10 l. and she said she would take it; I said my husband had no authority to give her money.

3615. Do you know Kennedy a voter?—Yes.

3616. What is his Christian name?—Thomas.

3617. Do you know Lamb a voter?—Yes.

3618. What is his name?—Whelan.

3619. Did your husband ever speak to you about Kennedy or Lamb?—No.

3620. Was that all that passed between Mrs. Rochford and you?—That is all as well as I recollect.

3621. You did not tell her that you had a cheque, did you?—No, never.

3622. Or that your husband had?—Never any such thing; I could not tell her.

3623. And did you mention Kennedy's name in that conversation or Lamb's?—No.

3624. I asked you where you saw your husband last; what did you tell me?—You asked me where did I see my husband last; I said in my own house.

3625. How long ago was it?—Four days ago.

3626. In your own house?—Not in my own house.

3627. Where did you see him four days ago?—In Cashel.

3628. Where?—In the street.

3629. Did not you tell me he was in London?—I said the last letter I got from him was from London.

3630. Where is he now?—I cannot say.

3631. You saw him in the streets of Cashel, three or four days ago?—Yes.

3632. Mr. Baron *Fitzgerald*.] Was that after you heard from London?—Yes, after.

3633. Mr. Butt.] Did you speak to him when you saw him in the street?—Yes.

3634. Did you ask him where he was?—No.

3635. You did not ask him where he was going to?—No.

3636. And you do not know where he is going to?—No.

3637. Have you heard from him for the last three or four days?—No.

3638. Did you hear anything of him?—Not since.

3639. Did any person tell you anything about him, since you saw him in the streets of Cashel?

—Mrs. Rochford told me last night she heard he was in Cashel; that is all.

3640. That she heard he was in Cashel?—Yes.

3641. Was he in your house, or in his own house, since he went to London?—I told you he was. I told you I saw him in my own house.

3642. Was that after he came back from London?—Yes.

3643. When did you see him in your own house, since he came back from London?—A week or 10 days after it.

3644. How long ago was that?—About a week or 10 days ago.

3645. Did he ever say that he was going to London?—I knew what he was doing; he went away on business.

3646. What business?—To buy clothes.

3647. How long were you speaking to him?—Not very long.

3648. In the street, when you saw him three or four days ago?—I only just spoke to him 10 minutes or so.

3649. What were you speaking about for 10 minutes or so?—Nothing.

3650. Did you not ask him in the 10 minutes, why he was not at home?—I did not.

3651. When was he at home last?—About 10 days ago.

3652. What time did he come home?—He was at home about 10 days ago.

3653. What time of the day?—In the night.

3654. What time of the night?—I believe it was about 11 o'clock.

3655. How long did he stay at home?—A couple of days; two days, I believe.

3656. Was

3656. Was he going about the street during the two days?—He was not.

3657. Was he hiding himself?—He was not hiding himself.

3658. Where did he stay during the two days?—In his own house.

3659. Did he go out during the two days?—Not to my knowledge.

3660. Do you swear now, that he was not hiding himself?—He was not hiding himself; he was about the house.

3661. Did he want people to see him?—I cannot say; they could see him if they liked.

3662. Was he in hiding from being served with a subpoena?—He was served at the time.

3663. He remained two days at home?—Yes.

3664. When did he go away from home?—Two or three days since.

3665. What time did he leave home?—Seven o'clock in the evening.

3666. Did he tell you where he was going to when he left home?—He did not.

3667. It was after that, that you met him in the streets of Cashel?—It was, I believe.

3668. Do you now swear he never told you the reason he was leaving home?—He never told me the reason he was leaving home.

3669. And you do not know where he is now?—No.

[The Witness withdrew.

Mrs.
C. Tracey.

17 February
1869.

Mrs. MARY ROCHFORD, sworn; Examined by Mr. Carton.

3670. Do you know Mrs. Tracey?—I do.

3671. Do you recollect being in Mrs. Tracey's house a short time before the election?—The election week.

3672. Were you there more than once during that week?—No; I went in for the purpose of getting a tick in the night; I wanted to put feathers in it.

3673. What time of day was it when you were there?—At night fall.

3674. Did you see any money with Mrs. Tracey that night?—I did.

3675. What money did you see with Mrs. Tracey that night?—I saw a note and cheques on the bank.

3676. Had you any conversation with her about these notes?—I went in—

Mr. *Hemphill* objected to the conversation between this witness and the last being given, Mrs. Tracey not being a voter, and not being connected with Mr. O'Beirne.

Mr. Baron *Fitzgerald* over-ruled the objection.

3677. Mr. *Carton*.] Is your husband a voter?—He is.

3678. You saw cheques and notes with Mrs. Tracey that night?—Yes.

3679. How many cheques did you see?—I could not say how many cheques.

3680. Did you see more than one?—Yes, to the best of my belief there were 10 or 12 cheques; I went in for the purpose of buying a tick of Mrs. Tracey and she asked me upstairs in her room; I went up with her; she says, "Now, if John gives his vote to Simon, he is interested with Mr. O'Beirne—he has trusted him with his money to give it to whom he pleased;" she brought out of her chest—she had a chest of drawers in it—a small little box out of it; she had it on a table in the

middle of the room, and opened it, and there was a lot of cheques in it; first she pulled out a 50 l. cheque, "That is for two of my friends," said she, "and I will give you a cheque," said she, "for John for 30 l." "Oh!" said I, "I will not take the cheque; give me the money;" she went then and brought a bundle of notes, and she said she would give me the money; then I said I must ask John whether he would give his interest to Mr. O'Beirne, before I took the money; I turned out of the room and came down the street, and at my return Simon Tracey and Michael O'Mara were in my shop with my husband; she said she would send Simon up after me to see if I could get John to give his interest to Mr. O'Beirne, and at my return Simon Tracey and Michael O'Mara were in the shop, speaking to my husband; Simon Tracey took me out in the back yard, and Michael O'Mara remained with my husband; he asked me if I could persevere upon my husband to give his interest to him; he was interested for Mr. O'Beirne; I told him my husband pledged himself to Michael Laffan, and I was afraid he would not break his word; I said I would persevere on him to do so. "If so," said he, "I will go over to Mr. O'Beirne to his room; I will send for him to come over." "While you are away," I said, "I will speak to himself to give his interest to you, for Mr. O'Beirne;" I called my husband on one side, and I asked him would he give his interest to Mr. O'Beirne, and that he would get 30 l.; he said, my Lord, he would not; that he worked his lifetime and he earned his bread honestly, and that he would never give his vote for bribery.

3681. Did Mrs. Tracey say who was the friend she had the 50 l. cheque from?—She did not.

Mr. *Butt*.] Stated that he would confront the last witness, Mrs. Tracey, with the present witness.

Mrs. M.
Rochford.

Mrs. CATHERINE TRACEY, re-called, and confronted with the Witness.

3682. Mr. Baron *Fitzgerald* (to Mrs. Tracey).] MRS. ROCHFORD says she went to buy a tick, and you were there; that you were at home, and you asked her whether she could get John's vote; you took a box out of a drawer in your room in which there were several cheques; that you took out a cheque for 50 l., and said it was for two friends of yours; that you also said you would give her a cheque for 30 l.; she said to you she would rather have the money; that then you introduced notes; that she then

said she would consult her husband, and went for her husband; is that true?—Not a word of it is true.

Witness.] I sent for her last night to announce to her that I was summoned, and that I should attend at this court to-day, and she sent for me then to a neighbour's house, and I went into that house; she asked me how was it I announced anything such as that; I told them it came out of a jest in the court a couple of nights ago, and that it appeared that from that court they conveyed it, and that I should have to tell the

Mrs. M.
Rochford.
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truth; she said if I would not escape her; I said I would not do so for Mr. O'Beirne or Mr. Munster.

3683. Mr. Butt (to Mrs. Tracey).] Did you see that woman?—She sent for me.

3684. Did she tell you what she was going to say to-day?—No.

Witness.] I did.

3685. Mr. Butt (to Mrs. Tracey).] Did you see that woman when you took her up to your own room?—Yes, I went up.

3686. You went up?—Yes.

3687. Is there a chest of drawers in your room?—Yes.

3688. Did you open the chest of drawers?—No.

3689. While you were with her?—No.

3690. You did not show her any money or cheques?—I swear, on my solemn oath, I never showed money or cheques.

3691. You did not do so?—No.

Witness.] She placed me at the bedside on a chair, and she put them on the bed and on the chair.

3692. Mr. Butt (to Mrs. Tracy).] What passed between you and that woman, when she came up to your room?—She asked me was my husband there; I said he was not in; she said, "Where can I see him?" I said, "I did not know;" she said she wanted to speak to me, would I go upstairs; she told me she was going to get money from Mr. Munster's party, 10 l.; she said, "If I could get 20 l. I would vote for him;" that is all that passed about money or cheques; how could I show cheques that was never in my house.

3693. Mr. Baron Fitzgerald (to the Witness).] Did you tell her your husband was getting money?—No, my Lord.

3694. Mr. Hemphill (to Mrs. Tracey).] What is your husband?—He is a dealer; he deals in old clothes.

[Mrs. Tracey withdrew.

3695. Mr. Hemphill (to the Witness).] What is your husband?—A house carpenter.

3696. Mr. Carton.] Do you know Mrs. Cunningham?—I do; it was there I sent for Mrs. Tracey last night; I did not wish to have to come against her; her husband is a relative of mine.

Cross-examined by Mr. Hemphill.

3697. You say your husband is a house carpenter?—Yes.

3698. Where does he live?—In Canopy-street.

3699. What rent does he pay for his house?—I could say; Mr. Grace is the landlord; he will be able to tell the rent.

3700. You mean to say that you do not know the rent your husband pays?—It is a long time since I go down to Mr. Grace; I go with 4 l. and 5 l.; I cannot say how long we are in it.

3701. Your husband is a voter?—Yes.

3702. Was he a voter at the last election?—No.

3703. This was the first time he was on the Register?—Yes.

3704. When did your husband first promise Mr. Munster to vote for him?—The first day Mr. Michael Laffan asked John Rochford would

he give his interest to him, he said he would recommend to his uncle, the Archdeacon Laffan, because he was a good friend of his.

3705. When was it?—I believe I could not say whether it was the election; whether it was the commencement of the election, I could not say.

3706. Do you know Mrs. Hackett of the Green?—I do; she is a friend of mine.

3707. Are you in the habit of dropping in to speak to Mrs. Hackett of the Green?—I was never in Mrs. Hackett's house but once since.

3708. Have you been talking to Mrs. Hackett?—She has been talking to me.

3709. About the election?—Yes.

3710. Did you ask Mrs. Hackett before the election whether there was any money going, or anything to that effect?—I never asked any such question.

3711. Did you ask anything to that effect, whether there was any money going for votes?—I will tell my Lord about Mrs. Hackett; she came to me, and told me, would John go with her husband James. I said, "I feared he would not, he pledged himself to Mr. Michael Laffan, and he was a man that was not in the habit of going to do anything but what is just." "If he comes with James," she says, "Mr. O'Beirne is a very clever man, and he will bring him out of any difficulty he is to get into; James will get him recompense as well as himself." Then my Lord, a few nights after, the Saturday night, to the best of my belief, before the election, she came in, and she says to me, "We will have two bottles of porter;" says she, "James has settled with Mr. O'Beirne, on this day in the morning." "He received 2,000 l. out of the bank, at 10 o'clock, which was at the time of getting it; she said Captain Graham was there, and Mr. Powell, and he has plenty of money now," said she, and "James has went and given his vote to him;" and in the way that she told it to me, she said, "Now welcome James," said Mr. O'Beirne and Captain Graham, in Mrs. Dunn's room, "Welcome James," said Mr. O'Beirne.

3712. Is that what Mrs. Hackett said?—Yes. "Now," said he, "James, I recompense you for the action you have done at such a time;" I believe it was, to the best of my belief, 1863 or 1865, I cannot say which; and "I now recompense you in 1868, for your father's vote and your own." "He gave him," said she, "40 l." and now, says she, "if you get John to come," said she, "James will have him regulated the same way; and he is a fool to be going with that section that he does not know without knowing Mr. O'Beirne, that can bring him out of any difficulty that he gets into." That is the truth.

3713. Did you ever tell any one before this of that conversation with Mrs. Hackett; the conversation about the section; did you ever mention it to any one?—I do not know whether I did or not.

3714. Did you ever mention it to Michael Laffan, for whose uncle you had such respect?—I might.

3715. Did you?—Perhaps I did.

3716. Did you not; you are not sure, are you?—I did I am sure; I think I did.

3717. When did you first mention it to Mr. Michael Laffan?—Immediately after the election.

3718. When did you first mention to him about this conversation with Mrs. Tracey up in the

the bed-room; when did you first mention that to him?—I could not say.

3719. Did you mention it to him before the election?—No, I never did; never before the election at all; I was not speaking to Mr. Laffan before the election; he came to the door with Mr. Munster; that was all.

3720. Did you mention it to him after the election?—Yes.

3721. How soon after the election?—I could not say exactly.

3722. Did you mention it to him the week after the election?—I cannot say.

3723. Did you mention it to him a short time after the election?—Some time after I mentioned it to him.

3724. It was not when you first heard it talked about a few nights ago in some house, that you mentioned?—I did not say any other house, but my own house.

3725. You said there was some talk about it a few nights ago?—He asked me why Mr. Munster did not give me a summons; I said he would not because I knew too much of his affairs.

3726. You had told all that to Mr. Michael Laffan before?—I do not know whether I told it before or not.

3727. Do you mean to say that you do not know whether you told this story to Laffan before two or three nights ago?—I did tell Mr. Laffan.

3728. Did you get a summons from Mr. Laffan?—I did.

3729. When?—Yesterday.

3730. Did your husband get anything for his vote for Munster?—No.

3731. Was he promised anything?—No.

3732. On your oath?—I solemnly protest he never was.

3733. Was he promised 10*l.* now?—No; he was promised nothing, and he looked for nothing.

3734. Did he do anything in the carpenter's way for him?—He made a little bin for the oats.

3735. When did he make the little bin for the oats?—About the time of the election.

3736. Does your husband keep any book for these kind of jobs?—I do not know whether he keeps a book.

3737. You do not know whether he keeps a book?—The book I see him keeping, is when he pays any little bills for anything he gets for gentlemen; he may keep that account.

3738. I ask you when Mr. Munster got this little bin from your husband?—He got a carpenter to make it, because he cannot attend to all the business he has to do.

3739. He has so much to do?—Yes.

3740. What did your husband pay the carpenter for making it?—Eighteen shillings or 1*l.* a week.

3741. What did he get for the little bin?—Well, I believe to the best of my belief I could not guess; because the bill I sent in for the bin and the feathers amounted to 6*l.* 5*s.* or something like that; to Mr. Laffan I gave it, I think.

3742. Did you give the bill to Mr. Laffan?—No; I do not know that I did.

3743. Who did your husband give the bill to?—I cannot say.

3744. Do you mean to say that you do not know who he furnished the bill to?—Mr. Cunningham asked me to receipt the bill, and I receipted the bill for the amount.

3745. When did Pat Cunningham come in to receipt the bill?—I cannot say.

3746. How soon after the election?—I cannot say whether it was before or after.

3747. You must answer my questions; you cannot escape from it; was it before or after the election that Pat Cunningham came in to get that receipt?—To the best of my belief it was after the election.

3748. How soon after?—I could not say.

3749. Was it a week after?—I cannot say.

3750. Was it before Christmas?—Upon my solemn word I cannot say.

3751. Was it last week?—I cannot say.

3752. You cannot say to his Lordship whether it was last week?—It was a week.

3753. Not a fortnight?—It was a fortnight ago to the best of my belief.

3754. How much did Munster pay you for this bin and the feathers?—It was 6*l.*; I cannot say; it was some few shillings over 6*l.*

3755. It was not due?—It was due honestly for the feathers.

3756. Was it to you that he paid it?—I receipted the bill.

3757. Did you read the bill?—I do not know whether I read it or not.

3758. Are you able to read?—Yes, I am.

3759. Do you mean to say that you cannot say whether you read the bill that you were receipting?—I cannot say, because consequently I could not read the bill without specs.

3760. And you could not read the cheque without specs?—I could, if I see the cheque quite well.

3761. Could you read it?—I saw a 50*l.* cheque.

3762. Did you read it?—No.

3763. Had you your specs on?—No.

3764. You were able to read the 50*l.* without specs?—Yes, she put it into my hand.

3765. You were able to read the 50*l.* without the specs, were you?—I did.

3766. Were you?—The figures were so plain.

3767. The figures were so plain that you were able to read them without specs?—Yes.

3768. Who made out the bill which your husband furnished to Mr. Munster?—My husband drew the bill.

3769. Were you present when he drew it?—I was not; I did not mind him.

3770. Were you present?—He asked me how much was my account; I said it was 5*l.*

3771. How many stone of feathers were there, on your oath?—I got the bill with the crane ticket, and I paid it in.

3772. How many stone?—I do not know.

3773. Do you buy feathers?—Yes.

3774. Do you deal in feathers?—Yes.

3775. Do you know the quantity of feathers?—I cannot say; they were in a crane.

3776. On your oath, what bulk of feathers did you send?—I cannot say; the ticket of the crane was there.

3777. Where were the feathers delivered?—At Mr. Munster's house.

3778. At Abbey View?—No; in John-street, Cashel.

3779. Did you bring them there yourself?—I did.

3780. How did you bring them?—An ass and car.

3781. Were they in a tick?—Yes, they were in a tick.

3782. What was the size of the tick?—A large tick, and bolsters too.

Mrs. M. Rochford.
 17 February 1869. 3783. What is the price of feathers in Cashel?—The best feathers are 1 l. a stone.
 3784. But, selling in Cashel, what is the price of feathers?—I can buy them at 1 s. and 1 s. 1 d. a pound.
 3785. Cannot you tell the quantity of feathers?—I cannot say; it depends upon the quality.
 3786. What quality was it?—The best quality.
 3787. What was the weight?—I cannot say, my Lord, but they had the ticket of the crane that they were weighed in.
 3788. What was the value of this bin?—I do not know, but he himself charged for the bin.
 3789. What was the size of it?—A large-sized bin.
 3790. As big as this desk?—Yes, and bigger; I did not mind looking at it; it was a large-sized bin for horses.
 3791. What was the value of it?—I could not say.
 3792. Was it worth 1 l.?—I cannot say.
 3793. Was it worth 10 s.?—He will tell you himself.
 3794. Was it worth 10 s.?—The man that worked at it would not make it in three days.
 3795. One carpenter got 18 s. a week for making it?—Yes.
 3796. He would take three days to make the bin?—He was doing other jobs.
 3797. You cannot tell the value of the bin?—No.
 3798. How long have you been married?—Twenty-two years.
 3799. Has your husband been a carpenter all the time?—I always worked my own way, and never interfered in his business.
 3800. Was it a little bin or a large bin?—Previous to this I said I could not say.

3801. Was it a little bin or a big bin?—You can see it; send one of your men.
 3802. Was it a little bin or a big bin?—I could not tell you.
 3803. Was not it a little bin?—I told you I could not answer the size of it.
 3804. Do not you know that your husband got 20 l. for the bin and feathers, on your oath?—No, my Lord; I protest to my God and Lord we never received a farthing from Mr. Munster in bribery, and never asked him.
 3805. I did not ask a word about bribery?—We never received a penny but what was due.
 3806. What did you do with the bill; has Pat Cunningham got it?—I do not know.
 3807. Did you hear of the 500 l. reward?—It is not in my blood to take anything so disgraceful.
 3808. Did you hear of the 500 l. reward?—Did you hear of it?

Mr. Baron Fitzgerald.] Answer the question.

3809. **Mr. Heron.]** Did you hear of it?—I never heard anything about it.
 3810. Did you hear of it?—I cannot say whether I did or not.
 3811. Are you to get anything for giving evidence to-day?—No; God forbid.
 3812. Have you been promised anything?—No.
 3813. Have you been told that you will get your expenses?—I have been told nothing.
 3814. Will you swear that?—Yes.
 3815. Do you expect anything?—Not a farthing, except what I earn myself, and my husband.
 3816. Are you quite sure of that?—Yes.
 [The Witness withdrew.]

Mr. WILLIAM JAMES O'BRIEN, re-called; Examined by Mr. Butt.

Mr. W. J. O'Brien.
 3817. HAVE you gone through the books?—Yes.
 3818. I asked you about cheques passed on other banks by Mr. O'Beirne through your bank?—Yes.
 3819. Have you found any?—No; they are not drawn by Mr. O'Beirne.
 3820. Are there any passed by Mr. O'Beirne?—Yes; there are two passed by him.
 3821. Tell me any of them passed by Mr. O'Beirne?—Two upon other banks; there was one on the 19th of October, and one on the 14th of November.
 3822. What were they?—£. 200 each.
 3823. By whom were they drawn?—Mr. W. H. F. Cogan.
 3824. Upon what bank were they drawn?—Bank of Ireland, Dublin.
 3825. Now tell me in favor of whom; take the book and read everything about it on the 19th of October and 14th of November?—Yes.
 3826. Tell everything about the cheque on the 19th of October?—"In favour of Mr. O'Beirne, drawn by Mr. Cogan on the Bank of Ireland, Dublin, 200 l."
 3827. That was on the 19th of October?—Yes.
 3828. Was that 200 l. put to Mr. O'Beirne's account, or was it paid to him?—It was put to his account.

Mr. Baron Fitzgerald.] The first 200 l. that was spoken to yesterday, was the 18th

of October; if it was put to his credit, it must be the same sum.

3829. **Mr. Butt.]** I thought it was extra?—No; they both correspond.
 3830. £. 199 19 s. 6 d. was put to his account; I think the 14th of November, a similar sum in the same way is also put to his credit?—Yes.
 3831. **Mr. Baron Fitzgerald.]** One of the dates you gave was the 16th of November, 199 l. 19 s. 6 d.?—It was the same cheque; it was on the 16th my Lord.
 3832. **Mr. Butt.]** You had other lodgments made to Mr. O'Beirne's credit during that period?—Yes.
 3833. Were they paid in cash, or how were they made?—

Mr. Baron Fitzgerald.] The 83 l. was in cash.

Witness.] There was one 200 l. advised from our London office, the 12th of October, that is the first item, and advised to his credit.

3834. How were the other lodgments made?—There are two more; one for 100 l., lodged by H. Raver, a man of Mr. O'Beirne's; it is the 7th of November.
 3835. That is cash?—Yes.
 3836. The next is on the 19th of November, for 30 l.?—Yes.

3837. Was

3837. Was that cash?—It does not say whether it was cash.

3838. The next?—The next is the one by Captain Graham.

3839. I ask you the same thing as to Captain Graham, were there any cheques on other banks passed by Captain Graham?—None.

3840. There are a number of cheques entered there, drawn by Mr. O'Beirne, and paid to the bank?—Yes.

3841. Who pays those cheques at the bank?—I do.

3842. Do you enter into any book the name of the person to whom you pay the cheque?—No; it is done in a skeleton way.

3843. Is it done in any way?—It is done in some branches, but not in Cashel.

3844. Is there any record of the persons to whom those cheques were paid?—None whatever.

3845. You have not the cheques?—

3846. Mr. Baron *Fitzgerald*.] These are all cheques to bearer?—Yes.

Mr. *Butt*.] Now I ask for those cheques.

Mr. *O'Beirne*.] I received a subpoena to produce those cheques the day your Lordship sat; that night I sent a letter to London, requesting them to be sent as soon as possible; the subpoena served in London was not a subpoena *duces tecum*.

3847. Mr. *Butt* (to the *Witness*).] Did you pay the cheques with your own hand?—Nearly all; that is my position; I may have been absent.

3848. Do you know a man of the name of Simon Tracey?—Yes.

3849. Did you ever see him come to the bank with a cheque on Mr. O'Beirne?—I did.

3850. How often do you remember Simon Tracey coming to the bank with cheques of Mr. O'Beirne's?—I think he never brought more than one cheque to me.

3851. Have you a distinct recollection of that one cheque?—I have.

3852. What was the cheque?—I did not cash it at all.

3853. What was the cheque?—I forget the amount of it.

3854. Mr. Baron *Fitzgerald*.] You did not pay it?—He said, Are these cheques honourable here; I said they are certainly, and he took it away again.

3855. Mr. *Hemphill*.] He merely showed it you?—That is all.

3856. Mr. *Butt*.] Just state what Simon Tracey said about that cheque?—Nothing more than what I said; he asked, were they honourable there; I said yes.

3857. When he said that, he showed you the cheque?—Yes.

3858. Had he more than one in his hand?—He only showed me one.

3859. Will you, as nearly as you can, fix the time when he brought that cheque?—I have no idea.

3860. Was it before or after the election?—I have no recollection about it.

3861. Do you know a man of the name of Tom Connors?—There are so many of the name, that I cannot say.

3862. An assistant at Mr. Hanly's?—Yes, I do.

3863. Can you recollect whether he brought

any cheque of Mr. O'Beirne's to the bank?—I think he did one.

3864. By looking at the book, would anything refresh your memory?—No.

3865. Will you allow me to look at that account; be particular in answering me; can you now remember any person whom you recollect bringing a cheque of Mr. O'Beirne's; did Hogan do so; you are obliged to tell me?—I can only go by memory.

3866. You are obliged to tell me?—Yes; Mr. Hogan, of Main-street.

3867. Is that Mr. Hogan the partner of Mr. Ryan?—No; he keeps a shop the other side of the street.

3868. What is his name?—Timothy Hogan.

3869. That was a cheque for 20*l*.?—I cannot tell the amount.

3870. Can you recollect any other person who brought a cheque of Mr. O'Beirne's?—I think I paid a man of the name of Coffey a cheque.

3871. Michael Coffey?—Yes.

3872. Do you know any of the people on the Commons?—I have heard them often spoken of.

3873. Do you remember any one of the commoners ever presenting a cheque of Mr. O'Beirne's?—I do not know their names.

3874. Do you know a man of the name of Hackett?—Yes.

3875. I do not care about their names, but do you recollect any person whom you believe to be a commoner presenting a cheque?—I would not like to undertake to swear it.

Mr. Baron *Fitzgerald*.] It is hard upon him to ask those questions.

Witness.] I have 40 or 50 cheques every day, and it is impossible to answer the questions.

3876. Mr. *Butt*.] Do you know a man of the name of Hackett?—I know several of the name of Hackett.

3877. James Hackett?—No.

3878. Do you know Mr. Ryan and Mr. Hogan?—Yes.

3879. Was there ever a cheque of Mr. O'Beirne's presented to you by either of those gentlemen?—Not to the best of my knowledge; I do not remember it.

3880. I find here, on the 17th of November, a cheque for 100 *l*.; have you any recollection of whom it was presented by?—No.

3881. On the 19th of November; will you just look at the amount; do you observe on the 19th of November that there was an unusually large number of cheques presented?—Yes.

3882. Did it strike you in any way; was your attention called to it?—There were some eight cheques, but nothing very particularly of Mr. O'Beirne's; there were seven cheques.

3883. That is more than I see on any other day; can you remember any person who presented a cheque upon that day?—I cannot swear to it.

3884. Read out the cheques presented on the 19th?—£. 10, 16 *l*, 8 *l*, 6 *l*, 20 *l*, 40 *l*, and 30 *l*.

3885. Try again to remember any other person that ever presented a cheque of Mr. O'Beirne's?—Excepting his men, I may have paid one or two to him.

3886. You remember his bringing cheques?—Yes.

3887. Do you know Geary?—Yes.

3888. Did he ever present a cheque?—I do not remember that he did.

K

3889. Do

Mr. W. J. O'Brien.

17 February 1869.

Mr. W. J. O'Brien. 3889. Do you know anyone of the name of Kennedy?—Yes, I do.
 3890. Did he ever present a cheque?—No.
17 February 1869. 3891. Any Kennedy?—Not to my knowledge.
 3892. Do you know Mr. Keif?—Yes.
 3893. Has he an account at the bank with you; Michael Keif?—I never heard of it before.
 3894. Did Michael Keif ever present a cheque of Mr. O'Beirne's?—I think he did, one or two.
 3895. Did he?—I think he did.
 3896. How many cheques do you think Michael Keif presented?—Perhaps two or three.
 3897. To what amount?—All very small amounts; I really could not tell you.
 3898. You smile at Michael Keif; I suppose he is not in a position to have an account at your bank?—He may be, for all I know.
 3899. Do you know a person of the name of William Ryan Richards, of the racecourse?—Yes.
 3900. Is his name William Ryan Richards?—I know him by the name of Richards.
 3901. Has he any dealings with your bank?—Yes.
 3902. Was there a bill of his in the bank at the time of the election?—He had one in November.
 3903. For how much?—For 25 l.
 3904. When was that bill paid, do you know?—On the 30th of November.
 3905. Let me look at your book?—It is paid by renewal.
 3906. It was renewed?—We call that paid.
 3907. Tell me about those bills of William

Ryan Richards; was there another bill?—Yes; there were two bills altogether with that man.

3908. **Mr. Hemphill.**] Are those bills now in the bank?—These are the bills paid during the month, or about the election; they were 25 l. each.

3909. **Mr. Butt.**] Have you an entry of those bills in your book?—They appear in the book.

3910. Whose name was on them?—Ryan and Thomas Carey on one, and Ryan and Mara and Carey on the other.

3911. Was Mr. O'Beirne's name on them?—No.

3912. Have either of those bills been paid?—Yes; one was renewed, and the other was paid in cash.

3913. Which was paid in cash?—The first one, without Mara's name on it.

3914. When was it paid?—On the 13th of November one was renewed, and the other was paid in cash.

3915. Was Mr. O'Bierne's name on any bill in the bank at the time of the election?—No, I do not believe so.

[The Witness withdrew.]

Mr. Butt applied for an attachment against Simon Tracey, for contempt, in not appearing to his subpoena.

Mr. Baron Fitzgerald stated that he would consider the application.

Mrs. JOHANNAH NOLAN, sworn; Examined by Mr. Heron.

Mrs. J. Nolan. 3916. WAS your house taken at the last election?—No, it was not.
 3917. Your husband voted for Mr. O'Beirne?—Yes.
 3918. **Mr. Baron Fitzgerald.**] What is your husband's name?—John Nolan.
 3919. **Mr. Heron.**] What business is he?—He is a house painter.
 3920. Was your house not taken at all for any purpose?—No.
 3921. Did you see any cheques going?—No, sir, I never did.
 3922. Who canvassed your husband in your presence?—Mr. O'Beirne came in himself.
 3923. Who was with him?—I saw Mr. Michael Hanly and Dr. Coyle.
 3924. And Captain Graham?—No, I think not.
 3925. Do you know Simon Tracey?—I do by appearance.

3926. When did you last see him?—I could not say when I saw him last.

3927. Did you see him within the last week?—No.

3928. Did you see him within the last fortnight?—No.

3929. Does he live near your house?—He does not.

3930. Did you see him about the time of the election?—Yes, I did.

3931. Where did you see him?—Passing in the street.

3932. What did you see him doing?—I did not see him doing anything.

3933. Was he in your house at all?—He never came into my house.

[The Witness withdrew.]

RICHARD PRICE, sworn; Examined by Mr. Butt.

R. Price. 3934. WHERE do you live?—Bally Herbry, four miles from here.
 3935. Were you much in Cashel during the election time?—I came in the day of polling.
 3936. That is all?—Yes.
 3937. Were you never in Cashel before that?—I was.
 3938. Then you were in Cashel on the day of polling?—Yes.
 3939. With whom were you in Cashel on the day of polling?—I was with myself the most part of the day.

3940. Were you beside yourself?—Yes, and several people alongside me.

3941. Who else were with you?—I was with Captain Graham in the evening.

3942. Where were you with Captain Graham?—Up at Dunn's hotel.

3943. What time did you come in on the day of polling?—About 10 o'clock.

3944. In the morning?—Yes.

3945. Did you go to Captain Graham straight, when you came in?—I came here to the court.

3946. Did

3946. Did you see Captain Graham at the court-house?—I do not think I did.

3947. What were you doing all day?—Listening to every person.

3948. Did you take any part in bringing up any voters for Mr. O'Beirne?—No.

3949. You went to Dunn's hotel to Captain Graham in the evening?—Yes.

3950. And Mr. O'Beirne was there?—Yes.

3951. That was the day of the polling?—Yes.

3952. When had you been in Cashel before that?—I usually came in once a week, or twice a week, according to my business.

3953. When, before the day of polling, had you been in Cashel last?—About a fortnight, I think.

3954. Had you not been in Cashel for a fortnight before the polling?—I think not.

3955. Were you with Captain Graham?—I met him at Mr. Hind's, at Lower Main-street.

3956. Did you stop with him long that day?—Five minutes.

3957. Did you go to Dunn's hotel with him?—No.

3958. Were you never in Cashel from that to the day of the polling?—I may.

3959. Were you?—I do not know whether I was or not.

3960. Were you helping Mr. O'Beirne at the election?—No.

3961. You did nothing for him?—No.

3962. Or for Captain Graham?—No.

Cross-examined by Mr. Curtis.

3963. Do you know Mr. Michael Joseph Laffan, a solicitor?—Yes.

3964. Do you know Mr. Munster, the Petitioner?—Yes.

3965. Do you remember having been sent for at any time after the election?—Yes.

3966. By whom?—Mr. Laffan, I was told.

3967. How long after the election was that?—About a week; on a Sunday he sent for me.

3968. Did you go to Mr. Laffan?—I did, on the Monday morning.

3969. Where did you see him?—In his office.

3970. In Cashel?—Yes.

3971. What took place between you?—He asked me what I would take to prove bribery against Captain Graham and Mr. O'Beirne.

3972. Laffan asked you?—Yes.

3973. What did you say?—I told him I heard he had offered 500 *l.* for me, and if he gave me that I said I would tell him all that I knew about Captain Graham and Mr. O'Beirne. He said he could not buy a pig in a bag; and I said if the pig in the bag was not worth it he should not buy it.

3974. Then there was no pig in the bag; did you see Mr. Munster?—No; I saw Mr. Leahy.

3975. What took place between you?—He wanted me to lay it in certain people's hands; I said my hands were the best.

3976. Whose hands?—One Dr. Russell, or the Archdeacon of Cashel. I said I would have it in no man's hands but my own.

3977. What amount did they say was to be put in their hands?—£. 500.

3978. How long after the election was that?—About a week.

3979. At the same time you saw Mr. Laffan?—Yes, on the same day. He said, had I any

objection to go to John-street, where Mr. Munster lived. I said, "Not the least."

3980. Did you go?—Yes, and I met Mr. Leahy and the two Mr. Laffans, and they laid down several ways for me to take the money. I said I would take it in no way but the one.

3981. What was the result of that conversation?—That is all that I know.

3982. Did you know anything to tell them?—Not a halfporth.

3983. Did you do anything at all for Mr. O'Beirne during the election?—Never; I never knew the gentleman till Captain Graham brought me up to see him.

3984. Did you offer any reward for anyone to vote for or support Mr. O'Beirne in any way?—No.

3985. Did you offer any reward, directly or indirectly, for any man to support Mr. O'Beirne?—No.

Re-examined by Mr. Butt.

3986. You had nothing to tell Mr. Laffan?—No.

3987. Would you have taken the money?—I would, if they gave it to me.

[The Witness withdrew.

Mr. Butt stated that he had now closed the general case on behalf of the Petitioner, as regards avoiding the election on the ground of bribery, and he would now proceed with the scrutiny. He stated that he proposed to take each vote separately, according to the uniform practice of the House of Commons.

Mr. Hemphill was heard against the proposition, and contended that the Petitioner should take the whole of the votes together, and give all the evidence upon that part of the case before the Respondent should be called upon to answer.

After some discussion,

Mr. Baron Fitzgerald ruled in favour of the course proposed by Mr. Butt.

Mr. Butt handed in the poll-books as evidence in support of his case. He stated that the first vote objected to was that of Charles Biancony, No. 3 on the register, who claimed his vote as a freeholder. He contended that there was no such franchise in Cashel as that of a freeholder, and was heard in support of his contention.

Mr. Hemphill was heard in support of the vote.

After some discussion,

Mr. Butt withdrew his objection.

Mr. Butt.] We propose to strike off the name of Mr. Patrick Connors as being a paid agent; he has admitted that he was agent for election expenses.

Baron Fitzgerald.] What is the section?

Mr. Butt.] The 8th section of the 31 & 32 Vict. c. 49. (No voter who within six months before or during any election shall have been retained, hired, or employed, &c.) The Act 26 & 27 of the Queen, c. 29, compels the appointment of agents; I submit that the appointment of the person without a condition that he will act for nothing is an appointment for hire.

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Mr. *Hemphill*.] He stated that he never was paid, never agreed to be paid, or expected to be paid; the appointment was made behind his back. In the Dublin election nearly 400 agents were acting for the sitting Member, who all acted gratuitously; and it never was pretended for a moment that they were not entitled to record their votes.

Mr. PIERCE GRACE, re-called; and re-examined by Mr. *Hemphill*.

Mr.
P. Grace.

3988. Mr. GRACE, you told us already that Patrick Connons was named by you and Mr. O'Beirne as agent?—Yes.

3989. Did you see Patrick Connon at any time before he polled?—I did, and the discussion has now brought a matter to my recollection; I was asked when I told him after the election that he had been appointed. Connons spoke to me before he voted; he said, "He thought there was a mistake made in appointing him as agent, as an agent could not vote"; and I then told him that that made no difference, that as he was not a paid agent he could vote.

3990. And did he acquiesce in the statement that he was not a paid agent?—Quite so.

3991. Mr. *Butt*.] When was that?—That was before he voted; in fact, it was only the discussion now that brought the matter to my recollection.

Cross-examined by Mr. *Butt*.

3992. Do you mean to say now, that you told him he was agent for election expenses before he voted?—I do.

3993. Have you any doubt at all about that?—I have not the slightest, because the discussion here has brought it to my recollection; Connons put it expressly before me that I had disqualified him by appointing him an agent; I told him that he was not disqualified, inasmuch as he was not a paid agent.

3994. But he did not give you any pledge that he would not take payment for his election expenses?—Oh, certainly not; it was clearly understood that he was not to be paid.

3995. Will you tell me, did you hear him swear he never knew he was election expense agent?—I heard him swear something about it; I think I told Mr. Heron that I told him very soon after the election.

Mr. *Butt*.] Because they all signed a declaration saying that they would not require payment.

Mr. *Hemphill*.] I would like to ask Mr. Grace a question.

3996. We are not speaking of your evidence; did you hear him say that?—

Mr. *Hemphill*.] I think he said afterwards that he heard something about it either on the day of polling or of nomination.

Mr. *Butt*.] No, indeed.

Baron *Fitzgerald* read the evidence previously given by Connons on the points.

3997. Mr. *Butt*.] Mr. Grace, will you tell me this; as I understand you, it was he who said to you that you had disqualified him by making him agent, first?—Yes; either that, or that "I cannot vote"; something tantamount.

3998. Then that was not said in consequence of any communication from you, but was a statement from him?—I think so.

3999. As well as you recollect?—I think so.

4000. Of course when he made that statement he knew he was appointed?—He must.

4001. Had you not posted through Cashel a copy of that clause of the Act disqualifying persons who are agents?—I had.

4002. It was particularly relating to the Commons; to some attempts to make persons paid agents for the Commons?—Precisely so.

4003. Can you recollect whether Connons alluded to the Commons when he spoke to you?—I am sure he did; I have no doubt of it.

4004. And then you told him "not if you are not paid"?—"Not if you are not paid." I think I said, you are not a paid agent, and therefore you are not disqualified; something tantamount to that.

Mr. *Butt* submitted that on the evidence Connons was not entitled to vote.

Baron *Fitzgerald* ruled against the objection to the vote of Connons.

[The Witness withdrew.]

WILLIAM CASHAN, Examined by Mr. *Heron*.

W. Cashan.

4005. (*Handing document to Witness*.)] Is that your name on the back of that?—It is so long ago; give me a pen and I will write my name; it is too long ago when I wrote my name before; I can't prove it.

4006. This is the five-guinea cheque you got last November; I think you are 'cuter than you look; do you want to write your name in order to get the money?—I don't want any money at all.

4007. Take that in your hand, and look at it?—To the best of my opinion I think it is, but I could not swear to it; to the best of my opinion it is my name.

4008. Who gave you that?—Who gave it to me; some one of the Laffans gave it to me.

4009. Did you put it in the bank?—I did, and he told me to run over and change it.

4010. And get the money at the National

Bank?—I got it at the bank; I don't know what bank it is.

4011. Five pounds five shillings?—Yes.

Mr. *Heron* read the document as follows:—Cashel, 4th November 1868. National Bank.—Pay to Mr. William Cashan, or order, Five pounds five shillings, as retainer. Signed by *J. W. Laffan*, and endorsed by the Witness.

Cross-examined by Mr. *Hemphill*.

4012. It bears date the 4th of November?—Yes.

4013. Was it in Laffan's office that he gave it to you?—Below; in Corcoran's hotel.

4014. What did he say?—I don't know whether he was doing wrong, because he was forcing the whisky upon me and I could not take it.

4015. What

4015. What did Mr. Laffan say or do to you when he handed you that cheque?—He said he had a job for me.

4016. For whom did he say?—I thought it was for the horses he had the job.

4017. What did he say; did he say anything about horses?—He did not.

Baron *Fitzgerald*.] We had all this before.

4018. Mr. *Hemphill* (to *Witness*).] Were you told that this was to retain you as agent for Mr. Munster?—No, I was not.

Baron *Fitzgerald*.] What is the ground of disqualification relied on?

Mr. *Butt*.] The ground has failed on proof.

Mr. *Hemphill*.] Then he remains on.

[The *Witness* withdrew.

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JOHN CASSIDY, Examined by Mr. *Butt*.

4019. Mr. *Butt*.] HE appears by the poll-book to have voted for Mr. O'Beirne; look at that cheque; you got that cheque?—I got a cheque; I could not say it was that; I did not mark the cheque.

4020. His name is not on the back of it (to *Witness*). You got a cheque, at all events, for five guineas?—Yes.

4021. What did you get that cheque for?—For to take an agency from Mr. Laffan.

4022. For whom?—Oh, I suppose for Mr. Munster.

4023. You took the cheque?—Yes.

4024. And agreed to act as agent?—Well, I agreed to see Mr. Laffan again.

4025. But didn't you take the cheque?—I did.

4026. Did you not agree to act as agent; did you not tell him you would act as agent?—I did not tell him I would act as agent, but I told him I would see him again.

4027. You did not retain the cheque?—No, I did not retain the cheque; but perhaps I may remark to you, if you will allow me, that I was quite ignorant of what I was doing with regard to the law. I thought I might act as agent; at the same time I had no idea in the world of damaging my vote for Mr. O'Beirne.

4028. When you took that, you thought you could vote for Mr. O'Beirne, and intended to vote?—No doubt in the world of it.

4029. Although you were the paid agent of Mr. Munster; and you might have done it until lately; but when you found out the contrary, you wrote that letter?—I did not write that letter, but—

4030. It was written for you with your consent?—Oh, yes; that is my name.

4031. You signed it then?—Oh, yes.

Mr. *Butt* read the following letter:—
“Cashel, 6th November 1868.—Sir, You did not inform me that no retained agent could vote at the next election, which I now find is the case. I am pledged to vote for Mr. O'Beirne, and therefore refuse to accept your offered retainer for Mr. Munster, and return you the cheque herewith.” That was the same day as the cheque.

Witness.] Perhaps I may remark to your Lordship, that I was regularly snared into it through ignorance of the law. Mr. Laffan attempted several times, and he got me for it. I would not wish it, for all I could mention, that my vote should be damaged for Mr. O'Beirne.

4032. Mr. *Curtis*.] In point of fact, you did return the cheque?—On the same day, within a few hours. As soon as ever I found that I had erred and done an act contrary to law.

Mr. *Butt*.] You have not done anything contrary to law.

Witness.] Oh, yes; because a paid agent could not vote safely for himself.

[The *Witness* withdrew.

Mr. *Butt*.] We will give up this case. Now I propose to take off the poll the vote of Captain Graham as having bribed.

Mr. *Hemphill*.] Are you going into further evidence?

Mr. *Butt*.] We are, as to any votes that require it.

Mr. *Hemphill*.] Are you taking up Captain Graham's case on the evidence as it now stands?

Mr. *Butt*.] As far as I know, on the evidence as it stands now.

Mr. *Hemphill*.] I think it not unreasonable to ask my friend whether he is going into the rest as to this particular vote now? He must now make his election.

Mr. *Butt*.] I am, certainly.

Baron *Fitzgerald*.] I don't think that would be perfectly fair. With reference to all these *Witnesses*, I will determine none of the cases, for these very persons may have to be called on the general case, and evidence might then come out which it would be most material to consider. I think it should be the same way with respect to Captain Graham, if you intend to call him on the general case, for then his cross-examination might be most material on the point now at issue.

Mr. *Butt*.] I thought they might have called him now.

Mr. *Hemphill*.] I have no objection to call Captain Graham now, reserving my right to call him as to the general case.

Baron *Fitzgerald*.] If you do, this must stand as it is now. I can see that it might be a great inconvenience to you to call a man charged as being an agent, now, for that is directly bearing upon the other parts of the case, and we are not upon that now at all. It was an inconvenience of this kind that I was thinking of before.

Mr. *Hemphill*.] I call on you (Mr. *Butt*) now then to make your election, and go on with this vote or abandon it.

Baron *Fitzgerald*.] Oh, no; not anything of that kind. There is *prima facie* evidence; but I will hardly deal with this as I would with the others as a concluded case. I am dealing with the others, though I won't determine, except in cases which I see clearly are cases that might be determined by the evidence now given; but I wish to make an exception in those cases in which the parties

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may be necessary to be called on the general case, for I may be bound by what might afterwards turn out.

Mr. Butt.] Then it would be most convenient for all parties to reserve the decision upon Captain Graham's vote at present.

Baron Fitzgerald.] If you call him now on this particular question, reserving to yourself the right to call him on the general question afterwards, the question now, on his vote, must be determined upon the evidence now given.

Mr. Hemphill.] Well, I would rather reserve him for the general case.

Baron Fitzgerald (to Mr. Butt).] But if you have any more evidence to offer, you had better offer it now.

Mr. Butt.] I thought it would have been more convenient to have called him now.

Mr. Hemphill.] I will not produce any witness in the conduct of my case until it suits my convenience.

Mr. Butt.] That is not fair. I wanted to separate these two petitions originally.

Mr. Hemphill.] On what ground do you seek to strike off Captain Graham's vote; I have a right to ask?

Mr. Butt.] On the ground that he is a person who, if the evidence is believed, is proved to have been bribed. That disqualifies him from voting. When I challenge his vote I think he ought now to come on the table, and meet the case made against him.

Mr. Hemphill.] I will not produce Captain Graham at this stage of the case.

Baron Fitzgerald.] Captain Graham's case I mark now, as standing; but I would be glad that any evidence as to him, that you wish to rely on, you would produce now.

Mr. Hemphill.] This would drive us to the course of calling Captain Graham as one of our witnesses to know does he admit the bribery or not.

Baron Fitzgerald.] It is for you to judge whether you will call him or not as to this point. All I want you to do now is to offer all the evidence that you intend to offer.

Mr. Butt.] I am willing to let the case rest now if they will answer it now; but there are several of these commoners that we are going to object to.

Baron Fitzgerald.] I think the fairer way, as they say they won't call Captain Graham, is to leave his case completely over for it.

Mr. Butt.] Precisely. That is all I ask. We next propose to strike off the votes of Michael Ryan and Michael Murnane upon the evidence already given.

Baron Fitzgerald.] Neither of them are alleged to be agents.

Mr. Hemphill.] Murnane has not been examined. What is your ground as to this?

Mr. Butt.] That they were bribed by the nominal payment of 60 l. for the house.

Baron Fitzgerald.] Do you intend to offer anything further as to that?

Mr. Hemphill.] It was Mr. O'Beirne who took the house from Michael Ryan. Of course, there again, we must in the progress of the case examine Mr. O'Beirne, and it would be rather inconvenient to do so now.

Baron Fitzgerald.] I think so.

Mr. Hemphill.] They have subpoenaed all these witnesses, Captain Graham and Mr. O'Beirne.

Baron Fitzgerald.] Mr. Butt, I don't know what your evidence against Murnane is.

Mr. Butt.] That he was brought into distinct negotiation for the room.

Baron Fitzgerald.] As it will be absolutely necessary to call Mr. O'Beirne, there would be great inconvenience in calling him now upon this particular case.

Mr. Butt.] There must be a general examination certainly.

Baron Fitzgerald.] Before I have their case opened, it strikes me that there would be really something unfair in calling him.

Mr. Butt.] There is a little difference between Mr. Heron and myself as to our impressions of what your Lordship has said. I understood you to say that, even if we closed our case against Captain Graham, you would not compel them to produce him now.

Baron Fitzgerald.] I don't consider that you are closing him now at all.

Mr. Butt.] But supposing you did, you would not put them to produce Captain Graham now?

Baron Fitzgerald.] I think not. Oh, no; for the reason that I think it would be unfair to treat you as closed, when part of your evidence against Captain Graham, your subsequent cross-examination of him.

Mr. Heron.] Supposing that we now decided to close the evidence against Captain Graham, if we say that we have no further evidence of bribery against Captain Graham, I think he ought then to be produced.

Baron Fitzgerald.] I won't oblige them to do it, Mr. Heron.

Mr. Butt.] We think that, on the same grounds, you should make the same rule with regard to Patrick Mackey, Thomas Murphy, Michael Coffey, and Timothy Hogan.

Baron Fitzgerald.] There would be enormous difficulty in calling Mr. O'Beirne to each of those cases.

Mr. Butt.] As having taken part in corrupt treating, we ask you to strike off Patrick Connors, Denis Guirey, Patrick Maher, Patrick Maunsell, Michael Dwyer, Joseph Ryan, and Richard Grace.

Baron Fitzgerald.] All these are persons against whom evidence is already given.

Mr. Hemphill.] This is for treating. On what section do you rely?

Mr. Butt.] We go upon the 4th section. We add to those whom we claim to take off for bribery, the name of Simon Tracy.

Mr. Hemphill.] He is not a voter.

Mr. Butt.] Then we cannot take him off. Supposing that we succeed in all the others, it will make 14 votes to be taken off. Now we propose to call some of the commoners.

PATRICK KENNEDY, sworn; Examined by Mr. Butt.

4033. WHERE do you live?—On the Commons.

4034. You are an elector?—Yes.

4035. Do you know a man named Dan Noley, at the Commons?—I do.

4036. Were you at his house a short time before the election?—No.

4037. At all?—At all.

4038. Who first asked you to vote for Mr. O'Beirne?—No one but myself; I wished to vote for him.

4039. Did no one ask you?—No one ever asked me; but I said I would go where my neighbours were going.

4040. Whom did you say that to?—Some of the neighbours.

4041. Did Mr. O'Beirne himself never ask you?—No.

4042. Nor Tom Connons?—Never; nor anybody else.

[The Witness withdrew.

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PATRICK CONNELL, sworn; Examined by Mr. Cartan.

4043. WHERE do you live?—On the Commons.

4044. Did you vote at the last election?—I did.

4045. You voted O'Beirne, I believe?—Yes.

4046. Who was it asked you to vote for Mr. O'Beirne?—My mind was laid out to vote for O'Beirne before he came to Cashel at all.

4047. But did anyone ask you?—They did.

4048. Who asked you to vote for O'Beirne?—Mr. O'Beirne came round on the Commons, and asked me would I go with him, and I told him I would.

4049. Do you know a man named Tim Shee?—I do.

4050. Do you know a man named Connons?—I do.

4051. Do you remember, on a night in November, either Shee or Connons going to his house?—I do.

4052. Was it to your house or to Noley's house?—It was to my house they called.

4053. Did Shee and Connons, or one of them?—They did.

4054. Both went to your house?—They did.

4055. What passed between you that night?—They asked me was I pledged to Mr. O'Beirne, and I told them I was; then they told me to sign my name to a kind of paper they had, and so I did; and that was all about it then.

4056. Had Connons any money with him?—No.

4057. Are you sure of that?—I am.

4058. How much did you get for voting?—I got no money.

4059. No money?—Nor was not promised.

4060. Did you get a cheque?—No.

4061. Do you know what a cheque is?—I do not.

4062. Did you get anything in 1865?—No.

4063. Did you vote for O'Beirne in 1865?—I did.

4064. You got nothing in 1865?—No.

4065. You gave your vote from pure love and affection for Mr. O'Beirne?—I did.

[The Witness retired.

P. Connell.

DANIEL NOLEY, sworn; Examined by Mr. Butt.

4066. WHERE do you live?—On the Commons of Cashel.

4067. You are an elector?—Yes, sir.

4068. Do you remember, one evening, Mr. O'Beirne being at your house before the election?—I do.

4069. I believe he met a number of commoners there?—Four or five.

4070. Who were the four or five that he met there?—Daniel Malony was one; Thomas Walsh was another; Jeremiah Neei, and Patrick Holland.

4071. Did Mr. O'Beirne ask them for their votes?—No.

4072. He did not?—No.

4073. He did not say a word about their voting for him?—No.

4074. You swear that?—I do.

4075. Did they say anything to him?—No.

4076. Will you just tell me what was said by any of the persons present upon that occasion; what passed; how long was Mr. O'Beirne in the house?—Between half-an-hour and an hour.

4077. Then it was a quakers' meeting; you were all silent?—No; not silent.

4078. What were you talking about, then?—

About retainers, sir; I myself was the author of it. They came to know; they had found out; might they be retainers for the Common.

4079. For what?—For Mr. Munster.

4080. Why did you bring those four or five persons there?—I considered—we considered that those were four or five who knew the knowledge of all the rest of the neighbours.

4081. Who was with Mr. O'Beirne?—No person; there was Keefe, sir, I believe.

4082. Anyone else that you recollect?—The driver that drove his car.

4083. What time of the day was it when Mr. O'Beirne came out there?—Something about dinner time.

4084. Two or three o'clock?—A little earlier; between one and two in the day.

4085. Did you say anything about the last election, the election of 1865, while you were talking there?—No.

4086. Did no one mention the election of 1865?—No.

4087. Or say anything about it?—No.

4088. Had you voted for O'Beirne at the election of '65?—I had.

D. Noley.

- D. Noley.* 4089. Were you one of those that gave a bill for 30 *l.* to anyone?—No.
- 17 February 1869. 4090. Did you get 30 *l.*?—No, sir; but I gave a cheerful vote for him.
4091. You say Mr. O'Beirne did not ask them for their votes?—I do.
4092. Do you remember Mr. O'Beirne saying, "Will you now be satisfied with the same arrangement as the last time?"?—No.
4093. Or anything like that?—No.
4094. Will you swear he did not?—I will.
4095. Was that the only time you saw Mr. O'Beirne out there?—Oh, he came to us before that.

4096. Did you hear him saying anything like this: "Will you be satisfied with what was done before?"?—Never.

Mr. Butt.] I don't think we can carry the cases further, so we will close our case altogether.

Baron Fitzgerald.] I will consider the other 147 cases as still open to you.

The Court then adjourned. On resuming,

Mr. Hemphill opened the case on behalf of Mr. O'Beirne, the Sitting Member.

CORNELIUS CARROLL, sworn; Examined by Mr. Curtis.

- C. Carroll.* 4097. WHERE do you live?—At the Lower Gate.
4098. You are a voter of Cashel?—I am.
4099. Do you know Mr. John Coman?—I do.
4100. Do you remember the 13th of November last?—I do.
4101. Did you see Mr. Coman on that day?—I saw him in the evening.
4102. You saw him on that day in the evening?—I saw him at five o'clock in the evening.
4103. Where did you see him?—At my own house.
4104. Did he come to you?—He did.
4105. Did any conversation take place between you?—There did.
4106. What was it?—He brought me into my own room off the shop, and read Dean Cantwell's letter for me, and told me he had a conversation with Pat Laffan. Pat Laffan told him he would not like to get him into it.
4107. What was the letter about?—In praise of Mr. Munster; that he was a good man. He read the letter to me.
4108. What was in the letter?—It was in praise of Mr. Munster, and told the people of Cashel to vote for him.
4109. After reading the letter, what did Mr. Comans say; did he say anything further?—He did.
4110. What was it he said?—He said he was talking to Pat Laffan.
4111. About what?—About whisky.
4112. Tell us what he said?—He said it was better not to give me any whisky.
4113. Who said that?—Mr. Comans.
4114. Does he sell whisky himself?—He does.
4115. What then occurred?—I said it was better not to get a third into it; there should be something else done.
4116. What was further said at that interview after the whisky was mentioned?—He came out, and read the letter again for my sister, and told me to go up to Corcoran's hotel, and that I would meet Pat Laffan there.
4117. Did he name the hour?—Half-past seven o'clock.
4118. *Baron Fitzgerald.*] 'What is your sister's name?—Anastasia Carroll.
4119. *Mr. Curtis (to Witness).*] Did you go at the hour named to Corcoran's hotel?—I did.
4120. Whom did you meet there?—I went upstairs, and met Pat Cunningham on the landing, and inquired for Pat Laffan; he told me he was inside in the room reading the letter; he told me to wait until he would be down, that it would be

in a few minutes; he went in, and told him I was there.

4121. What then occurred?—I waited then for a long time, and he was not making his appearance, and I was going to go, but Cunningham told me to wait, that he would be down in a few minutes; I waited then, and he came out.

4122. *Baron Fitzgerald.*] Who came out?—Pat Laffan.

Mr. Hemphill called attention to the fact that two witnesses, Comans and Cunningham were in court, listening to the evidence.

Baron Fitzgerald.] All witnesses on both sides who have received subpœnas must leave court.

4123. *Mr. Curtis (to Witness).*] You say he brought you into a room with him?—Yes; into a dark room; there was no light in it.

4124. You went into the room?—I did.

4125. Was there anyone there but you and he?—Not a Christian; only us both.

4126. What occurred when you went in?—We went to the front of the room, and he spoke to me, and said that he was talking to Mr. Comans.

4127. Before that, did he say anything about the door?—He had not at that time; he said it would be better not to get Comans, a third person, into it at all at all, and that they would do something else.

4128. In what way?—I suppose in the way of money, besides whisky.

4129. Something else for you?—Yes.

4130. But did he say anything about the door; did he tell you to close the door?—He told me that they would rather win at the poll; that it would be better to win at the poll, and be beaten after by petition. He said, "Don't let anyone know it; come up to me on Monday at 12 o'clock, and I will make you all right." I left the room. That is all that occurred in the room then.

4131. I asked you the question a while ago, When first you went into the room, while you were there did he say anything to you about the door?—Before he told me he would "make it all right" he told me to close the door; that he did not want to have anyone hear it.

4132. Did he say to you to come to him at 12 o'clock on Monday?—Yes.

4133. Did you go to him at 12 o'clock on Monday?—I was walking about the town, about 11 o'clock, and a man named Beary came out of the hotel.

4134. What

4134. What is Beary?—He is a process server.

4135. What occurred when you met Beary?—He told me to go to Pat Laffan, that he wanted me; I asked him what he wanted with me.

4136. Was Beary in Mr. Munster's employment at that time?—He was an agent.

4137. Did anything occur when you met Beary?—Nothing more than that he told me to go in to meet Pat Laffan.

4138. In where?—To Corcoran's Hotel.

4139. Did you go into Corcoran's Hotel?—I did not go into it at that time; I waited for about half-an-hour, for there was a crowd about it, and I did not like to be seen going in then.

4140. Did you go in at the end of the half hour?—I did.

4141. Whom did you meet?—When I went inside the door, I saw Cunningham and Pat Laffan on the first landing; both of them were together.

4142. What then occurred?—It was in to Pat Laffan I went, but Cunningham came down to me; I never was called in, only he just came to me and brought me into the parlour; both of us went into the parlour; no one but the two of us were there, Cunningham and I. He asked me could I set a part of the house or yard; I told him I could not. "Don't you know what I mean?" said he. "I do," I says. "Well, how much?" says he. "Forty pounds," says I. "Oh, that is too much." "Well," says I, "I think you will have to give more." So he offered me 30 L. "I won't have it," says I. "Well, we will divide the 10 L." "Very well, I cannot settle with you now," says he, "until evening, when I will meet you," said I. "Don't come down to the house; if you want me, see me in the street; I won't come any more to this house."

4143. What then occurred?—I was going home to my own house in the evening about four o'clock, when I was just opposite Miss O'Dwyer's hotel or a bit farther; Cunningham came up to me and asked me, "Would I take half the notes and he a half, until four o'clock on Friday evening." I said, "I would not; that he should depend on me and give me the whole." He said, "it was against the rule; that he could not."

4144. Until four o'clock on Friday evening; was not that the day named for the polling?—Yes.

4145. What then occurred?—So he brought me down to the hotel, and I went with him, and I think it was on the first landing we stopped; we did not go into the room. He asked me, "Would I leave the money in Mr. Coman's hands." I objected to it, and asked the money again from him. "Can you not depend on me and give me the money to myself?" He said, secondly, "it was against the rule, that he could not do it." I did not see any money at that time. He went into the room and brought out a bundle of notes in his hand, and called the servant for a pen and ink. She came with that and an envelope, and so he counted 35 L., and had a 5 L. note left. Said I, "You may as well make it 40 L. and put it into the envelope." "No, I could not," said he. I could not say who was in the room that gave him the money, but I suppose he himself will tell. So he put the money into the envelope and signed "John Coman" on it.

4146. What did he do with the envelope then; would you know the envelope if you saw it?—I would; it was a plain envelope; a common envelope.

4147. Is that it (*hands document*)?—That is it.

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4148. You wrote your name on it?—Yes.

4149. Is that your name and handwriting written on it, for the purpose of identification?—It is.

4150. What occurred then?—He closed it up and told me to follow him over to John Coman's; he brought over the letter in his hand.

4151. Cunningham did?—Yes.

4152. What then occurred?—I went over after him to John Coman's.

4153. When you came there, what happened?—I went up the lane way, and when I went into the parlour door, Mrs. Coman and Cunningham were standing there; he invited me to a glass of brandy. I refused it, saying, "I would not take anything." He asked me, "would I leave the letter with Mrs. Coman until four o'clock on Friday evening." I said, "I would not."

4154. Did you say what was in the letter?—No, I did not; I did not say what was in the letter to her; so then he asked Mrs. Coman to send for Mr. Coman; Mr. Coman was sent for and came up the lane; we were standing in the parlour; he came in; Cunningham and I were standing at the door. I spoke first, and said, "Cunningham has a letter here for 35 L., will you keep it?"

4155. Baron *Fitzgerald*.] Did you say that to Coman?—Yes; I said, "Will you keep it till four o'clock on Friday evening?" "I will not," said Coman; "I will have nothing to do with it;" going back again into the kitchen. "Now," said I, "Cunningham, did not I tell you that would be the way; so I will go home," said I, "and stop here no longer." So I was going down the lane way when Coman called me into the kitchen. "What is this about?" said he; said I, "He has money here, and he won't take my word and give it to me."

4156. Did any one join you about that time?—There were several in the lane at that time.

4157. Do you remember any names?—There was a man named Feehan; Cunningham made a remark, saying "he had a little business to do;" so I came out with Coman then, and was going down the lane. "Don't be in a hurry," said Cunningham. I said, "What is the use of stopping here;" so with that I turned up the lane. I think Cunningham and Mr. Coman walked out into the kitchen. Only I had occasion to go up the lane, I would have gone home; he followed me up with the letter.

4158. Baron *Fitzgerald*.] Who did?—Cunningham.

4159. Mr. *Curtis*.] Did he overtake you?—I was about five or six minutes on.

4160. What occurred when he came up?—He handed me the letter, and I took it. "Now," said he, "make out all the information you can, and don't be trusting to that." "I will make out no information at all," said I; "I will go with Mr. O'Beirne, and I will vote for him."

4161. And you accordingly did vote for Mr. O'Beirne?—I did, decidedly, I think they were half notes.

4162. Would you know them if you saw them?—I saw the money counted.

4163. What did you do with this (*document handed to Witness*)?—I never opened it; I kept it in my pocket.

4164. To whom did you give it?—To Mr. Grace.

4165. That same evening?—The very same evening.

L

C. Carroll.

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C. Carroll.

Cross-examined by Mr. Butt.

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4166. When did you first speak to Mr. Coman about the election?—I often spoke to Mr. Coman; I cannot tell you at what exact time.

4167. Was it long before this day that you got the notes?—That I spoke to Mr. Coman?

4168. Yes; was it long before that you first spoke to Mr. Coman?—The first time of all?

4169. About the election?—I might have spoken two months before to Mr. Coman about the election.

4170. Did you ever ask Mr. Coman to get you some employment about the election?—I knew well he could not get me any employment.

4171. Did you ask him?—Never.

4172. Did you ask him to get your house taken?—To get my house taken?

4173. Yes; do you understand the question I am putting to you; did you ever ask Mr. Coman to get your house taken?—Yes, I might have asked him.

4174. Did you ask him?—I did.

4175. To get your house taken?—Yes.

4176. How often did you ask him to do that?—I could not account for that.

4177. Did you ask him more than once?—I may.

4178. Did you?—I will say more than once.

4179. You did ask him more than once?—I did.

4180. More than twice?—No, I did not ask him more than twice.

4181. Had you a house to let when you asked Coman to get your house taken?—A house to let?

4182. Yes?—I had not.

4183. Then you asked Coman to get your house taken, when you had no house to let; is that so?—It is.

4184. What are you; what is your occupation? A public-house.

4185. How large is your house?—Not very large; then there are only two rooms down below and two overhead; five beds in one and three in another, always occupied.

4086. Did Mr. Coman refuse to get your house taken?—He did.

4187. And did you after that go back again to ask him to get your house taken?—I did not.

4188. How often did he refuse you?—He did not refuse me more than—I never was—I may have spoken to him twice.

4189. Did he refuse you?—He did.

4190. And did you then, after being refused by Mr. Coman, go up to Corcoran's Hotel to Laffan?—To which of them; there are two Laffans.

4191. Well, to Mr. Pat Laffan that you have been talking about?—I did.

4192. And did you ask Mr. Laffan to take your house?—Never; I never asked Pat Laffan to take a house.

4193. Did you agree to let him your house?—Never; I would not set my house to him.

4194. Did you set it to any one?—Never.

4195. Whom did you vote for in 1865?—I never had a vote before this time; they were canvassing me four times a day.

4196. Who were canvassing you?—Mr. Laffan there, Mr. Michael Laffan.

4197. Four times a day?—Aye, sometimes he would come to me four times.

4198. Who else?—No one else.

4199. Did any one else but Mr. Michael Laffan come to canvass you for Mr. Munster?—No.

4200. Did Mr. Munster canvass you himself?—He did.

4201. Did you promise to vote for him?—No sir, he did not ask me.

4202. Well that is what I mean by canvassing, and he did not ask you?—No.

4203. Did Mr. Michael Laffan ask you to vote for Mr. Munster?—He did.

4204. What did you say?—I said I would not vote for him at any time.

4205. Did you ever promise to vote for Munster?—Never.

4206. Then you did not promise to vote for Mr. Munster when you had this interview with Laffan and Cunningham?—Never.

4207. Do I understand you to say that from beginning to end you never promised to vote for Mr. Munster?—Never.

4208. Did they come to you to get your house from you?—They did.

4209. When?—That night about nine o'clock, when I was after giving up the money.

4210. They came to get the house from you?—It might be.

4211. Who came?—Cunningham.

4212. He asked you for the house?—Yes.

4213. And you refused to give it?—I did.

4214. Then you did not set your house?—Never.

4215. But Cunningham came and asked you for it?—Yes.

4216. Did he say he wanted it?—He said he wanted a room and part of a yard.

4217. Was not that what he had asked you for when he spoke to you first; a room and part of a yard?—It was, but I denied giving it to him.

4218. But did he not ask you for it?—He did.

4219. He came out at about nine o'clock that night to ask you for it?—Yes.

4220. Did he tell you what he wanted with it?—No.

4221. At any time?—No.

4222. Did he tell you that he had lost Ryan's and Murnane's house; on your oath?—He never did.

4223. He never told you that?—No.

4224. And when he came to you at nine o'clock, did he not tell you what he wanted with it?—No.

4225. You never intended to let your house?—No.

4226. And you never intended to vote for Mr. Munster?—Not at any price.

4227. What did you go there for then?—What?

4228. What did you go there for?—Go where?

4229. To Corcoran's Hotel?—When he sent for me.

4230. What did you go to Mr. Coman for?—To Mr. Coman?

4231. Yes?—Sure I often went to Coman's.

4232. What did you go to Mr. Coman's for, sir?—If he could get me money at the election.

4233. Then you went to Coman to get you money at the election?—Yes, if it was in his power.

4234. For what did you expect to get the money?—For my vote, I suppose.

4235. To whom were you to give your vote, that you thought Mr. Coman would get you money for?—To whom I would like.

4236. Is

4236. Is that your answer?—Yes.

4237. Then Mr. Coman was to get you money for your vote that you were to give to whom you liked; is that what took you to Mr. Coman's?—It was.

4238. On your oath?—On my oath.

4239. To vote for whom you liked?—Yes; I had not the slightest notion of voting for Mr. Munster.

4240. What were you to get money from Mr. Coman for, on your oath?—For my vote.

4241. For whom were you to vote, if Mr. Coman was to give you money?—For whom I might like; there was no "must" on me, for whatever amount of money I might get.

4242. Do you understand me, sir; did you go to Mr. Coman's in the hope of getting money for your vote, on your oath?—I think so.

4243. Did you tell me this moment that you went to Mr. Coman's to get money for your vote?—That I went to Mr. Coman's?

4244. Yes, to get money for your vote; you need not be looking there; look at his Lordship; is that true that you so went?—I did.

4245. In the hopes of getting money for your vote?—Yes, positively.

4246. Very well, now; when you went to Mr. Coman's in the hope of getting money for your vote, for whom did you think to vote to get the money?—Whatever amount of money I got from Mr. Coman or Munster, I would not vote for him.

4247. What brought you to Coman then, if you did not intend to vote for him; was it to cheat him you went?—If I could get the money from Mr. Munster; that was what I was looking for; I got it and I did not keep it.

4248. When you went to Coman, did you intend to give the money to Laffan and not to keep it?—Positively I did.

4249. Then it was to entrap Coman you went?—To entrap Coman? I was not going to entrap Coman; the only design I had was in looking for the money, for I was well aware that I would get it; I was in dread of the election going against Mr. O'Beirne, and it was that I could prove a case of bribery against Mr. Munster; that is the whole affair; he offered me 10 guineas.

4250. You say you never meant to keep the money?—Never.

4251. And from beginning to end it was all a trap?—All a trap in that way.

4252. Did you tell anybody you were going to trap Mr. Coman?—Mr. Coman?

4253. Yes?—I was not going to trap Coman.

4254. Did not you go to Coman?—I did.

4255. Did you not go intending?—?—He came to me with the letter; I thought he might have influence with Mr. Munster when he canvassed me.

4256. Did you ever tell any human being you were going to do that?—To do what?

4257. Do you understand my question?—No.

4258. Do you swear you don't?—No; put it to me.

4259. Did you ever hear of a plant? Do you know what that is? Did you ever tell any human being that you were going to Mr. Coman to make out a case, in order that you might prove it against Mr. Munster?—I did.

4260. Whom did you tell that to?—Patrick Meagher.

4261. To anyone else?—No.

4262. Who is he?—He lives in Main-street.

4263. When did you tell it to him?—Every

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day I went to his shop, I told him I would get the money sooner or later, and make out a case against Mr. Munster.

4264. You swear that?—Positively I told him 20 times.

4265. Then, in fact, all you did was to make out a case against him?—Yes; and I made it.

4266. Did you ever ask Coman to give you an order for whiskey?—Never; but Cunningham proposed it and I, standing at the Market House one day.

4267. On the first day that you went up, Patrick Laffan did not say anything to you then, if I understand you, about taking your house?—No; I never spoke to Patrick Laffan.

4268. Tell me what you said to Patrick Laffan when you went up?—To Corcoran's?

4269. Yes; the first time you saw him?—I went into a room in the house.

4270. What did you say to him?—He spoke to me.

4271. What did he say to you?—He told me that he had been talking to Coman about the whiskey, and that he did not like to get a third into it.

4272. And you said nothing to him?—I replied that it was better not.

4273. Did you ask him for money?—No.

4274. Did you not go up then to make out a case?—Sure he sent for me.

4275. Did you go there intending to make a case?—I did.

4276. You did not ask him for money?—No.

4277. You said nothing about your house?—No.

Re-examination of the Witness by Mr. Curtis.

4278. You said something just now about 10 guineas having been offered to you?—Yes.

4279. Who offered it to you?—Michael Laffan, the evening Quirk got the retainer, offered me five guineas first.

4280. Do you remember the time?—I do not.

4281. Was it before the election?—It was.

4282. Long before the election?—The very evening of the retainers; I told him on that evening that Quirk would not vote for Munster if he got a hundred pounds, and I asked what was the reason he got five guineas. He struck me on the shoulder, and said, "The reason I gave it to him was that he cannot vote for either now."

4283. Where did this occur?—Out from my own door about 40 yards, opposite Michael Quirk's, in the middle of the road.

4284. That was five guineas; what about the other five?—I was selling seven heifers outside Mrs. Corcoran's on the fair day; Mr. Laffan came to Mrs. Corcoran's door. "Are you in dread of me," said he. "No," said I, "I never was in dread of any one." He called me into the club room, and began to talk to me about Quirk's case; I said he was drunk when he got the five guineas retainer. "Well," said he, "anyone that will keep them, I will give him five guineas more."

4285. Mr. Hemphill.] Keep the retainers?—Yes, and won't speak about them; make them known, I suppose he meant.

4286. Mr. Curtis.] What did you say?—I said nothing about that. We had a long chat over the election, and he told me they had 5,000 l., I think, at the bank, and that they did

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- C. Carroll.* not know how in the world to give it; that all they wanted was the way to give it out.
 17 February 1869. 4287. Did Mr. Laffan say that?—Yes.
 4288. What bank did you understand by that?—I suppose our own bank.
 4289. There is only one bank, the National Bank?—That is all. So we had a long chat, and just as we came out of the hotel, he offered me 10 guineas. “No,” said I, “I will vote at the election; I won’t be retained at all.”
 4290. What did he say about that 10 guineas; what did he offer it to you for?—To retain me, I suppose.
 4291. For what purpose?—As an agent; he told me I could not vote if I was retained.
 4292. Was it at the time he spoke of the 10 guineas that he told you you could not vote?—It was.
 4293. *Mr. Butt.*] He told you you could not vote if you acted as agent?—Yes.
 4294. Had you told him then that you would vote for Mr. Munster?—No.
 4295. Had you told him that you were going to vote for Mr. O’Beirne?—No.
 4296. Were not you then pretending to be a friend of his, and a supporter of his?—Sure I would not get into them at all, only——
 4297. Were you not pretending to be a friend of his?—Perhaps I was.
 4298. Were you not?—I suppose I was.
 4299. You were; and when you were pretending to be a friend of his, he wanted to retain you. You complained of another person being

retained as agent at five guineas; and he told you he would give you 10 as agent; and that if you took it you could not vote. Is not that it?—Yes.

4300. *Baron Fitzgerald.*] Was this before or after you had the dealing with Coman about the 35 l.?—It was after it.

4301. *Mr. Curtis.*] Are you sure of that; are you quite sure whether it was before or afterwards?—What?

4302. Whether the 10 guinea transaction was before or after the transaction about the 35 l.?—It was before it.

4303. *Baron Fitzgerald.*] You have said twice before that it was after it?—It could not be after, because it was on Monday, the 16th, I got the money, and the fair day was a fortnight previous to that.

4304. *Mr. Curtis.*] Was it on the fair day?—It was on the fair day the ten guinea transaction happened. It was on Monday, three days before the election, I got the money.

[The Witness then retired.]

Mr. Butt.] Had you not better finish his case?

Mr. Hemphill.] I will take my own course.

Mr. Butt.] It will destroy the rule about witnesses being in court.

Baron Fitzgerald.] It is irregular to leave one part of the case and go on to another.

MARGARET HACKETT, sworn; Examined by *Mr. Hemphill.*

- M. Hackett.* 4305. WHAT is your husband’s name?—James Hackett.
 4306. He is a voter?—Yes.
 4307. Has he a brother?—He has two brothers, one in Ireland, and one in America.
 4308. What is your husband’s father’s name?—John Hackett.
 4309. Has he a vote?—Yes.
 4310. What is your brother-in-law’s name?—William.
 4311. Has he a vote?—He has.
 4312. Do you know Mr. Munster’s house at Abbey View?—I do.
 4313. Did you last October write a letter to Mr. Munster?—I did.
 4314. Where is that letter, do you know; did you leave it at Mr. Munster’s?—I did.
 4315. With whom did you leave it?—I gave it to the servant.

Mr. Hemphill.] We call on you to produce that letter.

Mr. Butt.] We know nothing about it.

4316. *Mr. Hemphill* (to the *Witness*).] What is the substance of the letter?—I never spoke a word to anyone belonging to Mr. Munster before I took it; I heard Mr. Munster was a charitable man, a man very prodigal of money, and I merely wrote to him and told him that I wanted 10 l.; my husband knew nothing about it; my husband never knew a word of this the whole of the time.

4317. Could you tell what you wrote?—I merely told him that since I was married, seven or eight years ago, I had incurred debts now and then to the amount of 10 l., and if he would

kindly assist me to pay it, I would make all my endeavours and use my influence over my husband, father-in-law and my brother, to get their votes; if he would give the money to pay the debt.

4318. Very good; you say you gave the letter to a servant in Mr. Munster’s house?—I did.

4319. Did you bring it to Mr. Munster’s, that gentleman there?—I was introduced, and the servant——.

4320. Were you shown into a room in the house?—I was.

4321. Was it a parlour or a sitting-room?—There were two rooms.

4322. You were introduced into a room; who was in it besides Mr. Munster; was that gentleman there that day?—Yes; Mr. Munster sat in a chair when I was introduced to him.

4323. Was anyone else in the room?—At the time I went into the room there was a lady.

4324. Do you know the lady’s name now?—I do not.

4325. Was there any other gentleman in the room besides Mr. Munster and the lady?—There was a gentleman sent for.

4326. Was the lady a young lady or an old lady?—She was a young lady.

4327. Was she dark or fair?—She was dark, I should think.

4328. Do you know, now, who that lady was; have you seen her since about Cashel?—There was another lady came into the room afterwards.

4329. But the lady you first saw; do you know who she is?—I think it was Miss Sterne.

4330. Another lady afterwards came into the room?—Yes.

4331. Do

4331. Do you know who the other lady is?—Yes.

4332. What is her name?—Miss Ede.

4333. Had you any talk with this lady and Mr. Munster when you got in; just tell what you said?—Mr. Munster asked me who wrote the letter, and did anyone know anything about it but myself; I told him not, and that I did not wish for the world that anyone should know it, for that it was unknown to my husband I did it.

4334. Did he or any of the ladies say anything?—He said I had no right to write such a letter to him.

4335. Did he say why?—No; he said that if he gave me money, or assisted me on that letter, I could injure him afterwards about it, sir; and I got frightened and was afraid he might just tell to the people, or my husband, that I had done such a thing.

4336. When he said you had no right to mention that in the letter that you wrote to him, did any of the ladies say anything?—Mr. Munster said he was not allowed to give money to any of the voters, or to buy votes.

4337. Did any of the ladies say anything; did Miss Ede?—Miss Ede asked Mr. Munster might she lend the money, for it was a lend of money that I asked of Mr. Munster in my letter.

4338. What did he say when Miss Ede asked him that?—He said she could not lend me money, and said something about her being too closely connected with himself.

4339. You said there was a gentleman in the room?—Yes.

4340. Did he say anything?—After a little deliberation the gentleman, who was standing with his back to the chimney-piece, said, “What do you think of this lady’s note to Mdle. de Montcœur; she is a very charitable person, and I am sure would consider her.”

4341. Do you know who that gentleman is?—I think it was Mr. Richardson.

4342. Did you see him afterwards in Cashel?—I did; to the best of my belief it was his face that was in the room that night.

4343. When Mr. Richardson spoke about writing to Mdle. de Montcœur, did Mr. Munster say anything?—I could not say that Mr. Munster made any reply then.

4344. Did any one say anything?—No; I think Mr. Munster said something, but I could not understand what it was; there was some insinuation about speaking to Mr. Laffan when he would come down.

4345. Did you leave the house then?—I did, and they said they would speak to Mr. Laffan.

4346. That is, Mr. Michael Laffan, that young gentleman there?—Yes.

4347. Did you see him?—Yes; I rapped at his hall door.

4348. Did you tell Mr. Laffan?—I told him that I wrote to Mr. Munster that I wanted money, and that I would not wish for 2,000*l.* that any person in Cashel, or my husband, should know what I had done.

4349. What did Mr. Laffan say when you said that?—He said that he would see after it; he said something about his going down to Mr. Munster, and that he would see after it.

4350. Did you say anything when you told him about having written about votes, or anything of that sort?—I don’t remember.

4351. Very well: after that, did you write to any one else; you went home; did you write to Miss Ede?—Yes; Mr. Munster told me before I left the room, that I should write up to this young lady, and state what I wanted, to her.

4352. Before you left the room and went to Mr. Laffan, that you should write to Miss Ede, and state what you wanted, to her?—Yes. He did not not say Miss Ede, but to “this young lady”; I did not know that Miss Ede was her name.

4353. Did you write the letter to her?—I did, sir; I addressed her as Mademoiselle Munster; I thought she was his daughter.

4354. What was the substance of your letter to Miss Ede?—It was just the very same as I wrote to Mr. Munster; but I spoke nothing about votes.

4355. Did you go with that letter yourself to Abbey view?—I did; I would not trust anyone else with it.

4356. What did you do with it?—I gave it to a servant.

4357. Did you see Miss Ede, after that, the day you brought the letter?—The very time, I went in and saw her.

4358. Did you see Mr. Munster on that visit?—Mr. Munster was passing from one room to another; he saw me, and told me to sit down on a small chair in the hall.

4359. After that, did you see Miss Ede?—I did.

4360. Tell us what conversation you had with Miss Ede; what passed between you?—Miss Ede gave me a letter; she came out and gave me a letter.

4361. Did she say something to you?—She told me, this was a letter in answer to the letter I wrote to Mr. Munster on the evening before; and she gave me an envelope, with a direction to Mademoiselle de Montcœur, and told me, she had written what I wanted to that young lady, and that she might give me what I wanted.

4362. Did she say, “young lady”?—I asked her who, and she said, this lady whose direction is on it.

4363. Do you know, was the direction on the envelope?—It was, and a stamp on it.

4364. I presume you are able to read and write?—Yes.

4365. Do you recollect the direction in London?—I do.

4366. What was it?—Mademoiselle de Montcœur, 41 Brompton-square, London, South East.

4367. Did you write, pursuant to that, to Mademoiselle de Montcœur?—I did.

4368. What was the substance of your letter to her?—I told her that I applied to Mr. Munster for a certain amount, and that after I got married I got into debt, just as I told Mr. Munster, and that I applied to Mr. Munster before for the money, and that he could not give it to me on account of my being the wife of one voter and the daughter of another, but that Mademoiselle Munster, or rather the young lady who lived with him, directed me to write to her.

4369. When you were getting the envelope from

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M. Hackett. from Miss Ede, did you get any letter?—I did.

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4370. Do you recollect what was in that letter?—I recollect the substance of it; I sent it to London, to the young lady in London, to let her see that I was not imposing on her.

4371. You first wrote to Mdle. de Montcœur, as you said, making the application?—Yes.

4372. Now, did you get any answer to the first letter that you wrote to Mdle. de Montcœur?—No.

4373. Did you write a second letter?—I did.

4374. And you posted that letter yourself in the post office, Cashel?—I did.

4375. Did you write a second letter to Mdle. de Montcœur?—I did.

4376. What was the second letter?—To let her see that I was not imposing on her I enclosed to her the letter I received from Miss Ede on my first application to Mr. Munster.

4377. Can you tell what was the substance of Miss Ede's letter that you enclosed to Mdle. de Montcœur?—As nearly as I recollect it was: Dear madame, I have been commissioned by Mr. Munster to tell you that, on account of fearing to influence the votes, or something to that effect, he can never consider you, but feeling much sympathy for what you have made known to me yourself, I will try to consider you amongst my own friends.

4378. Did you get any answer to your second letter to Mdle. de Montcœur?—Yes; I got an answer to the first or second letter she sent me, but the one.

4379. Did you get an answer after you sent the second letter?—I did; there was a short letter, and a cheque for the amount that I required.

4380. What did you do with the letter and cheque that you received from Mdle. de Montcœur?—I was afraid my husband would find out the letter, and I tore it up into small bits, and threw it behind the most obscure part of the house.

4381. Show it to me. (*The Witness handed to Counsel a little parcel.*)

4382. Was there anything enclosed in this letter?—There was a cheque.

4383. Have you brought the cheque up to Miss Ede?—Yes; in my letter to Mdle. de Montcœur I told her that I was told by Miss Ede, in order that it might not be made payable through the bank or the post office, to have the cheque made payable by her to me, and I got the cheque then.

4384. Made payable by her?—By Miss Ede to me.

4385. Then you brought Miss Ede the cheque?—Yes.

4386. Did Miss Ede cash the cheque for you?—She did.

4387. Do you know on what bank the cheque was; did you read the cheque?—I read my own name on it, payable to Mrs. Margaret Hackett, and, to the best of my belief, there was some name like Coups or Coutts on it.

4388. When Miss Ede cashed this cheque what did she give you?—She gave me a Bank of England 5 l. note and five sovereigns.

4389. Up at Abbey view?—Yes.

4390. Was there any one by when she gave you that?—No one was in the room when I went in to her; but she sent out for Miss Sterne, she said she had not enough of money.

4391. Did Miss Sterne come in?—She did.

4392. Did you write your name across that cheque?—I did.

4393. Did she ask you to do it?—She did.

4394. To put your own name on the back of it?—Yes.

4395. You took away the money?—I did.

4396. What did you do with the 5 l. Bank of England note?—I took it to the bank.

Cross-examined by Mr. Heron.

4397. You asked for charity?—I did.

4398. And you wanted to keep it a secret from everybody?—And my husband in particular.

4399. I say you wanted to keep it a secret from everybody?—I did.

4400. And you did keep it a secret?—I did until Mr. Cunningham made a boast of it about the town, all Mr. Munster's counsel could do, about my asking for money and writing to him at all, and by the advice of Mr. O'Connell who told me everything that was insinuated, I was obliged to put myself under the protection of

4401. Of Mr. Grace?—Of Mr. O'Beirne's counsel.

4402. How soon after you got the 5 l. note and the five sovereigns did you tell it?—I never told it.

4403. How soon?—Three weeks after the election Mr. O'Connor returned it to me at Mathew Hanly's.

4404. Who is O'Connor?—Thomas O'Connor.

4405. Is that Tom Connor?—It is.

4406. That man there; look at him?—It is not.

4407. Is it his brother?—Yes; that is he.

4408. You know he was on Mr. O'Beirne's side, didn't you?—I did.

4409. And your husband, and your father-in-law, and your brother-in-law all voted for Mr. O'Beirne?—They did.

4410. Then you never influenced them to give a vote to Mr. Munster?—I did not tell my husband the reason why I was.

4411. Did you ever try to influence them in favour of Mr. Munster?—I told them it was better for them to vote for Mr. Munster, but I was afraid to tell —

4412. You got 10 l.?—Yes.

4413. Did you look on that as the price of three votes in Cashel, 3 l. 6 s. 8 d. a vote; did you ever hear of them being so low as that?—I thought it was for charity; I got it until O'Connor told me they were going to make a handle of me about it, and I knew it was not for charity I got it then.

4414. You thought it was for charity?—She knowing I was in want of it.

4415. And you asked it for charity?—I did not

not ask it for charity ; I asked it to influence the votes.

4416. Did you say, on your oath, that you got it in charity?—But then the answers I got from the letter showed me that Mr. Munster was not inclined to give it to me, and that he considered that, on account of my wanting it, he would give it to me; I thought at first——

4417. Never mind what you thought; when did you give your evidence to Mr. Grace?—I did not give it to him until two or three nights ago.

4418. Did you get any charity since?—No, sir, nor did not ask it.

4419. Or your husband?—No.

4420. Is your husband's name John?—James.

4421. Where do you live?—In Cashel.

4422. Was your house taken?—No.

4423. Who canvassed you?—I was canvassed by Mr. Munster and Mr. O'Beirne.

4424. Who was with Mr. Munster?—A multitude of people

4425. Was Captain Graham?—He was not.

4426. You cannot tell the name of a single person?—I could; there were Mr. Cody, Mr. Michael Hewly, and Dr. Coyle.

4427. Was that on the day of the public canvass?—I should think so; I made no remark as to the day.

Re-examined by Mr. *Hemphill*.

4428. When were you first canvassed by Mr. Munster?—I could not tell you.

4429. Was it before you wrote that letter?—It was not.

4430. What was the date of that letter?—I think it was on the 28th of October.

[The Witness retired.

The Court was then adjourned to Ten o'clock on the following Morning.

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Thursday, 18th February, 1869.

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1869.

The Court sat at ten o'clock, pursuant to adjournment.

Counsel and attorneys appeared as before.

Mr. *Hemphill*.] I read the account lodged with the sheriff.

Baron *Fitzgerald*.] Have you totted the amount?—

Mr. *Hemphill*.] Between 1,600 *l.* and 1,700 *l.*

GERALD FITZGERALD, Esq., Sub-Sheriff, recalled; Examined by Mr. *Hemphill*.

G.
Fitzgerald,
Esq.

4431. Do you produce this account?—I do; I got no vouchers; I got the account in an envelope; I don't know from whom it came.

4432. On what day did you get it?—On the 11th of February.

PATRICK CUNNINGHAM, sworn; Examined by Mr. *Hemphill*.

P.
Cunningham.

4433. WHAT business are you in?—I am in general business with my father.

4434. Do you live in Cashel?—Yes.

4435. Have you got a vote?—No.

4436. Has your father a vote?—He has.

4437. Were you employed by Mr. Munster at the late election?—By Michael Laffan.

4438. What were you employed as?—General business, keeping the accounts, and so on.

4439. Give his Lordship an account of the duties you had to perform in connection with the election?—The paying of several bills for car drivers and other necessities that were required.

4440. Are you not, generally speaking, the clerk to Mr. Laffan, or working for him?—No; still I often do business for him.

4441. When did you begin to work for Mr. Laffan in respect to the election?—I think in October, as well as I can recollect.

4442. Try and recollect?—I could not point out the exact day.

4443. Was it before October?—Early in October.

4444. Was it before Mr. Munster arrived in Cashel?—No.

4445. Was it after he arrived in Cashel?—I think it was before he arrived; I wrote some circulars.

4446. What sort of circulars?—His address.

4447. Did you compose it?—No.

4448. Did you get it printed?—No.

4449. What did you do about them?—I directed some of them to the electors.

4450. In envelopes?—Yes.

4451. What money did you get for your own services?—I got 30 *l.*

4452. Was that all you got for your services?—That is all I got at present.

4453. Do you know Mr. George Richardson?—Yes, I did not know him before he came.

4454. I am speaking of what you know now?—Yes.

4455. He was agent for election expenses?—I don't exactly know; I believe he was.

4456. Have you any doubt of it?—I could not say.

4457. Did you furnish him with an account of your own demand?—I did.

4458. How much did you furnish to him?—I furnished him with an account for my services of 100 *l.*

4459. Did you receive any portion of that 100 *l.*?—No, only 30 *l.*

4460. Was it after you furnished that 100 *l.* account that you got the 30 *l.*?—No; previously I deducted the 30 *l.* out of my bill.

4461. Did you give detailed items?—No.

4462. Mr. Baron *Fitzgerald*.] You claim 100 *l.* in addition to 30 *l.*?—No, my Lord; 70 *l.* in addition to the 30 *l.*; 100 *l.* altogether.

4463. Mr. *Hemphill*.] What did you say in the bill?—For the amount of my services during the election.

4464. About what time did you send that bill in?—I sent it in before three weeks after the election.

4465. After the polling on the 20th November?—Yes.

4466. Was Mr. Richardson in Manchester or Cashel when you sent it in?—I don't know; he was in Manchester I think.

4467. Did you send it by post?—No.

4468. How did you send it?—I sent it to Mr. Laffan.

4469. Did he say that he would forward it to Mr. Richardson?—He did not say.

4470. Did he say anything to you on the subject of it?—No.

4471. Did he look at the bill?—He did.

4472. Did he say it was too much or too little?—He said nothing, but merely laughed, and put it on the file.

4473. Did he not object?—He objected to no bill; he took in all the bills, no matter how much they were.

4474. When were you paid the 30 *l.*?—In October.

4475. By whom?—By a cheque from Mr. Richardson.

4476. On the National Bank?—Yes.

4477. How long before the election were you paid the 30 *l.*?—As well as I can recollect it was in October.

4478. For whom did your father vote?—He voted for Mr. Munster.

4479. Had

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4479. Had he a vote at the former election?—He had.

4480. For whom did he vote on the former occasion?—Mr. O'Beirne.

4481. Do you know Mr. Patrick Laffan?—Yes, I know him.

4482. He is a brother of Mr. Michael Joseph Laffan?—Yes.

4483. He is, as I understand, a young medical student?—I believe so.

4484. Isn't he?—I don't exactly know.

4485. Was he in Cashel for five, or six, or seven weeks before the election?—He was.

4486. Where was he living?—With his brother.

4487. Mr. Michael Joseph Laffan?—Yes.

4488. Was he very active for Mr. Munster?—No, not very active.

4489. Was Mr. Pat Laffan doing anything in respect to the election?—I don't exactly know.

4490. What was he doing?—I could not exactly say.

4491. Was he going about asking voters for their votes?—I do not know.

4492. Did you ever go about with him?—Yes, but not to ask for votes.

4493. What did you go about with him for?—I accompanied him several times through the streets, but I never waited on any voter.

4494. For what?—Different business.

4495. State to his Lordship what the general nature of the business was?—I went with him several times; he gave me orders to go and employ the cars, and to send them to Mr. Munster, and several other necessary things.

4496. You know there is no harm in what you are saying; I only want you to give an account of the general nature of the duties of you and Pat Laffan in connection with the election?—I told you what my duties were before; I do not know what Pat Laffan's were.

4497. Did you see him doing anything?—I never took note of what he was doing; I took charge of my own business, and never minded what Mr. Pat Laffan was doing.

4498. Did you see Mr. Munster frequently the week before the election?—No, only very seldom.

4499. Did you ever see him?—I did see him driving through the town.

4500. Were you ever up at Abbey View?—I was.

4501. What were you there about?—I went with messages.

4502. From whom?—From Mr. Michael Laffan; I often took up letters there, and so on.

4503. In connection with the election?—I don't know what they were about.

4504. Did you ever receive any messages from Mr. Munster yourself?—No.

4505. On your oath, of any sort?—I may have got a letter.

4506. Did you ever receive any verbal message from Mr. Munster?—No.

4507. You know how to write?—Yes.

4508. Look at this envelope; is that your handwriting; "Mr. John Canan"?—Yes.

4509. Is the word Cashel in your handwriting?—Yes.

4510. Did you ever receive any money for business connected with the election from any one or party?—Yes.

4511. From whom?—From Mr. Pat Laffan.

4512. How much money did you receive?—I got 50*l.* from him.

4513. In what form; was it a cheque?—No, in notes.

4514. Bank notes?—Yes.

4515. What sort were they, National Bank?—I think they were 5*l.*, as well as I can recollect.

4516. When did Mr. Pat Laffan give you these?—Two days previously to my taking Carroll's house; I will just state to his Lordship—

4517. Now, you will answer my question; did you never receive any sum of money from anybody in connection with the election except the 50 *l.*; I am speaking now of the 30 *l.* you told me of?—Oh, I received several sums.

4518. I want you to tell me what they were?—I could not; I did not take a note of what I received, for I paid them out in paltry sums.

4519. Whom did you receive the money from?—Some from Michael and some from Mr. Pat Laffan.

4520. Did you receive any money from any other parties except Pat and Michael Laffan?—No.

4521. For what purpose did you receive the money you refer to?—For paying small bills.

4522. Connected with the election?—Yes.

4523. What was the nature of the bills generally?—I paid a small bill to O'Donnell for some drink.

4524. What is his Christian name?—Thomas O'Donnell.

4525. Is he a publican?—He is.

4526. How much did you pay to Thomas O'Donnell for drink?—A paltry sum, I think over 1 *l.*

4527. When was that?—I think it was in October, about the end of October.

4528. Is this Thomas O'Donnell a voter?—Yes.

4529. Did he vote for Mr. Munster?—He did.

4530. Do you mean to say you only paid him 1 *l.*?—I think it was something over 1 *l.*, as well as I can recollect; it might be a little more.

4531. Did you pay him all in a lump?—Oh, it was not so large; I did.

4532. Did you ever pay him more than that one?—Well, not that I recollect.

4533. Try and recollect?—I don't know; I think I did not pay him altogether 3 *l.*; I think the sum I paid him was 1 *l.* 3*s.*

4534. Might you have paid him 3 *l.*?—Well, I think not.

4535. What other paltry sums did you receive from the Laffans to pay; try and think?—I told you before that I took no notes; I have often got 3 *l.* or 4 *l.* or 5 *l.* a day; I gave some money to Hourigan; I generally got it from Laffan for the town and so on; for car owners and car drivers.

4536. £. 3, 4*l.*, or 5 *l.* a day?—Yes, on some days; some days not so much was required.

4537. How long was that going on before the election?—It may be for three weeks or a month, as Mr. Munster had a great deal of car driving to and fro.

4538. Did you ever go to the Commons?—I did.

4539. Who went with you; did you go more than once?—I did.

4540. Who went with you?—I do not know that there was anyone with me but the driver.

4541. What did you go for?—I went out to the voters to see what they were intending to do.

M 4542. To

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4542. To ask them for their votes?—No.
 4543. Well, what was it you went there for; what did you go for, sir?—I wanted to know whom they were intending to support.
 4544. Did you ascertain whom they intended to support?—No.
 4545. They did not tell you?—No.
 4546. Did you ask them to vote for Mr. Munster?—No.
 4547. On your oath, do you tell his Lordship that you did not ask them to vote for Mr. Munster?—No, not that I can recollect.
 4548. How many times did you come there?—I think I went four or five times to the Commons.
 4549. Did you go on cars?—Yes.
 4550. Was it on your own car?—I went on my own car two or three times.
 4551. Did you go on hired cars?—I did.
 4552. Did you pay for the hired cars?—I did not.
 4553. Did Mr. Laffan pay for you?—I could not say.
 4554. Was the car driver settled with?—Yes.
 4555. Were you paid for your own car when you used it?—Decidedly so.
 4556. Who paid for it?—Mr. Laffan did.
 4557. Michael or Pat Laffan?—No, it was not he gave me the cheque.
 4558. From whom did you get it?—From young Mr. Close, I think.
 4559. Young Mr. Harry Close?—No, not Harry; I don't know his name; the younger brother.
 4560. It was the gentleman who was examined?—No.
 4561. When did you get the cheque?—After the election.
 4562. Was it for 30 *l.*?—No, 19 *l.* 12 *s.*
 4563. Was that for car-hire?—For car-hire.
 4564. Whose cheque was it; it was not Close's?—No.
 4565. Whose was it?—I could not say.
 4566. Did you cash the cheque?—I did.
 4567. Did you read it?—No, I only read the amount; I could not say what signature was to it; I did not mind whether it was Laffan's or Mr. Munster's, or Mr. Richardson's; I think it was Mr. Richardson's.
 4568. Where did you cash it?—At the National Bank; it was not I cashed it, but my father.
 4569. About what time did you get it?—I think it was in December.
 4570. What was the precise amount?—£.19 12 *s.*, I think.
 4571. Did you furnish no detailed account of that 19 *l.* 12 *s.* to anyone?—Yes.
 4572. To whom?—To Mr. Michael Laffan.
 4573. And all that was, as I understand it, for car-hire, in going to the Commons, and elsewhere?—Yes.
 4574. Now, besides, I must ask you, Mr. Cunningham, and I will give you as much time as you like to reflect, how much money did you get altogether of what you call paltry sums; about how much?—I could not say, I kept no account, no note of it.
 4575. Did you get 100 *l.*?—I don't know; I will not say.
 4576. Will you swear you did not get 100 *l.*?—I will not swear.
 4577. Did you get any cheques except the

19 *l.* 12 *s.* you have mentioned for any account or any purpose?—Yes.

4578. When?—I got a cheque last Saturday week.

4579. For what?—For oats supplied to Mr. Munster; 11 *l.* 4 *s.*

4580. When was it supplied?—Since the 30th November.

4581. I do not want to go into any recent transactions with Mr. Munster and you, but besides that cheque of 19 *l.* 12 *s.* did you get any cheque from Mr. Laffan, Mr. Munster, or any one of that party?—Yes, I did; but not on my own account.

4582. Whose cheque was it?—It was signed by Mr. Laffan with some small cheques on the bank.

4583. Was that before the election?—I think it was after the election.

4584. How many cheques did you bring altogether to the bank?—Oh, I could not say.

4585. I must ask you to reflect?—I could not say; I do not think I brought more than three or four.

4586. Did you read any of them?—No, I did not.

4587. Come, can you tell his Lordship whose drafts they were; who signed them?—Mr. Laffan signed some.

4588. Who signed the others?—Whatever cheques I got they were from Mr. Laffan; they were for his private use.

4589. I am not asking you the use they were for, but did you get any cheques signed by Miss Ede?—No.

4590. Are you sure of that?—Oh, the last cheque I got was given, I think, by Miss Ede, for the oats.

4591. Did you get any cheques signed by Miss Sterne?—No, not that I can recollect; I think no, my Lord.

4592. I ask you again, do you mean to tell his Lordship that you cannot tell who signed the cheque for the 19 *l.* 12 *s.*?—I cannot recollect; I think it was Mr. Richardson, as well as I recollect; of course the cheque is there.

4593. Now, besides these small cheques that you have mentioned, and the moneys that you have mentioned, and the 19 *l.* 12 *s.* cheque, did you get any other cheque from Mr. Munster, or any one of his party?—No.

4594. Did your father, to your knowledge?—No, he did not, not a penny.

4595. Do you know a man named Pat Meagher?—Yes.

4596. He is a publican?—Yes.

4597. Did you ask Pat Meagher for his vote before the election?—No.

4598. You swear that?—I will.

4599. Did you ever talk to Pat Meagher about which way he would vote?—No.

4600. Did you talk to him at all about the election, before the election?—No; he came to me several times.

4601. Did you ever offer him 35 *l.*?—No.

4602. Did you ever offer him any sum of money?—No.

4603. On your oath?—I had a conversation with him the night I took Carroll's house; he and Carroll went down to my father's twice, looking for me, to see whether I would take Carroll's house; I was in Corcoran's hotel, upstairs in a room, taking a glass of wine, when Carroll came; I told Carroll I did not want to have

have anything to do with Meagher; that I did not want his house; that I was after taking his place that day, and wanted no more. He said, "You had better see him." "No," said I, "I don't want to see him." He persevered, and Meagher came in; I told Meagher that I had sufficient taken, and that I did not require it; he persevered and pressed me, and said how was it I would not take his house as well as Carroll's; he said he would vote for no one unless his house was taken, or unless he was paid; he said then that he was after opening in business, and in want of money, and that if I took his place it would do him a service; I refused then, and he persevered so much on me that, to get rid of him, I said, "I will borrow 20 l. from my father, and give it to you on an I O U for three months, if you are so badly off for money." He said no more, but went out.

4604. Were you to give him back the I O U after the election?—No, not a word about it.

4605. Are you quite sure of that?—Quite sure.

4606. How many public-houses were orders given for, by or on behalf of Mr. Munster during the election?—Oh, I could not say that.

4607. How many do you know of?—Well, I think that only four were taken.

4608. Give the names?—Reilly; there were three or four together, I think, my Lord.

Mr. *Hemphill* here called attention to the fact that some witnesses were in court.

Baron *Fitzgerald*.] They should leave the court; tell me who they are? (It was stated that Mr. Coman was in court; and Mr. Coman, who was present, said he had come for Mrs. Coman.)

4609. Mr. *Hemphill* (to *Witness*).] You were mentioning the names of the publicans?—Rody Fogarty, John Reilly, Donnell, Mrs. O'Donnell.

4610. Anyone else?—No; there was some small order given to Edmond Broe.

4611. What was the order for?—For drink.

4612. No others, Mr. Cunningham?—No; Mr. Sullivan, I think.

4613. Had those parties that you mention all votes except Mrs. O'Donnell?—Yes.

4614. Did you pay any of those parties?—No, only a small sum to Donnell.

4615. You did not pay the others?—No.

4616. Did they furnish accounts to Mr. Laffan?—I don't know.

4617. What house or rooms were taken for the purposes of the election by Mr. Munster, or on his behalf?—I don't know; I took two myself.

4618. Which were the two?—A man named Phelan's.

4619. Where is it?—At the back of the "Pipe."

4620. What did you pay him?—£. 30.

4621. When did you take it?—About a week or a fortnight before the election.

4622. Is he a voter?—Yes.

4623. Whom did he vote for?—Mr. Munster.

4624. What part of the house did you take?—I took two rooms upstairs on the first landing.

4625. How many rooms?—Two.

4626. What did you take them for?—Committee-rooms.

4627. Had Mr. Munster a committee?—No; tally-rooms.

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4628. Then they were taken for tally-rooms?—Yes.

4629. Were they used?—No, we did not want them.

4630. Were they used at all in any way?—No, they were not.

4631. Was he paid by a cheque?—No.

4632. How was he paid?—He is not paid.

4633. What was he to be paid?—Mrs. Phelan, that I took the rooms from, was offered 25 l. by O'Beirne's party; she will get 30 l.

4634. What was the other house?—A man named Dwyers.

4635. Is he a voter?—Yes.

4636. What is his Christian name?—Francis.

4637. Did he vote for O'Beirne or Munster?—For Mr. Munster.

4638. When did you take his rooms?—I took them early in November.

4639. What rooms did you take from him?—I wanted a private bed-room.

4640. How much did you pay him, or agree to pay him?—£. 30.

4641. Has he been paid?—I cannot say, I did not pay him.

4642. Was it you made the agreement?—It was.

4643. Was anyone present?—No.

4644. Was Pat Laffan with you when you made it?—No.

4645. Whom did you mention the agreement to?—I think it was to Pat Laffan.

4646. Did you mention it to Michael Laffan?—No.

4647. Did you to Mr. Munster?—No.

4648. Baron *Fitzgerald*.] Who told you to do it?—Mr. Pat Laffan.

4649. Mr. *Hemphill*.] Did you take any other, houses besides Phelan's and Dwyer's?—No; only Carroll's.

4650. Are you aware that other houses were taken for or on behalf of Mr. Munster?—I will not say.

4651. You did not know whether any other houses were taken or not?—Anything that I did—I am not prepared to account for others.

4652. Did you hear from Mr. Laffan whether other houses were taken?—No, I did not; I did not ask any person.

4653. Did you hear?—Oh, he might have said several things that I did not take a note of.

4654. Did I understand you to tell his Lordship that you never heard any of Mr. Munster's party saying that other houses had been taken?—I did not want to inquire into these things at all; only what I was forced to do myself I did.

4655. Then you were forced to do what you have told?—Yes; what I have told.

4656. Was Dwyer's house used?—No.

4657. Did any one sleep in the room you took?—No; there were some parties belonging to Mr. Munster, some coachman, or some one, and they came down to Corcoran's, and I was informed by Mr. Pat Laffan that they wanted a bed-room.

4658. Do you know where Mr. Pat Laffan is now?—No.

4659. When did you see him last in Cashel?—I think it was the end of November, as well as I can say; the end of November or December; I cannot say exactly the date.

4660. Did you hear from Mr. Munster where Mr. Laffan was?—No.

4661. Did you hear from Mr. Michael Laffan that he had left Ireland?—No.

M 2

4662. You

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4662. You swear that?—I do.

4663. What was his address in Dublin?—I do not know; I never wrote to him.

4664. You did not know where he was stopping in Dublin?—No.

4665. You have not seen him in Cashel since the time of the election?—No.

4666. How soon after the election did he leave Cashel?—I think in November or the early part of December.

4667. How was it you went to Carroll about his house?—No, I did not go to him.

4668. Did he come to you?—Yes; I saw him on Saturday immediately after Ryan and Murnane's; I had Ryan and Murnane's house taken on Wednesday; the week before the election I took Ryan's house for myself; Ryan came over to me—

4669. I am not asking you as to that; I am asking you now about Carroll?—Well, I am stating about how I gave the money to Carroll.

Baron *Fitzgerald.*] Answer the question, and then give the explanation.

4670. Mr. *Hemphill* (to *Witness*).] Had you and Pat Laffan any conversation with Carroll in Corcoran's hotel?—No.

4671. Were you in Corcoran's hotel with him at all?—I was.

4672. Did you go into another room in Corcoran's with him?—I did.

4673. Which room?—The room, I think, on the second landing.

4674. Was there any one by at the time but yourselves?—No.

4675. Did you say anything about wanting a part of his house and yard?—Yes.

4676. What did he say?—He said what use do you want it for; I said I could not give him a decided answer at present as to what use I would put it to.

4677. Baron *Fitzgerald.*] Did you know the house before?—Yes.

4678. Mr. *Hemphill.*] Did you say, "Don't you know what I mean"?—No.

4679. Are you sure of that?—I am.

4680. What exactly did you say?—I said we would not put him to any inconvenience, I was sure; I asked him what he wanted for it; he said 40 *l.*; I offered him 30 *l.*; he said he would not take that, that it was too small; then he said we would divide it, and I consented; that was 35 *l.* So then I refused to give him the money, and he said he would not give his place without getting the money. The only objection I had to giving the money was, on account of what happened about Ryan's and Murnane's house, that was taken on the Wednesday previous to the Saturday; they returned me the money on Thursday morning; I had Ryan's receipt drawn by Murnane, and signed by Ryan, and he had 50 *l.* in his possession for a day and a night.

4681. Did you see Carroll afterwards in the street?—Yes, after I took his place; in about an hour or so.

4682. Did you ask him then would you leave him the half notes?—No.

4683. What did you say about half notes to Carroll?—I objected first to giving him money, on account of the way I was treated by Ryan and Murnane; and then I offered him the half notes. He said he would take no half notes. "Well," said I, "what guarantee will you give me for the money?" He said he would give me no

guarantee, and I objected to give him the money.

4684. I ask you what you said to Carroll with respect to the half notes; you must have said something to him as to what he was to do with them, or something to that effect. Tell his Lordship what you said to him?—I asked him would he have half notes for using his place; he said he would not, but refused at once, my Lord.

4685. What was he to do with the half notes?—He asked me how long would I want his place, and I said I could not fix the time.

4686. What was said about the other half notes?—Nothing was said; I said I would keep them.

4687. Until when?—I did not say when; I pointed out no time.

4688. You pointed out no time; did you not point out that you would give him the other half on Friday afternoon?—Not that I recollect.

4689. Did you, after this conversation, go back with him to Corcoran's hotel?—Yes.

4690. Did you go up into a room with him?—After that conversation with him?

4691. Yes?—No.

4692. Did you go up at any time at all. I am not speaking of what you told us about the room. Did you go a second time to that hotel with him?—No, not a second time.

4693. Did you produce any money to him?—Yes, I had the money in my possession at that time.

4694. Where?—In my pocket.

4695. Where did you show him the money first?—In Corcoran's hotel.

4696. Was it on the same occasion that you first spoke to him about the price of the room that you showed him the money?—Yes.

4697. Are you sure of that?—I am.

4698. Why did you show him the money when you had not settled the price?—It was when we introduced Mr. Corcoran's name as to leaving it in his hands that the money was shown.

4699. When you wrote the name of John Coman on the envelope; when did you write the name of John Coman on the envelope?—It was at that very same time in Corcoran's hotel.

4700. Did you put the money in a closed envelope?—Yes.

4701. After that, did you say if Coman's kept the letter it would do, or something to that effect?—Yes; I refused to give him the money on account of the way I was treated by Ryan; we proposed, as Carroll was always dealing with Coman, to leave the money in his hands.

4702. Did you and he go to Coman's with the envelope?—Yes.

4703. Did you see Mr. Coman there?—Yes.

4704. Did you ask him to leave the notes with Mrs. Coman's?—Well, I may have said so; I said nothing about the notes.

4705. Did you say you would leave the letter?—Yes, as well as I can recollect.

4706. Did you ask him to take a glass of brandy?—Well, I don't know that I did; I may have done so.

4707. Did you ask for Mr. Coman's, the master?—Yes; and she said he was out.

4708. And that she would send for him?—Yes.

4709. You and he after that met Coman; he came in?—Yes.

4710. Did you say anything to Mr. Coman?—No.

4711. Did he say there was 35 *l.*?—No; not a word about the money.

4712. What

4712. What did he say to Coman?—To leave the letter in his hands, for some time.

4713. What did Coman say?—Mr. Coman said, he would not have anything to do with it at all.

4714. Did Mr. Coman know what was in the letter at that time?—No.

4715. Did you see Coman then go into the kitchen?—Yes; Coman and Carroll went into the kitchen.

4716. Did you see a man named Feehan there?—Yes; I think I saw him passing out of the dram-shop.

4717. Was there any conversation between them about whisky, in your hearing?—Yes.

4718. What was it?—Not on that day.

4719. On another day?—Yes; previous to that.

4720. I will come to that afterwards?—Did Carroll come out of the kitchen, after going with Coman, and see you again?—Yes.

4721. Did you then give him the envelope?—After some hesitation; I was coming away; I think, as well as I recollect, Coman's said to me, "What arrangement have you made with Carroll about his place, I think you may rely on him; he will stick to his work"; or to that effect.

4722. And did you give him the letter then?—I gave him the letter then.

4723. Did you say anything to him when you were giving him the letter?—No.

4724. Did you say anything?—No, but handed him the letter, up in the back yard.

4725. You did not say anything about looking for information?—No, not at that time.

4726. At what time did you say something to that effect?—In about an hour or so afterwards I said that he had a great deal of knowledge, being so long connected with O'Beirne's party and his friends, who were all retained by them and employed; and that whatever information he would inform us of connected with the election we would pay him for, along with taking his place.

4727. That you would pay him?—Yes; and get him paid.

4728. What did he say when you told him that?—He said; I don't know what reply he made; I think what he said was that "they won't know I have set my place to you at all, and no one will know it until the day of the election whom I will vote for, and then I will go up and vote."

4729. Did you tell Mr. Michael Laffan all about this?—No.

4730. Did Mr. Pat Laffan know it?—Oh, I told him I took his place.

4731. Did you tell him you gave him 35 l.?—No, I did—

4732. Did you tell Mr. Michael Laffan that you had given him the 35 l.?—No; I only told Mr. Pat Laffan.

4733. What did you do with the balance of 15 l.?—I gave it to Pat Laffan.

4734. When?—I gave him about 8 l. of it. I paid some small bills. Immediately after that I wanted some money, the same day, and I took it out of the 15 l.

4735. You paid some of the election bills?—Yes.

4736. You were going to tell me the conversation about the whisky that you heard between Comans and Carroll?—Previous to the taking of the house, about a week or ten days, on Sunday about one o'clock, Coman and Michael Laffan

together were going up to the news room. I was just coming down, and Carroll came up and proposed either to Michael Laffan or Coman to get him some whisky, to the amount of 30 l. or 40 l., and that he would support Mr. Munster.

4737. What did Coman's say to that?—Coman objected at once; Michael Laffan said it was impossible, that he could do nothing in that way.

4738. Was there anything said about a third party coming in?—No.

4739. But Michael Laffan was present at the conversation?—He was.

4740. And he says it was impossible to do it?—Yes.

4741. That was a week or ten days before the rooms were taken?—Yes.

4742. Had Pat Laffan given you the 50 l. at the time of that conversation?—No, he had not.

4743. It was subsequent to that?—Yes.

4744. Was any one present when Pat Laffan gave you the 50 l.?—No.

4745. Was it at Michael's office he gave it to you?—No, in Corcoran's hotel.

4746. I believe that was Mr. Munster's committee-rooms?—No, he had no committee-rooms.

4747. Had he taken the whole hotel?—No, I think he had the first landing.

4748. Was it in one of the rooms on the first landing that the 50 l. were given to you?—Yes.

4749. I see in these expenses 248 l. for Corcoran's hotel bill; was there much drinking going on in Corcoran's hotel before the election?—No, not a great deal.

4750. Do you mean to say that?—I do.

4751. Did you ever see any voters in there at all?—I did.

4752. Did they get refreshments when they were there?—Very little.

4753. Did they get any?—Yes, they got some before the nomination day, a week or ten days.

4754. How many of them had you seen there from time to time?—I think there were about fifty or sixty there one night Michael Laffan came down.

4755. What night was that?—I think about the 1st or 2nd of November; some time early in November.

4756. Did Michael Laffan entertain them at dinner or at an evening party?—No; there was no party; he only just came down; this was the first time that he came down.

4757. Was there much liquoring going on?—No, no liquoring when Michael Laffan came down.

4758. Was there before he came?—No; there were a few bottles of wine.

4759. Do you call spirits liquor?—No; wine.

4760. Would you call wine liquor?—No; you may call it what you like.

4761. There were a few bottles of wine?—Yes.

4762. Champagne?—No.

4763. Port and sherry?—Sherry.

4764. Were you present when these retainers were given to the voters, what is called the five-guinea retainers?—No; I never saw any of them since.

4765. You don't know anything about them?—(No answer.)

4766. Baron Fitzgerald.] You got a receipt?—Yes.

4767. Baron Fitzgerald.] Have you got it?—I gave it, I think, to Mr. Ryan when I got the money.

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Cross-examined by Mr. *Butt*.

4768. You gave that receipt back?—Back to Ryan.

4769. And you got back 50*l.* from Ryan?—I got back my 50*l.*

4770. Had you any written agreement with Ryan about the house?—I had.

4771. What became of it?—I gave it back to Ryan.

4772. What was in that written agreement with Ryan?—Received from Patrick Cunningham the sum of 50*l.*, as well as I can recollect, for the use of my rooms at the election; drawn by Murnane and receipted by Ryan. The morning he returned me the money he said if he would not get 10*l.* for Murnane's vote that he would not keep it. There is a man here named Narrell who was with me when I was getting back the money from him; and he said that if he had got 10*l.* more for Murnane's vote he would have kept it.

4773. Baron *Fitzgerald*.] Was it on the Wednesday before the election that you hired Ryan's and Murnane's house?—Yes; I think the election came off on the 10th or the 11th. Thursday was the election day. It was Wednesday week.

4774. Was it on Saturday?—It was on Saturday I took Carroll's place.

4775. Was that the day Murnane returned the money?—Murnane returned the money on Thursday or Friday, and I had the money in my possession, and I took Carroll's place.

4776. Mr. *Butt*.] With the money that they gave you?—With the money; he returned the money on Thursday or Friday.

4777. Had you made any use, or tried to make any use, of Ryan's rooms?—Yes; we gave notice on that day to the supporters of Mr. Munster to be there on that Thursday evening, and we had to send them all word not to meet there, that Ryan was after giving the money back again, and that we would not get the room.

4778. When Ryan and Murnane's rooms were taken, did you want them?—I did.

4779. What did you want them for?—For Mr. Munster's supporters to meet there.

4780. Do you remember the meeting at Corcoran's?—Yes.

4781. Did any inconvenience occur at that meeting at Corcoran's for want of room?—Yes; and Mrs. Corcoran was much displeased.

4782. Baron *Fitzgerald*.] When was that?—Previous to the taking of Ryan's place.

4783. Was it in consequence of that, that you took Ryan's rooms?—Yes; Mrs. Corcoran objected several times, on account of the way in which her place was knocked about; and she said that if she thought she would have been so much interrupted she would not have let her place at all. Then I took Ryan's place, and went up to the rooms and looked at them.

4784. And did you think they would suit your purpose, of having meetings of Mr. Munster's supporters?—I did.

4785. You say you had issued a summons for a meeting of Mr. Munster's supporters at Ryan's?—Yes.

4786. Did that meeting take place?—No.

4787. What prevented it?—Ryan returning the money.

4788. What did you do when he returned the money; where had you the meeting?—We had it at Mrs. Corcoran's.

4789. Did that put you to any inconvenience with reference to that meeting?—It did.

4790. Just state what it was?—I had to send messages to all Mr. Munster's supporters, and I think a good many of them were disappointed; they did not know where to go; they went to Ryan and Murnane's rooms, and got some offensive answers, that the money had been given back, and that they could not attend; some of them, I believe, did not attend at all the meeting that night, and did not know where it was.

4791. When you offered the half notes, did you give any reason for not giving the whole?—Yes, on account of the way I was treated by Ryan returning the money.

4792. Then you mentioned to Carroll the way Ryan treated you?—Yes.

4793. Baron *Fitzgerald*.] You say you knew Ryan's house?—Yes.

4794. How many rooms are there in it?—Two rooms, a large and a small.

4795. How many beds are there in the two rooms?—No beds in the large room.

4796. Baron *Fitzgerald*.] I am speaking of Carroll's house?—Yes.

4797. How many rooms are there in it?—Four or five rooms in Carroll's house; three or four rooms.

4798. Mr. *Butt*.] Will you tell me what size is Carroll's yard?—It is a large yard.

4799. What did you want the yard for?—I did not know what use; Pat Laffan told me he wanted the house and part of the yard.

4800. Did you ever hear from Mr. Munster that, having been disappointed in Ryan's, he wanted to have an open-air meeting in the yard?—No.

4801. You say that a meeting took place at Mrs. Corcoran's after you were disappointed in Ryan's; in what room did that meeting take place?—In one of the rooms upstairs.

Re-examination of the Witness by Mr. *Hemphill*.

4802. You spoke of a meeting of supporters; were those commoners?—No.

4803. Not commoners?—The townspeople.

4804. They were to have met in Carroll's?—They were to have met in Ryan's.

4805. Was there no room in Carroll's where you could assemble the townspeople?—Yes, there is; there is a room off the kitchen, a very good room, and a front room upstairs.

4806. Was that room off the kitchen one of the rooms you took?—No.

4807. What is the size of the room upstairs?—It is not very large; when I went down to get possession of the room, Carroll said, "What are you up to?" It was at one or two o'clock on Saturday that I took Carroll's house; he said first that I could go up; I asked for a candle to go upstairs, and see if the room would suit our convenience; he objected at once; he said he could not give the room then; he thought he could give the yard then; the following morning I went again; his sister was in the shop, and she said that neither the room nor the yard were wanting, but the vote, and he refused to give either.

4808. Baron *Fitzgerald*.] When you went the second time to Carroll, did you know he had given the money?—No, I did not.

4809. Are you sure of that?—I am.

4810. Mr. *Hemphill*.] You say that the com-
moners

moners were to have met at Ryan and Murnane's?—It is very likely, if they were in town, some of them would be at the meeting.

4811. Were they not to be at the meeting in Ryan and Murnane's?—Oh, I don't know.

4812. Did you not go out with Mr. Munster one day to canvass them?—No; on the day of the meeting I was with Mr. Munster.

4813. Did you bring drink to the Commons on that occasion?—Yes, I brought a few bottles of sherry and a couple bottles of port wine.

4814. For the commoners?—No.

4815. For whom?—Some of the people of the town went with us.

4816. The commoners did not taste a drop of it?—I don't know, but they might have got it; Mr. Munster was there; it was on my own car.

4817. Did you on any other occasion send wine or drink to the commoners?—Yes.

4818. Was there a meeting of the commoners?—Yes; there was the day Mr. Munster went out.

4819. Did many of the townspeople go out?—Yes, a good many; all the voters.

4820. How many?—Well, a large attendance; nearly a hundred people were there altogether.

4821. Did you make speeches on that day?—Yes.

4822. Did you take out sherry on the car?—I took out only a few bottles of sherry.

4823. For Mr. Munster?—No, not for Mr. Munster; I took it out for our private use, to give it to whom I chose.

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ANNE COMAN, sworn; Examined by Mr. Curtis.

4824. Do you know the last witness, Cunningham?—Yes.

4825. Do you know Cornelius Carroll?—I do.

4826. Do you remember Friday, 3rd November last?—I do.

4827. Do you remember seeing those two on that day, Carroll and Cunningham?—I do.

4828. Where did you see them?—In the back parlour.

4829. What day was it?—Well, I cannot exactly say.

4830. Did they both come together, or follow each other, and if so, which came first?—One tapped at the window, and when I opened the door, I first saw Cunningham.

4831. Did he come in first?—I cannot say; the other was outside the door, but he was the first that I saw.

4832. Did Cunningham go in?—Yes; he came into the back parlour.

4833. Had you and he any conversation there?—He asked me was Mr. Coman in, I said he was not, that I thought he was in the news-room, immediately opposite my own house; he asked would I be kind enough to send for him, which I did, and Mr. Coman came.

4834. Was Carroll present during that conversation?—He was.

4835. And when you sent for Mr. Coman?—Yes.

4836. When Mr. Coman came, what occurred?—I do not know; I opened the door from the shop into the little parlour, and closed it when Mr. Coman came, and left him with them; I do not know what occurred between them.

4837. Did you remain in the room?—No; I turned back into the shop, and after a second or two, I heard Mr. Coman speak very loud and cross, and saying that he would kick them down the lane.

4838. Kick whom?—The two parties that were speaking to him.

4839. Did you him say anything else?—No.

4840. Did you hear Carroll say anything?—No; not to each other; I heard Cunningham ask Carroll would he have half a glass of brandy. Cunningham said to Carroll, "I might as well give it to herself"; Carroll said "No."

4841. Did you hear anything more than that?—No; nothing more.

4842. Your husband sells porter?—Yes.

4843. Do you know of some six or seven barrels of porter having been supplied from your husband's shop for Mr. Munster?—No; not six or seven.

4844. How much?—Two.

4845. What size were they?—Half-barrels.

4846. Where were they delivered?—I could not tell you.

4847. Do you know who ordered them?—Well; Mr. Coman would, perhaps, be able to give you some information.

4848. Do you know of your own knowledge?—No; I do not recollect; I think they were ordered by Cunningham.

4849. How soon before the election was that?—Well, I could not say.

4850. Was that the day there was the meeting on the Commons of Mr. Munster's supporters?—I could not say.

4851. Did you hear of a meeting?—I did.

4852. Do you remember the day on which you heard it?—Well, I recollect the day, but I could not know the day.

4853. Was it not for that meeting that the porter was ordered?—I know the porter was ordered, but I could not exactly say.

[Not cross-examined, and the Witness retired.]

A. Coman.

Mr. WILLIAM JAMES O'BRIEN re-called; Examined by Mr. Hemphill.

4854. Did Mr. Munster open an account at the National Bank?—Yes.

4855. Open the ledger and tell us when he opened that account?—On the 18th September there is a first lodgment to his credit.

4856. What is the date of the last lodgment on his own account?—12th December.

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4857. What is the gross amount of the lodgments during that interval?—£. 8,102 1 s. 2 d.

4858. What is the amount of the disbursements?—There is a balance.

4859. What is it?—A balance on the 31st December of £. 2,077 17 s.

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4860. Does

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Mr. W. J.
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4860. Does that indicate the amount of the various cheques?—Yes.

4861. Would you run your eye down that, and see if there is a cheque for 19*l.* 12*s.* about the 20th November, or the latter end of November, after the election?—I don't see any cheque for that amount.

4862. Did a lady named Miss Ade open any account with you in the bank?—Yes.

Baron *Fitzgerald*.] I feel some difficulty about questions as to an account opened by Miss Ade.

Mr. *Hemphill*.] We will connect it with the subject of inquiry.

Baron *Fitzgerald*.] I would rather you do so before you inquire into the lady's private account.

Mr. *Hemphill* submitted on the evidence, that this was a subject open to him to examine about.

Baron *Fitzgerald* said he did not think so; they might as well inquire into his account.

4863. Mr. *Hemphill* (to the *Witness*).] Have you got Mr. Richardson's account?—Yes; there is an account for Mr. Richardson.

4864. What is the first date for that account of Mr. George Richardson?—November 2nd.

4865. What is the last?—It was closed on the 31st December, it is going on at the present day.

4866. What is the total amount of lodgements to his credit?—To the 31st December?

4867. Yes?—£. 700.

4868. Did the total of disbursements balance that?—They closed it up altogether.

4869. The book is balanced?—Perfectly.

4870. Is there a cheque for 19*l.* 12*s.* at the latter end of November?—No; I do not find any cheque for that amount.

4871. Did Mr. Michael Joseph Laffan open an account with you?—Yes.

4872. Just look to his account, what is the first date?—November 4th.

4873. Is that continued to the end of the year?—To the 31st December.

4874. What was the total amount of lodgements to his credit during that interval?—It was closed twice.

4875. State the first closure?—On the 19th November.

4876. What was the total amount of the lodgements between the 4th and the 19th?—£. 485.

4877. Was that balanced?—No; there was a small balance to his credit that day.

4878. Then he re-opened the account?—Yes.

4879. What was the amount of the lodgements up to the end of the year?—£. 234.

4880. Is that balanced?—That is balanced.

4881. Baron *Fitzgerald*.] When was the second opening?—Apparently it was opened on the same day.

4882. And then the account was closed?—It was regularly balanced; it was perfectly closed.

4883. Mr. *Hemphill*.] Are there nine cheques for 5*l.* 5*s.* there?—Yes.

4884. Just turn to Mr. Munster's account, and see if there are any five-guinea cheques in it?—There is one cheque for five guineas.

4885. Are there any in Mr. Richardson's account?—No.

4886. Did Mr. Pat Laffan open any account with you?—No.

Not cross-examined, and the *Witness* retired.

Dr. JOHN WOOD, sworn; Examined by Mr. *Curtis*.

Dr.
J. Wood.

4887. You live in Cashel?—Yes.

4888. You know Mr. Munster?—Well, I know him by appearance, that is all I know about him.

4889. Do you remember having supplied him with any articles?—Yes, medicine.

4890. In the month of October last?—Yes.

4891. What was the amount of them?—Well, I could not exactly tell. There were two bills for, I think, something about 4*l.*

4892. Did you furnish an account?—Young Mr. Laffan called on me and requested me to furnish the first bill.

4893. Which Mr. Laffan?—Mr. Patrick Laffan.

4894. How much was that?—I think about 2*l.*, but I cannot exactly say.

4895. This was before the election?—It was.

4896. How long?—Well, I dare say about a week or more.

4897. Do you remember the 5th of November?—Well, I do not.

4898. Do you remember Patrick Laffan coming into you on any particular occasion?—Yes, I recollect his calling on me between nine and 10 o'clock at night.

4899. Early in November?—Yes.

4900. What occurred?—When he came to my place, he said, "I have lost the medicine bill which you furnished." I said it was no consequence,

that he could have another if he wished, but that since he furnished the bill a larger amount had become due. He asked me what might be the amount of the other bill. I stated that I thought the two bills were in or about 4*l.*

4901-2. What then occurred?—He pulled out a cheque book, and said he would give me a cheque; I was very intimate with him, and asked him into the parlour. He said he would do so, and on his way in he handed me a cheque, which I threw into an empty drawer, and neither he nor I read it. I threw it into the drawer amongst bills. He staid with me for about an hour, and then left. I did not look at it until the following morning, when I read it over the first time, and was surprised. I took it to Mr. Grace, and had his opinion on it, and he directed me to return it, and I tried to do so on that day.

4903. Tell us the amount of the cheque, and what was written on it?—Well, it was not a cheque, it was one of these papers to break votes, I believe.

4904. What was it?—A retainer.

4905. Would you know the document if you saw it?—No, I do not think I would.

4906. What did you say; give us the substance of it?—There was only one line on it, and there was 5*l.* 5*s.* on it.

4907. Did it purport to be an order on the bank

bank for 5*l.* 5*s.*, or anything of the kind?—It was.

4908. Did you not read it till the next morning?—No.

4909. What did you do with it?—I sent it several times, by Mr. Grace's directions, to be delivered to Mr. Pat Laffan. He could not be had, and I went to Mr. Grace, and told him that I had sent it frequently to Mr. Pat Laffan, and that he had not been found; he directed me to send it to Mr. Michael Laffan. I did not write a letter, but merely wrote his name on the back of it and sent it back to him.

4910. Did you write this letter (*document handed to Witness*)?—I did.

4911. Is that a copy of the letter you wrote?—Yes.

Mr. *Curtis* then read the following document:

"Sir,

"I have discovered when you left my house that the paper you handed to me was a cheque, signed by Mr. M. I. Laffan, for 5*l.* 5*s.*, with the word *retainer* inserted in it. I am at a loss to understand why you should have taken such a liberty with me, and I now return you the cheque, and request that you will not again presume to repeat any such attempt with me.

"Your obedient servant,

"*J. Wood.*"

"M. I. Laffan, Esq."

Mr. Baron *Fitzgerald*.] Has that a date?

Mr. *Curtis*.] It is not dated.

4912. When was it sent?—It was sent the following day, but not delivered on that day, because he could not be had.

4913. Did you get an answer to it from Mr. Michael Laffan?—I did.

1914. Is that it?—It is.

Mr. *Curtis*.] This letter is dated the 9th of November 1868.

"Dear Doctor,

"I am exceedingly sorry that you should adopt the hostile course towards us that you are doing. We, in giving you a retainer, were very anxious to benefit you, at the same time that it would advance the cause of our client. I therefore trust that you will, on consideration, look at it in this light, and do all that you can on behalf of Mr. Munster. I must add, that I am obliged, as Mr. Munster's conducting agent, to decline taking back the retainer which I assume your letter contained.

"Faithfully yours,

"*M. I. Laffan.*"

4915. You got that letter?—Yes, on Sunday morning.

4916. On receipt of it, what did you do?—I went to Mr. Grace, to have his advice as to what answer I should send. He said he would give me an answer in half an hour. Before the half hour was expired Patrick Laffan called on me, and said that if I would promise on my word that I would not mention the particulars of it, in order that the other parties should not hear of it, he would keep it, and there should be no more about it.

121.

4917. You voted for Mr. O'Beirne at the election?—I did.

4918. After voting for O'Beirne, do you remember being served with any document?—I was served with a summons by Mr. Munster, and it was postponed three times, for a month each time, to convenience him.

Mr. *Curtis* read the summons, of which the following is a copy:—

"Petty Sessions (Ireland) Act, 1851,
14 & 15 Vict. c. 93.

"*Henry Munster*, Complainant.

"*John Wood*, Defendant.

"Petty Sessions, District of Cashel,
County of Tipperary.

"Whereas a complaint has been made to me that on the 4th day of November 1868, at Cashel, in the said county, you, the defendant, agreed to act as agent for and on behalf of Henry Munster, at the election for the borough of Cashel, then expected to take place, and accordingly accepted and took a retainer on behalf of said Henry Munster, to act as his agent, and afterwards voted at said election; this is to command you to appear as a defendant, on the hearing of said complaint, at the Court-house, Cashel, on the 9th day of December 1868, at 12 o'clock noon, before such justices as shall be there.

"(signed) *Martin Jos. French*,

"Justice of said County.

"This 3rd day of December 1868."

"To John Wood, of Cashel."

4919. Baron *Fitzgerald*.] Who signed this?—

Mr. *Curtis*.] Mr. French, the magistrate.

Witness.] I attended.

4920. Mr. *Curtis*.] What became of the summons?—It was adjourned.

4921. Did Mr. Michael Laffan attend?—He did.

4922. At the petty sessions?—He did.

4923. At the hearing of the summons?—

4924. Did Mr. Munster attend?—He did.

4925. What became of the case when it was called on?—It was adjourned for Mr. Munster's convenience.

4926. On his application?—Yes; I was anxious that the thing should go on.

4927. At the end of the month what became of it?—It was adjourned again.

4928. Is it disposed of yet?—No.

Cross-examined by Mr. *Heron*.

4929. You are talking of young Mr. Pat Laffan?—Yes, the younger.

4930. You never said a word about the election the whole time?—We had a mixed conversation.

4931. Tell me, how did you mix it?—I left the compounding of it to him.

4932. At what hour the following morning did you look at the bill?—About eight o'clock, as soon as I came down.

4933. Had you heard about the placard?—What placard?

N

4934. The

Dr.
J. Wood.

18 February
1869.

Dr.
J. Wood.
18 February
1869.

4934. The placard saying that every man that took a five guinea retainer could not vote for either Mr. Munster or Mr. O'Beirne?—I had not heard of it at the time; I did not see it. I heard that the object of them was to break votes.

4935. Did you hear that before you went to Mr. Grace?—I could not say whether I heard it or not.

4936. Did Mr. Grace compound the letter for you that you wrote to Mr. Laffan?—No; I went to Mr. Grace about every letter.

4937. Did he compound it?—He promised to do the last one, but I am not aware that he did.

4938. At what hour did you go to Mr. Grace?—About the hour that he was usually up; about 10 o'clock.

4939. Did you go at 10 o'clock on the day after you got the five guinea cheque?—I did.

4940. Were you alarmed when you saw the five guinea cheque?—I was surprised at it, never having heard or seen one of them before.

4941. Did you tell young Mr. Laffan that you would vote for Mr. O'Beirne?—No; I was not

determined at that time. I was inclined not to vote for anyone.

4942. You had not made up your mind?—Well, I was not inclined.

4943. How soon after the five guinea cheque had you made up your mind?—I cannot say; a very short time before the election, for I was not inclined to vote at all.

4944. A couple of days after it?—I don't know.

Re-examined by Mr. Curtis.

4945. At the time you called on Mr. Grace he was, I believe, suffering from serious illness?—He was.

Mr. Hemphill.] Do you admit that Quirk, Halloran, Hogan, and Gleeson, got these letters? We have them here.

Mr. Butt.] I admit it.

Baron Fitzgerald.] I think you are quite right; it is not like a case between party and party.

PATRICK HALLORAN, sworn; Examined by Mr. Hemphill.

P. Halloran. 4946. WHERE do you live?—On the Commons of Cashel.

4947. You are a voter?—Yes.

4948. Do you know young Mr. Pat Laffan?—Yes.

4949. Do you see this cheque; is that your name, "Pat Halloran," on the back of it?—Yes.

4950. Did you get that cheque on the 7th of November last from Mr. Pat Laffan?—Yes.

4951. Where did he give it to you?—At my own house.

4952. Was anyone with you when he gave it to you?—Not when he gave it to me.

4953. What did he say when he was giving it to you?—He said, this is a thing of no importance.

4954. Tell us the whole of it?—I refused different times to take it from him. There was a man named Byrne with me first, when he asked me to take it.

4955. Was that Captain Dudley Byrne?—Yes; I refused to take it from him. Then Captain Byrne took away all my family out of the house, and left Pat Laffan and myself together. I said I would not take it, and positively refused to do so different times, and said I would have nothing at all to do with such a transaction. He forced me to take it. He said it was a thing of no importance. He said, "You could talk to your neighbours." "Well, I could talk to my neighbours without leaving this spot," said I. Then he forced me to take it.

4956. Did he tell you that it would prevent your voting?—No.

4957. Did he say what you were to do with it?—He mentioned nothing at all. He said it was a thing of no importance; "but you can talk to a few of your neighbours," said he.

4958. Did he ask you to read the name on the back of the cheque?—He did.

4959. Did you at that time read the name on the back of it?—I did.

Mr. Hemphill.] This cheque is dated the 7th of November 1868, and is drawn by

Michael I. Laffan, and the man's name, Pat Halloran, is endorsed on it.

4960. What did you do with that cheque?—I came the very same day to give it up to Mr. Michael I. Laffan. He refused taking it from me.

4961. When Mr. Pat Laffan went to you to give you that cheque, was it filled up, or did you see him do anything on it?—He wrote.

4962. Did he write his name on the body of it?—Yes.

4963. He had a book of them at the time?—He had.

4964. You were telling us what you said to Michael Laffan when you brought it to him?—I told him I did not want to keep this at all; that I did not understand the nature of it; that I knew no more of it than I did of the building of a ship.

4965. What did he say?—He said he would not take it.

4966. Did he take it?—No.

4967. What did you do with it?—I kept it till I gave it up to Mr. Grace.

4968. You voted for Mr. O'Beirne at the election?—I did. I was served with this notice afterwards to keep me up to my business, as being a retained agent.

4969. Was the notice you were sent signed by Mr. Laffan?—No, but another agent.

4970. Mr. Scallan?—No.

4971. Captain Dudley Byrne?—No.

4972. Mr. Leahy?—

4973. Mr. Richardson?—Mr. Richardson; and when I was served with the notice I came to Mr. Grace and showed it.

4974. You have not got it?—No.

4975. Was the substance of it saying that you would be indicted for a misdemeanour, or anything of that sort?—No, but that he would keep me to my business. I never acted, or asked any man.

Not cross-examined.

[The Witness withdrew.]

LAURENCE HOGAN, sworn; Examined by Mr. Curtis.

4976. (*Document handed to the Witness.*) You are a son of Michael Hogan?—I am.

4977. Do you see the name, "Michael Hogan," on the back of that?—I am not able to read.

4978. Did you see that signed?—I did.

4979. When was it signed, and by whom?—Mr. Laffan.

4980. That writing on the back of it?—Yes.

4981. Does your father know how to write?—No, nor to read either.

4982. Is that his mark on the back of that; did you see him acknowledge that?—I did. Mr. Laffan asked him to put his hand to it, and he put his hand to it.

4983. Was that before the election?—It was.

4984. How long?—I don't know.

4985. Where did this occur?—In the house.

4986. You live with him?—I do.

4987. Which of the Laffans was it?—I don't know any of them; I have no acquaintance with them.

4988. What did Mr. Laffan say to your father, or he to Mr. Laffan?—He said nothing, only he came in and got the book, and he wrote down something in the book.

4989. Mr. Laffan did?—Yes, sir. He did not know what he was writing, nor I did not know what he was writing. He asked my father to write his name. My father said he was not able to write it. I asked him was that any difference as to voting. He said not; that he could vote for any side. We did not know what was it, either the one or the other of us, until we got another boy to read it, my brother, and then we came in and gave it up to Mr. Grace the morning afterwards.

4990. Was Mr. Laffan after leaving, before you got your brother to read it?—He was.

Cross-examined by Mr. Butt.

4991. You say that Mr. Laffan told you when he gave you the cheque, that it would make no difference as to your vote?—He did.

4992. Did you tell him that you were going to vote for Mr. O'Beirne?—I said nothing, but asked him would it make any difference in the way of voting, and he said not, that he could vote for any party.

4993. Where is your father?—He is at home in bed.

4994. Is he ill?—He is.

4995. How long has he been sick?—A fortnight.

4996. Did any person come to serve your father with a subpoena to attend here?—He did.

4997. Was he in his bed then?—He was.

4998. How long had he been in bed before he got the subpoena?—A week.

4999. Before he got the subpoena?—Which, sir?

5000. Wasn't he served with a subpoena to come here to give evidence?—He was not.

5001. Did anyone go to his house to serve him with a subpoena?—He did.

5002. When was that?—It was on a Saturday night.

5003. How long ago; was it last Saturday?—It was.

121.

5004. On the Saturday before?—It was.

5005. Which?—Last Saturday.

5006. Did the man serve your father with the subpoena?—He did not.

5007. Why didn't he?—Because of his not being in the same evening.

5008. Then your father was not in on that Saturday evening?—He was not.

5009. Did you see the subpoena?—I did not.

5010. Were you there when it came?—I was.

5011. Your father was not in his bed on that Saturday evening?—He was not.

5012. When did he take to his bed since?—Sir?

5013. When did he take to his bed after that?—On Sunday.

5014. I suppose you told him a man had been there with a subpoena?—Sir?

5015. When did you tell him that a man had been there with a subpoena for him?—Saturday.

5016. But when did you tell your father of it?—On Sunday.

5017. How long after you told him did he go to bed?—He was not in bed at all on Sunday, for he was at the fire. He got up part of the day.

5018. Did he sit up all Sunday?—He did.

5019. Did he go to mass?—He did.

5020. I hope he was tolerably well on Sunday?—Well, no more than that.

5021. Did he get up at all on Monday morning?—He did.

5022. How long did he sit up on Monday?—For the day.

5023. Was he up on Tuesday?—He was.

5024. And Wednesday?—Yes.

5025. And Thursday?—Yes.

5026. And Friday; that's to-day; is he up to-day?—He is.

5027. Then he is going about quite well?—He is not; he is within, sir, at the fire, sir.

5028. Why did you take that cheque to Mr. Grace?—I did not know anything about it, sir.

5029. What made you think of Mr. Grace?—I did not know whom I gave it to, sir, nor what it was then.

5030. And you had no particular reason for bringing it to Mr. Grace?—I had no particular reason at all.

5031. More than any other person in Cashel?—Because I knew him better than any other man in Cashel.

5032. It had nothing to do with Mr. O'Beirne, your going to Mr. Grace?—Of course not.

5033. Did you know that Mr. Grace was managing for Mr. O'Beirne?—I did not.

5034. Did you know Mr. O'Beirne was in Cashel at all?—I did.

5035. I suppose you knew he was Member for Cashel?—Well, I did.

5036. Do you know how your father voted in 1865?—I don't know anything about it.

5037. On your oath, did you know that your father got money for his vote?—I did not.

5038. You did not?—No.

5039. Your father never told you a word about it?—No.

5040. You swear that?—I do.

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5041. Do

L. Hogan.

18 February
1869.

L. Hogan.
 18 February 1869. 5041. Do you know Pat Connor?—Yes.
 5042. Was he at your father's house?—No, nor anyone belonging to the O'Beirne party never entered the house.
 5043. Nor Tom Connors?—No.
 5044. Never entered the house?—No.
 5045. Did they come to the door?—They never came to the house nor to the door.
 5046. Did your father meet any of them?—I don't know.
 5047. Do you know Dan Foley?—I do.
 5048. Were you ever in his house?—No.
 5049. Was your father there?—I never was inside his house.
 5050. Was your father there?—No, sir.

5051. You swear that?—I do; nor any other house in the place.
 5052. That's on the Commons; and to your knowledge did your father ever see Mr. O'Beirne?—He did.
 5053. Where?—At the Cross on the race-course, when every one was seeing him.
 5054. Was he speaking to him?—He was.
 5055. Was that at the meeting there?—Yes.

Re-examined by Mr. *Curtis*.

5056. Do you know the man who had the subpoena?—I don't know him; oh, I do, sir.
 5057. What's his name?—Dwyer.

MICHAEL QUIRK, sworn; Examined by Mr. *Hemphill*.

M. Quirk.
 5058. HAVE you a vote?—Yes.
 5059. Do you know Mr. Pat Laffan?—I do.
 5060. And Mr. Michael Laffan?—Yes.
 5061. Did Mr. Pat Laffan give you a cheque any time before the late election?—No.
 5062. Did Mr. Michael Laffan?—Pat Laffan went to my house a couple of times.
 5063. Did you see him?—No.
 5064. Then did he give you a cheque?—No, Pat Laffan did not.
 5065. Did Mr. Michael Laffan?—Yes.
 5066. When was it?—Begor, I have no recollection.
 5067. Was it a week?—Well, about that.
 5068. Whereabouts was it that he gave it to you; do you know Corcoran's hotel?—Yes; I think it was in Corcoran's.
 5069. Did he say anything to you when he was giving you that cheque?—I have no recollection.
 5070. Did you read the cheque when he gave it to you?—I did not.
 5071. What did you do with it?—I went to the bank and got five guineas on it.
 5072. Was it a five guinea cheque?—Yes.
 5073. You wrote your name on it?—I did.
 5074. Did you afterwards ascertain what the cheque was for?—I did, the day after.
 5075. What was it for?—
 5076. Baron *Fitzgerald*.] What did you think it was for?—I was writing for Mr. Laffan some days before for the county election. I asked him for some money, and he told me to follow him into Corcoran's hotel. I had a drop, I think, the same day.
 5077. Mr. *Hemphill*.] You had been working for the county election?—I had.
 5078. And you were a little — ?—I had.

5079. Did you discover next day what it was for?—A cousin of mine, Con Carroll, told me, "Now your vote is broken. You have got a cheque from Mr. Laffan for five guineas." He told me "the reason he gave it to you was in order that you should have no vote." When I heard that, I got the five guineas and gave it to my sister and packed it off to Mr. Laffan with a note that I would be in no way concerned for Mr. Munster, neither would I vote for him.
 5080. Did you hear from him afterwards?—I heard the same night from Mr. Richardson.

Cross-examined by Mr. *Heron*.

5081. What are you?—A writing clerk.
 5082. When did you return the five guineas?—On my solemn oath the very morning after I got the money at the bank.
 5083. And you did not spend a shilling of it?—I did, 1 s. 6 d. or so.
 5084. In drink?—Exactly.
 5085. You had your "morning" after you cashed the five guineas?—Oh, I had without it.
 5086. Wern't you asking Mr. Laffan to be employed about the election?—I might.
 5087. Wern't you?—I asked him could I get anything to do about it. "No," said he, "you will vote for Mr. O'Beirne, and will go with Mr. Grace."
 5088. Were you employed by Mr. O'Beirne?—No; Mr. Grace told me he could not give it to me.
 5089. Did he give you a shilling?—Oh, the devil a shilling.

[The Witness withdrew.

MISS ISABELLA ADE, sworn; Examined by Mr. *Hemphill*.

Miss I. Ade.
 5090. MISS ADE, were you stopping at Abbeyview before the late election?—I was.
 5091. Do you recollect a woman of the name of Mrs. Hackett?—Perfectly.
 5092. Calling about the 28th of October last?—I cannot say as to the date.
 5093. Do you recollect her bringing a letter?—I don't know whether she did bring a letter.
 5094. Then I may bring it to your recollection. Do you recollect her being shown into the room when Mr. Richardson was there?—I do.

5095. There was a lady named Miss Sterne also there?—I don't recollect her being present.
 5096. Do you recollect that the substance of the letter was to ask for a loan of 10 l.?—Yes.
 5097. Something to that effect; and mentioning that her father-in-law and brother-in-law and husband had votes, the Hacketts?—Yes, I do.
 5098. Do you recollect Mr. Munster saying anything?—Yes.
 5099. State to his Lordship just the substance of what Mr. Munster said?—Mr. Munster said, when

when she spoke of the votes, she spoke to me first about the votes; Mr. Munster immediately said he would have nothing to do with her, and to go about her business. These were the words.

5100. Did you say anything then?—I said nothing at that moment.

5101. Tell us, as well as you recollect, just the substance of what passed on that occasion, while Mrs. Hackett was there, that either Mr. Richardson, or you, or Mr. Munster said?—

5102. Baron *Fitzgerald*.] Did you say anything when he told her to go about her business?—I made no remark at that time.

5103. Did you afterwards, before the woman left?—She did not leave at the moment, and I went outside into the hall with her, and told her it was very foolish of her; that Mr. Munster would not have anything to do with her; and then she began to talk to me.

5104. Mr. *Hemphill*.] Did you hear Mr. Richardson say anything to her?—No, I did not.

5105. Do you know Madlle. de Moncourt?—Not personally.

5106. Do you know that there is such a person?—I do.

5107. Do you remember her name being mentioned?—Not the first time I saw Mrs. Hackett.

5108. Was it the second time that Mrs. Hackett called?—I mentioned it to her myself.

5109. What did you say to her in reference to Madlle. de Moncourt?—I said I could not do anything for her because Mr. Munster would not allow me, and that perhaps Madlle. de Moncourt would help her if she was in such distress.

5110. Did you give her an envelope directed to Madlle. de Moncourt?—I did.

5111. Do you yourself recollect writing a letter to Mrs. Hackett?—No, I did not write to Mrs. Hackett.

5112. Did you write to Madlle. de Moncourt?—I did.

5113. Did you give that letter to Mrs. Hackett?—No.

5114. Did you send it direct yourself to Madlle. de Moncourt?—I did.

5115. Did you not write yourself to Mrs. Hackett?—I did not, as far as I recollect.

5116. She states that you wrote a letter to her?—I did not.

Baron *Fitzgerald*.] I did not understand her to say that the letter was addressed to her. I think she said she got a letter.

5117. Mr. *Hemphill*.] Did you give her that letter; did you give her the envelope?—I don't recollect giving her a letter of any description.

5118. Do you recollect her afterwards bringing you a letter which she said she received from Madlle. de Moncourt?—I do.

5119. And a cheque?—Yes.

5120. Was that on Coutts's bank?—I don't know.

5121. Have you got it in your pocket?—I have.

Mr. *Hemphill*.] This is, "Pay to Mrs. Margaret Hackett, or order, 10 *l*."

Mr. *Butt*.] On Coutts?

Mr. *Hemphill*.] Yes, Coutts & Co., London.

121.

5122. (To *Witness*.) You got her to endorse her name on it, Margaret Hackett?—Yes, I did.

5123. And gave her a 5 *l*. note and five sovereigns?—I think I gave her all in gold; I am not sure.

5124. Had you, Miss Ede, an account in your name; did you open an account in the National Bank in Cashel?—Before the election?

5125. Yes?—I did not.

5126. You had no account?—No.

5127. I am not speaking of matters subsequent to the election, nor do I wish to talk of any matters except those connected with the case before us; did you open any account from the time you came to Cashel, previous to the election, in your own name?—I did not.

5128. Or draw any cheques in your own name?—None.

5129. On the National Bank?—Drawing cheques? perhaps I don't understand your question; do you mean to cash cheques or to draw them?

5130. I mean cheques like that?—I don't think so; I believe I did not.

5131. Did you give any cheques?—None whatever.

5132. To any party?—No, I gave no cheques.

5133. Did you keep a cheque book of any sort?—No.

5134. Have you opened an account since the election at the National Bank?—I have one; I have a cheque-book now.

5135. When did you first get the cheque-book?—I think it was about a month ago.

5136. Was it then you opened the account in the bank?—It was.

5137. Was it from Mr. Munster that you got the money to lodge in the bank?—Yes.

5138. How much?—He makes me a transfer whenever I require money for house-keeping purposes.

5139. You lodge it in your own name?—He makes a transfer in my name.

5140. Transfers it from his account to yours?—Yes.

5141. When was that first done, Miss Ede?—About a month ago, I believe; I am not quite sure as to the date.

5142. Would you say it was two months ago?—It may be.

5143. We are now at the 18th of February?—I can't be sure. I don't recollect when the first—

5144. Did you pay any money on account of bills, or anything connected with the election?—None whatever.

5145. Did Miss Sterne—do you know is Miss Sterne in Cashel now?—She is not.

5146. Was she here at the time of the election, and previous to it?—She was here previously to the election.

5147. On a visit at Abbey View?—Yes.

5148. Baron *Fitzgerald*.] Was it with your own money, or Mr. Munster's, that you paid that cheque?—It was with my own money.

5149. Mr. *Hemphill*.] Did you see Miss Sterne, or did you know of her paying any election accounts?—I do; I know that she paid some.

5150. Were you present when she paid them, Miss Ede?—Not always.

5151. But occasionally did you see her give money to Mr. Laffan?—Never.

5152. To

Miss
I. Ade
18 February
1869.

5152. To whom did you see her give money; I am not speaking of private matters?—I saw none given, except to pay bills.

5153. Election bills?—I saw no election bills.

5154. You have just said now——?—I made a mistake.

5155. Do you mean to say that you never saw Mr. Munster pay any bills connected with the election?—No, I did not.

5156. Are you sure of that?—Yes.

5157. You say she had an account at the bank in her own name?—Yes.

5158. Did Mr. Munster transfer, as in your case, any money to her name?—He did.

5159. Was that before the election?—Yes.

5160. Do you recollect telling Mrs. Hackett that that money was not for the votes, or anything of that sort?—I do, distinctly.

5161. Just tell us what you said?—I told her I had nothing to do with the electioneering business, and that it was no use talking to me about votes, and that she had better go about her business; she prayed very hard with me, and said she was in very great distress.

5162. That was the first time?—Yes; I asked Mr. Munster's permission, and he said I had better let it alone.

5163. You have told us that you yourself are not acquainted with Madlle. de Moncourt?—Not to see her; I never saw her.

5164. Were you in the habit of writing to her?—Yes.

5165. For Mr. Munster?—Yes.

5166. Then Madlle. de Moncourt was an acquaintance of Mr. Munster's?—Yes.

5167-8. But you yourself had never directly communicated with Madlle. de Moncourt on any business previous to this election?—Never.

Cross-examined by Mr. Butt.

5169. Had you been in the habit of looking, for Mr. Munster, at petitions for charity, on applications for charity presented to him?—Yes.

5170. Do you generally do that?—Always.

5171. Do you mean to say that it is his habit to refer these petitions to you?—Yes; I was given charge of them.

5172. I suppose he is in the habit, every place, of receiving a good many?—I believe so.

5173. Have you looked at a great many for him?—A great many acts of charity.

5174. I mean petitions?—I saw them all; they were all given to me.

5175. As to this lady in London, that you were asked about, you say you have never seen her, have you?—No, I have not.

5176. Have you heard a great deal of her?—Yes.

5177. Have you heard of her as being a charitable person?—I have.

5178. And a person likely to do a charitable act?—Certainly.

5179. Take that in your hand; is that your handwriting on the back of it?—It is.

5180. Did you put the two letters you got from Mrs. Hackett into that?—Yes.

5181. When did you put them into it; the 28th of October is on the back?—I don't know whether I put the dates of the letters, or the dates of my putting them into the envelope.

5182. Why did you put them into the envelope?

—Because she did not wish it to be known; she wished it to be quite private.

5183. Was it to prevent any person seeing them that you put them into the envelope?—That is what I did it for.

5184. Open them (*the Witness opened the envelope*)?—

Mr. Butt read the following letter:—

“Green, Cashel,

“28 October '68.

“Dear Sir,

“I hope you will forgive my intrusion, which I never would have done were not I and those to whom I belong some of your most influential supporters. I introduce myself to you as the wife of James Hackett, whose father and himself possess a vote, each of which are at the perfect disposal of the former, as also that of his brother William, now, as on all former occasions, will go with the other two. I will only ask you, in return of the influence which I will successfully use in your behalf, a lend of 10*l.*; and the reason I am obliged to have recourse to your generosity, I shall quickly let you know. A few years ago, when I got married, my father promised myself, privately, 20*l.*, of which my husband knew nothing about, on strength of which promise I foolishly went in debt the sum which I now ask of you to lend me. Should you doubt me, I beg you to refer to Mr. Laffan, and I am confident he will give you a most respectable character of me; or to his Grace the Archbishop, who knew me well at the time I was educating in the Ursuline convent, Thurles, which he is the patron of. I could refer to several others, but as wish to keep it a perfect secret, as it would expose me to the ridicule of several were they to know it; but I am confiding in a gentleman, and my trust is, I am sure, in safe keeping.

“I remain, &c.

“Margaret Hackett,
“Cashel.”

“Henry Munster, Esq.,
“Green, Abbey View, Cashel.”

Mr. Butt.] The second letter is to this lady in London, and is as follows:—

“Green, Cashel.

“Dear Mademoiselle,

“Hearing of your many charities, and your kind sympathy for those who are in trouble or embarrassment, I have recourse to your kind and benevolent heart, as I am in the greatest trouble on account of 10*l.* I owe, of which my husband is not aware of; and being of cross temper, it would bring great trouble on were he to become aware of it. Should you avert such a trouble from me, I shall for ever feel it my duty to remember you in my prayers, as also to pay you back, at the earliest opportunity, the sum, should kindly give it to me. I have also with me the bills of the various parties to whom I owe the money, should you wish to see them. I come in this disguise that I may not be remarked, as I would not wish to be seen or known, lest the people may surmise the purport of my visit. It is, my dear lady, real fear of creating my husband's animosity

animosity that makes me trespass on your generosity.

"I remain, &c.

"*Margaret Hackett,*

"Green.

"Madlle. Munster,

"Abbey View, Cashel."

5185. *Mr. Butt.*] That is addressed Madlle. Munster, but was intended for you; I suppose she thought you were Mr. Munster's daughter. Now did you afterwards get from her that letter?—I did.

5186. I think you said, that after you told her that Mr. Munster could have nothing to do with her, she still importuned you to get her the 10*l.* note?—She did very much.

5187. Was it in consequence of that, that you did go out to her and advise her to write to the lady in England?—It was.

5188. *Baron Fitzgerald.*] Did you say anything about saying nothing about the votes?—I did; I told her not to speak to me about votes, because, if so, I should not be allowed to help her.

5189. What is the name of your English friend?—*Mademoiselle de Moncourt.*

5190. You did not say anything to her about the votes?—Nothing at all.

5191. You got that letter from Mrs. Hackett afterwards that you have in your hand?—Yes.

5192. As to the account you have now in the National Bank, will you explain; I believe you take care of the household expenses of Mr. Munster?—Yes.

5193. You pay the ordinary household expenses; was Miss Sterne formerly in the habit of doing that?—That's what she did.

Mr. Butt.] This is a letter you received afterwards from Mrs. Hackett:—

"Dear Miss Haide,

"I am a long time waiting to have an interview with you, but each time I was disappointed, either by your absence of the inconvenience of the time I used to endeavour to endeavour to do so. I have long and many a time since I experienced your kindness, and that of your good friend, but things taking such a turn as I did not expect, I feel it my duty to consult you concerning what you, in your kindness and generosity of heart, gave me, or rather put me in a way of getting, by your interest, for which I pray, on this Christmas eve, that God may send His choicest blessings on you, and send you spiritual consolation according as you endeavour to shield me from the anger of a husband whose displeasure I dread more than anything in this world. Dear lady, I'll go to my people; I'll tell them how I am situated, and perhaps they may look on me and help to give back what I got to you, or, by your advice, to the good lady who sent it to me. Tell me how to act, and may grant you all the compliments blessings of the season.

"*M. Hackett.*"

Mr. Hemphill.] What is the date of that letter?

Mr. Butt.] Christmas eve, and it contained the beautiful little Christmas card, on 121.

the back of which are the words, "A happy Christmas; your kindness I'll never forget; my prayers shall be for you, though seas roll between."

5194. *Baron Fitzgerald.*] You don't appear to have used that cheque upon Coutts's?—I have used it.

5195. You have been paid the money?—I beg pardon, I did not understand you. I have not used the cheque at all.

5196. Why did you not?—I did not require it.

5197. Did anybody desire you not to do it?—I think not.

5198. Were you desired by anybody not to use it?—I believe not.

5199. *Mr. Butt.*] Have you been in London since you got it?—I have not.

5200. If you had been there, would you have used it?—Not unless I was without money.

Re-examined by *Mr. Hemphill.*

5201. Do you recollect, when you were cashing the cheque for Mrs. Hackett, your observing that Mr. Munster should pay the money back to Madlle. de Moncourt, or something to that effect?—I don't recollect that.

5202. Something to that effect; that Mr. Munster, of course, should pay the money back to Madlle. de Moncourt?—I don't recollect that at all.

5203. I suppose you always had plenty of pocket-money at this time?—I had.

5204. So that you would have no difficulty in giving a 10*l.* note yourself, the first day she called?—I don't know whether—oh, I could have given it.

5205. But you thought it was better to go through Coutts's and this Madlle. de Moncourt?—I did, and simply because I was forbidden to give it to her. I was forbidden to give it at all. What I did was in disobedience.

5206. Would it not have been much simpler, if it was an act of charity, for you to have put your hand into your pocket and, out of your own money, handed it to Mrs. Hackett?—But I could not, because I was forbidden by Mr. Munster to do it.

5207. What did Mr. Munster say to you?—He told me to send her about her business.

5208. Wer'n't you really doing what she asked you?—I was. I did wrong, no doubt.

5209. Quite right. Would you look at this memorandum; when was it that you sealed the envelope; it purports, by the endorsement, to bear date the 28th of October; was that date put on on the 28th of October, or subsequently, Miss Ede?—I can't say; is it the same date as the letter? I can't tell.

5210. Look at the seal, and tell me whose it is?—I did; it is my seal.

5211. There were two letters sealed up; did you get the two letters the same day?—I think not.

5212. Then when was it; how many days after the first letter did you get the second?—I can't remember. I was in the habit of receiving sometimes 16 or 17 letters a day.

5213. Look at that memorandum; is that in your handwriting on the envelope?—It is.

5214. Some is written in pencil, and some in writing?—Yes.

5215. Is

Miss
I. Ade.
18 February
1869.

Miss
I. Ade.
18 February
1869.

5215. Is all that your handwriting; both the pencilling and the writing?—It is.
5216. When was it written?—It appears to be the 28th of October.
5217. It purports to be; I ask you when it was written?—I cannot say.
5218. Was it written after the election?—No.
5219. Are you sure?—I believe so.
5220. Are you sure?—I am sure; yes.
5221. When was it written?—It was before the election.
5222. How long before it?—I cannot say.
5223. Read the memorandum out?—"Madame, I am commanded by Mr. Munster to inform you, much as he regrets the hardship of your case, and highly desirous as he would be to help you under ordinary circumstances, your unfortunate and ill-judged attempt to offer him an interested inducement to do that which, if he did, would be freely done, and from goodwill alone, rendered it totally impossible for him to consider of doing so. But, feeling much sympathy for such a case as you have proposed to me, I will endeavour to do for you what I can amongst my own friends. Yours truly, *Isabell Ade*.—28 October 1868."
5224. What did you write that for?—I must have written to Mrs. Hackett.
5225. Part of this is in pencil and part in ink?—It was a sketch of the letter before I wrote it.
5226. That letter was written on the 28th?—I should suppose so; I cannot say.
5227. Was it not after that, that you got her letter addressed to yourself?—I don't know.
5228. Baron *Fitzgerald*.] When did you first tell Mr. Munster that you advised her to ride to Madlle. de Moncourt?—I don't remember.
5229. But you did tell him?—I believe I told him; I am not sure.
5230. Did you tell him of your getting that cheque?—No I did not.
5231. You say you think?—I am not sure.
5232. Mr. *Hemphill*.] Of course, when you were writing that letter of which this is a copy, you were aware that it would have been wrong on account of the votes to have had anything to say to her?—I was, unless I could have persuaded her that I was doing it simply as a charity, which I tried to do.
5233. Had you ever cashed a cheque before in that way?—Never.

Mrs. MARGARET HACKETT, re-called; Examined by Mr. *Butt*.

Mrs.
M. Hackett.

5249. Is that the young lady you saw?—That's Miss Ede; that's the young lady that paid me the money.

Mr. *Hemphill*.] Have I a right now, my Lord, to see what money was standing in Miss Sterne's name in the bank?

5234. What made you get Mrs. Hackett to endorse the cheques?—It would have been of no use unless —

5235. You were aware of that?—Yes.

5236. You had, I suppose, cashed cheques yourself?—Yes.

Mr. *Hemphill* asked that the cheque on Coutts's bank and the letters read by him should be marked. The following is a copy of the cheque:—

"No. 06864. London, 2 November 1868.

"Messrs. Coutts & Company. Pay to Mrs. Margaret Hackett, or order, Ten pounds.

"*A. E. O. de Moncourt*."

"£.10."

5237. Mr. *Hemphill* (to Witness).] You say it was all gold that you gave to Mrs. Hackett?—I think it was.

5238. Had you all that money yourself that day when you gave it to her?—I had.

5239. Do you recollect asking Miss Sterne to make up what you wanted of 10 l.?—I do not.

5240. Was Miss Sterne there when you paid the money?—She was not.

5241. Did you give it to Miss Sterne and ask her for money?—I am not sure.

5242. Where is she now?—I don't know.

5243. Is she in this country?—I don't know.

5244. I ask you again, Miss Ede; just recollect this; Mrs. Hackett stated that you had not the full 10 l., and that you went out to get from Miss Sterne what made up the difference, whatever it was, that you required; is not that so?—I have no recollection of having done so; I may have done so.

5245. Did you mention to Miss Sterne about this cheque?—I think not.

5246. At any time?—I don't believe I ever spoke of it to her.

5247. Was she aware that you had written to Mademoiselle de Moncourt?—I don't think she was; I don't think she knew anything about it.

5248. You did not know Mademoiselle de Moncourt, but she knew of you?—She knew something; yes.

Baron *Fitzgerald*.] Indeed I don't think you have.

Mr. *Hemphill*.] Or in Miss Ade's?

Baron *Fitzgerald*.] I don't think you have.

[The Witnesses withdrew.

JOHN DWYER, sworn; Examined by Mr. *Curtis*.

J. Dwyer.

5250. You are a voter of Cashel?—Yes.
5251. Do you know Mr. Pat Laffan?—I know the two of them.
5252. The brother of Mr. Michael J. Laffan?—Yes.
5253. Do you remember the time of the last election?—I do.
5254. Do you remember, before the election, having got a cheque for five guineas?—I do.

5255. From whom?—From young Mr. Laffan that is gone off.

5256. From Pat Laffan?—Yes.

5257. Whose name was on the cheque?—I did not much mind.

5258. You don't know what was on the face of the cheque?—No; I only looked at the amount of the money.

5259. What did he say when he was giving it to

to you; was it he gave it to you himself?—It was.

5260. What did he say when he was giving it to you?—He said he was going to give me a cheque for five guineas; that I was late for the bank that evening; and, begor, I took it from him.

5261. Did he tell you what the cheque was for?—He did not.

5262. Tell us now exactly what was said; did he say anything about your voting?—I asked him nothing about it.

5263. Did he tell you it would prevent you from voting?—No.

5264. Did you at all know that it would have the effect of preventing you from voting?—If I did, I would not take it for 100*l*.

5265. Did you vote afterwards?—I did not.

5266. For either party?—No.

5267. Did you cash the cheque at the bank?—Pat — checked it for me.

5268. And you got the money?—Yes.

5269. But for getting that cheque, would you have voted?—I would for Mr. O'Beirne, undoubtedly.

5270. Then did you discover that the taking of the cheque would have the effect of stopping you from voting?—When I saw it advertised in the street.

5271. Do you remember, before the election, having been sent to the Commons on any occasion?—I was.

5272. By whom?—Mr. Laffan.

5273. Which of them?—The boy that has gone off.

5274. That is Pat?—Yes.

5275. What were you sent there for?—They sent me out the night that Tim Shanavan and Tommy Connor were taking down a list of the voters that were pledged for O'Beirne.

5276. Who sent you out?—I don't well know. I think it was young Laffan that came up to Clark and got the order.

5277. Did you go?—I did.

5278. Who went with you?—Michael Cahill.

5279. Did Laffan say anything to you when he was sending you out; did he tell you what you were to do?—He told me that there was some party belonging to O'Beirne; I think they considered that O'Beirne had gone out himself that night; and they sent me out to know what they were about.

5280. Did they give you any message, or to say anything out there to anyone?—No, they did not.

5281. Just think; did he tell you to promise anything?—No.

5282. Can you recollect any further directions that he gave you?—No.

Cross-examined by Mr. *Heron*.

5283. Did you watch Connor's that night with Cahill?—I went out as far as my first cousin's house, the Dwyers, at Sampson's Hill.

5284. Did you see Connors go to any house?—I did not.

5285. Were you with Cahill the whole time?—I believe I was; Cahill and I walked across from the Golden Road.

5286. What were you out for?—We went out to find out what they were up to.

5287. Did you watch them?—I was told what they were about; I did not watch them.

5288. After you got the five guineas, were you not working for Mr. Laffan for some time doing what he bid you?—I was, against my grain, you may be sure.

Re-examined by Mr. *Curtis*.

5289. Did you, at any time, get a message from Mr. Laffan to promise money out at the Commons?—Yes.

5290. When?—Young Mr. Laffan told me they would give 25*l*. a man.

5291. Where was it that he told you that?—I kept no account.

5292. Was it at Corcoran's hotel?—Yes.

5293. Was anyone by when that was said?—No.

Re-examined by Mr. *Heron*.

5294. How much did you get in 1865?—I got 60*l*.

5295. Who gave it to you?—Mr. Guirey.

5296. Denis Guirey?—Yes.

Baron *Fitzgerald*.] I will not allow this.

THOMAS GLEESON, sworn; Examined by Mr. *Hemphill*.

5297. You are a voter?—I am.

5298. Do you know Mr. Pat Laffan?—I do, well.

5299. And Michael Laffan?—Yes.

5300. Did you get a cheque from Mr. Pat Laffan at any time?—I did.

5301. Was that before the last election in November?—Oh, yes.

5302. What did he give you the cheque for, did he say?—He asked me would I act as the

agent of Mr. Munster. I told him I would not; that I was pledged to Mr. O'Beirne.

5303. Did he leave the cheque with you?—He did.

5304. You gave back the cheque?—Yes.

Not cross-examined.

[The Witness withdrew.

J. Dwyer.

18 February
1869.

T. Gleeson.

JOHN RYAN, sworn; Examined by Mr. Curtis.

J. Ryan. 5305. WHERE do you live?—At the Race-course.
18 February 1869. 5306. Near Cashel?—Yes.
5307. You are a voter?—Yes.

5308. Do you remember the last election?—I do.

5309. Do you know Mrs. Boyton?—I do.

5310. Do you remember having met her a short time before the election?—I remember it well.

5311. How soon before the election?—I suppose a fortnight or three weeks.

5312. Where did you meet her?—In the street; she asked me in to tea with her.

5313. Where is she living?—She was living at Abbey-view; she was living at Miss O'Dwyer's, the "Rock Hotel," at this time.

5314. Where is she living now?—I could not say.

5315. She asked you in to tea with her?—She did; into the "Rock Hotel."

5316. Did you go?—I did, but it was over when I went in.

5317. What occurred when you went in?—I went into the parlour there; I was introduced to the Miss Ryans from Thurles; I was asked to take a glass of punch by Mrs. Boyton; to take it along with her husband, Mr. Boyton, of the Bank. After that, I said it was time for me to be going away; she said, "Do sit down and take another"; so we took two glasses of punch, each of us. Mr. Rafferty then came in, and I spent about another half-hour talking. She begged their pardon, and went up into a bedroom; she called me with her, and I went in.

5318. Was there anything said about the election; did she say anything to you about the election?—She did; she said she had 1,225*l* for me to distribute amongst the Commons people, and to take my own share out of it.

5319. Baron *Fitzgerald*.] Mrs. Boyton did?—Mrs. Boyton, wife of the Accountant of the National Bank.

5320. Is Mr. Boyton a voter?—He is.

5321. For whom did he vote?—For Mr. Munster.

5322. Mr. *Curtis*.] What did you say to that?—I said I would have nothing at all to do with it at the present.

5323. Was there anything further said about it?—There was.

5324. On that occasion?—When I was coming away she said to me, "Take a glass of brandy," and brought up a bottle of brandy. I took a glass of brandy out of it, and then I said I would go away. She took hold of me by the skirts of the coat, and said I should take the money from her, and divide it honestly.

5325. Did she tell you what it was for; what she would give it for?—She told me to distribute it amongst the Commons voters; she said I was the most respectable man in it. I had got a letter from Mr. Boyton to Mr. Sealy, and I was a poor-rate collector, and therefore I should distribute the money.

5326. Did you see Mr. Sealy with Mr. Munster before the election?—Oh, I did often.

5327. Used he to go about with Mr. Munster on his canvassing parties?—Yes.

5328. What is the christian name of Sealy?—I could not swear.

5329. Did you go away after refusing to take the money in that way?—I did.

5330. Was the conversation afterwards renewed?—No, it was not afterwards, that night.

5331. On any other day or night?—I went for the money afterwards. I went to Fethard on Tuesday. It was on a Monday this happened. It was too late when I came home from Fethard, and I did not go in. On Wednesday, the old fair day at Clonmel, the 5th of November, I said I would send an uncle's son of mine for advice about it.

5332. Was that conversation about the money renewed?—He said for me to have nothing at all to do with an election. He said there was a clerk in the Youghal Union, or some place, and that an order came down from the Poor Law Commissioners that he should be dismissed if he did not give up elections, and that if I thought my situation worth keeping I should.

5333. Baron *Fitzgerald*.] Who told you that?—Mr. Guirey's son in Clonmel.

5334. Mr. *Curtis*.] Did she point you out the box?—She did.

5335. When was that?—On the night of the 3rd of November, the first evening.

5336. Did she tell you the money was in that box?—She did.

5337. Where was the box?—I could not say.

5338. Was it in the room?—It was in the room, in the bedroom.

Cross-examined by Mr. Butt.

5339. You say that Mrs. Boyton told you you were the most respectable man on the Commons?—She did; I had a letter from her husband to Mr. Sealy.

5340. You consulted your cousin, your uncle's son, about this?—Yes.

5341. Did you tell him everything?—I told him nothing concerning money or anything.

5342. Then what did you consult him about?—I did not consult him about the money at all when he told me to have nothing at all—

5343. What did you go to consult him about? To know if this 1,225*l*.—if I undertook it—

5344. Then you went to consult him about that, and never told him of it?—No, I did not; but he showed me a letter in the newspaper about the clerk of a union—

5345. Do you swear that you went to consult him as to whether you should take the 1,225*l*. or not?—On my oath I did.

5346. Baron *Fitzgerald*.] What did you say?—I told him I wanted to send him to Mr. Hackett, and that whatever he charged for his advice concerning electioneering business, I would give it to him.

5347. Mr. *Butt*.] What I want to know about is, did you want to know whether it would be bribery or not?—What he would advise; if I took it and distributed it amongst the commonsers, would I be in any hold for the money afterwards.

5348. What for?—If the money was denied by any of the Commons people; if they said they did not get it, I might have to account for it myself.

5349. Then it was about that that you went to consult Mr. Hackett?—It was about that.

5350. Do I understand you to say that if you could

could have been sure of that, you would have taken it?—Well, I would.

5351. You are quite new to a thing of the kind, I suppose?—I never heard of that before.

5352. You never heard of money being distributed to the Commons people before?—Yes, I did; but not that money.

5353. You heard of money being distributed to the Commons people?—I often heard there was money distributed.

5354. Did you ever do it yourself, on your oath?—Any of the money distributed to myself—

5355. To the Commons people, sir; did you ever distribute money to the Commons people?—Never.

5356. You never did?—Never; to not one.

5357. Didn't you do it in '65?—No; I distributed no money to any person.

5358. Did you give no money to anyone on the commons in '65?—No; to not as much as one man.

5359. Did you get any to give in '65?—I got nothing to give.

5360. In '65?—No.

5361. Did you ever say you had?—Never said it.

5362. Did you, at the time of the election in 1865, get money from anyone, now?—Oh, it's not necessary that I should answer that; it has nothing to do with this. Shall I answer it, my Lord?

Baron *Fitzgerald*.] Yes.

Witness.] Well, I would rather not answer it.

Mr. *Butt*.] Well, you must answer it.

Baron *Fitzgerald*.] You must answer it; but you will be entitled to a certificate of indemnity if you require it.

5363. Mr. *Butt*.] Tell me, did you get any money from anybody in '65?—I never got a penny from e'er a member.

5364. Did you get money from anybody?—I often got money.

5365. Did you get any money from anybody connected with the election of 1865, or connected with it?—I did not get any money connected with an agent from the election, nor was I concerned in that election.

Mr. *Butt*.] I submit that this man was an agent distributing money on the commons.

Witness.] No, on my oath I was not.

Baron *Fitzgerald*.] I am not sure that my certificate would relieve him from any responsibility connected with the election of 1865.

Mr. *Butt*.] If he claims your Lordship's protection, he is not to be called on to answer.

Baron *Fitzgerald*.] But he has claimed it.

Mr. *Butt* submitted that the inquiry as to the election of 1865 was relevant.

Baron *Fitzgerald* ruled that it was not.

The *Witness* was walking off the table, when

Mr. *Butt* said, "Stop; you are not going away yet."

Witness.] I am not in any hurry either.

5366. Mr. *Butt*.] Do you know of any bills being given by anybody in 1865?—No; I know of no bills being given to anybody in 1865.

5367. Do you know of any of the commoners passing bills?—Only what I heard of Mr. Guirey.

5368. But you did not know of it at the time?—No, I did not.

5369. Did you ever ask Mr. Munster to employ you at this election?—Never.

5370. You never asked to sell him a horse?—He asked to buy a horse from me; not he, but Pat Cunningham.

5371. I ask you distinctly, and don't answer this if you don't like, were you given money by any person at the election of 1865 to give to voters?—Never.

5372. Baron *Fitzgerald*.] You are not bound to answer the question?—(*Witness*.) I never got it my Lord.

5373. Mr. *Butt*.] What did you mean by saying that you claimed the protection of the court?—I did not think the election of '65 had anything to do with this. It is not that I wanted to claim protection.

5374. Was there a bill of yours in the National Bank at the time of this election, or about it. I am not asking you what it is?—I had.

5375. Was Captain Graham's name on it?—He was not before this election; he was some years ago.

5376. But not at this election?—Not at the time of this election.

5377. Did you ever say to any person that there was a bill of yours in the National Bank with Captain Graham's name on it?—There was a bill in the bank of Captain Graham's for many years with me, and I renewed it often too.

5378. Did you say to any person that there was a bill in the bank with Captain Graham's name on it?—Never said it to any person, except when I would go to the manager of the bank, I would ask him for a renewal of the bill. I had a bill for 23 l. for three years in the bank with Captain Graham's name on it.

5379. When did Captain Graham's name get off your bill on the bank?—Well, I have not the date of it.

5380. Was it long before the election?—Before the election?

5381. Yes?—Oh, I could not say that.

5382. Was it a month?—I could not say.

5383. Was it a week?—I could not say.

5384. Do you mean to say that you can't tell me?—I told you that Captain Graham's name was on a bill in the bank with me for the last three years, and I won't tell you any more about him.

5385. You must. A week before the election, was Captain Graham's name on a bill in the bank for you?—A week before the election?

5386. Yes?—It was.

5387. And after the election?—Yes.

5388. How much was that bill?—Well, I have not the docket of it here.

5389. Do you know how much it was?—I could give a guess about it.

5390. How much?—Either 30 l. or 35 l.

5391. Is it in the bank now?—Yes.

5392. With Captain Graham's name on it still?—Yes.

5393. What was the consideration for that bill?—The consideration for that bill was that he was a friend to me always.

5394. And lent you his name?—Yes, he and a grand uncle of mine were on the bill together, and when the grand uncle died, he did it by himself.

J. Ryan.

18 February 1869.

J. Ryan. 5395. Did he ever ask you to pay it?—I never asked anybody to pay that bill.
 18 February 1869.

Re-examined by *Mr. Curtis.*

5396. You spoke just now about selling a horse?—Yes.

5397. When was it that you sold the horse?—I sold her before the election, my Lord.

5398. *Mr. Butt.*] Were you often with *Mr. Munster* before the election?—I was; he gave me a glass of wine, and put some biscuits in my pocket.

5399. *Mr. Curtis.*] You say you sold a horse before the election?—Yes.

5400. How long?—I suppose about a fortnight or three weeks.

5401. To whom did you sell it?—*Pat Laffan.*

5402. What was the price of the horse?—Seventy pounds.

5403. How much were you paid for it?—I was paid nothing. When he called me into *Corcoran's* hotel, into the bed-room, and wrote a cheque for 70*l.*, and told me this cheque

is to be on account, I went to the manager of the bank to know what to do about it. He said I would get cash for it the following morning. This was about six o'clock in the evening; he said I had better go to—

5404. Had you the cheque at that time?—I did not take the cheque at all, nor would I give him up the horse till I would get the money.

5405. What was the bargain?—To have the horse inspected by a veterinary surgeon, *Mr. Dolan.* He inspected him. The horse was yoked to the carriage, and *Pat Laffan* and myself drove out. Afterwards he called me into the bed-room and told me he would write a cheque for the amount of the money, 70*l.* on account. I told him I had never got a cheque on account that way, and that would it not be well for him to get the cash for me; he would not do that.

5406. Was there anything about the election?—He said that if I would sign a receipt, and support *Mr. Henry Munster*, he would get the cash himself.

[The Witness withdrew.]

Mrs. HENRIETTA BOYTON, sworn; Examined by *Mr. Hemphill.*

Mrs. H. Boyton. 5407. I BELIEVE you are the wife of *Mr. Boyton* of the bank?—Yes.

5408. He is a voter of this town?—Yes.

5409. You are now living in *John-street*; you and your husband?—Yes.

5410. In *Mr. Munster's* house?—Yes.

5411. When did you go to live in *Mr. Munster's* house in *John-street*; was it before the election or after it?—After it.

5412. How long after it?—Really at this moment I could not recollect.

5413. Just try and do so; I have a reason for asking; was it about a week?—I could not say.

5414. Before that, were you lodging in *Miss Kitty O'Dwyer's* hotel in *Main-street*?—Yes.

5415. Do you recollect some evening a few days before the election, seeing a tall young man named *John Ryan* there?—Yes, I did. A long time before the election I saw him.

5416. You knew him before?—Yes.

5417. Do you recollect your asking him to take tea with you and your friends?—No, I do not.

5418. Did you ask him to take a cup of tea?—I may have done so.

5419. Was *Mr. John Boyton*, your husband, present there?—He was present one evening.

5420. They had some punch, he and *Ryan*?—Yes.

5421. Do you recollect *Mr. O'Rafferty*, a clerk in the *National Bank*, coming in on the evening you speak of?—Yes.

5422. Do you recollect your asking *Ryan* to go into a room, that you had something particular to say to him?—No, not the least.

5423. Might you have done so?—No.

5424. You are quite sure?—Quite sure.

5425. At any time?—No.

Mr. Heron.] That man (*Ryan*), ought to be put out now.

Baron Fitzgerald.] I don't think he ought.

5426. *Mr. Hemphill* (to *Witness*)]. I want

you, *Mrs. Boyton*, to recollect yourself if you please. Do you recollect asking *Ryan* to go to one side, or into an adjoining room, to talk to him about the election?—No, not until he was going away; and I walked after him then; that was all.

5427. Did you talk to him about the election?—I am sure I did.

5428. Have you any doubt that you did?—No.

5429. What did you say to him about the election?—Well, I could not exactly recollect; but I may have asked him whom he would vote for.

5430. Did you say anything about money to him?—No, I did not; not to him.

5431. Not to him?—No, I did not say it, but he did.

5432. What did he say?—He said that he came to speak about selling a horse.

5433. What did you say?—And he said he wanted 70*l.* for that horse; and I said I would convey the message to his agent.

5434. But what had the horse to say to the election?—Well, I don't know; I can't say that. He said also that he wanted to get money for the votes of the Commons; that he was the person.

5435. When he said that he wanted to get money for the votes of the Commons, did you say that you had 1,230*l.* for him to distribute amongst the commoners, or words to that effect?—Never.

5436. What did you say when he said that?—He said the commoners' votes were to be got for 30*l.* a man.

5437. What did you say?—And that they held bills that should be taken up; and he said that they could not vote without money.

5438. He says you said that you had 1,225*l.*?—

5438*. *Baron Fitzgerald.*] He said a great deal more than that. He says that you took him into a bed-room, and showed him a box which you said contained 1,225*l.*?—Never, my Lord; I never said the like. I had not such a thing,

thing; nor I never said the like; I never had a shilling; never had 5 l.

5439. Mr. *Hemphill*.] He did not say that you showed him money, but he said that you showed him a box which you said contained 1,225 l.?—I never said the like.

5440. Who was present this evening that there was the talk about the horse and about the votes?—I think Mr. Boyton was present, because he came frequently about the horse.

5441. Yes; but I am speaking about the evening that John Ryan was speaking about the votes?—Mr. Boyton was present; I cannot say he was present all the time, but I know that he was in the room part of the time.

5442. I thought you said you went out with John Ryan?—No, I did not; but when he was going away there was a passage-room and I went through that room with him, because he could not go out without going through it, and I dare say I may have walked with him.

5443. Is that passage-room used as a bedroom?—No, never; I never saw it used as a bedroom.

5444. Was there anybody in it?—It was used by nobody.

5445. Wern't you in the room by yourself with John Ryan for a short time that evening?—No, I was not, unless merely walking through; I might have walked through; I could not possibly say that I did, but I might have walked through.

5446. Was there anyone by when he was talking to you about the votes of the Commons?—I don't recollect that there was; he was speaking to me —

5447. Did anyone tell you to-day what John Ryan swore on that table, come?—I heard it said that he had sworn that I offered him money.

5448. Who told you to-day that John Ryan had stated in the witness box here that you had offered him money; who told you that, ma'am?—I heard several say it.

5449. Who told you what evidence Ryan gave to-day?—

5450. Baron *Fitzgerald*.] Did anybody tell you what evidence Ryan gave?—Yes; Mr. Scallan told me.

5451. Was it that gentleman there?—Yes.

5452. When did he tell you that?—A while ago.

5453. Was it when you were coming round here to the table?—No, not at all.

5454. When was it?—I think about an hour ago; I could not exactly say.

5455. Do you mean to say that an hour ago that young gentleman, Mr. Scallan, told you what Ryan said?—I could not positively say how long ago it was.

5456. What did Mr. Scallan say to you?—He said that Mr. Ryan said I offered him 1,200 l.

5457. Did he tell you about the box?—Not a word of it.

5458. Or about your going into the room?—Not a word of it.

5459. After this conversation, whatever it was, did you see John Ryan afterwards?—No; oh, yes; frequently.

5460. Did he call upon you a few days after this conversation at Miss O'Dwyer's hotel?—He did.

5461. What did he call on you for?—About the buying of a horse.

5462. What did he say to you?—He asked

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first for 70 l., and wanted to know could I, as a friend, get him 40 l. for the horse; and I said, could he not send his horse to the fair and not mind selling it to Mr. Munster.

5463. Did he say nothing more except about the horse and the price of the horse?—Yes; I remember that he said that there were so many voters that he could get, and that they were to have a meeting the next day, and that if he got 30 l. a man for them; that they held bills.

5464. Was it the second time that he said that?—I think it was; he said it all through.

5465. Then you were constantly talking to him about the votes?—Well, I think it was a subject of conversation.

5466. Who told you at all to speak to him on the subject of votes?—Not one.

5467. Did your husband?—Never.

5468. Did Mr. Munster?—Never; Mr. Munster never told me about anybody; Ryan came to me and annoyed me very much, and we had to get him put out.

5469. Do you know Captain Dudley Byrne?—I do.

5470. Is he in Cashel?—I am sure he is not.

5471. When did you see him last?—I think about a fortnight or three weeks ago.

5472. Where did you see him last?—In John-street.

5473. In Mr. Munster's house?—In Mr. Munster's house.

5474. Did you see him last Sunday?—No, I did not.

5475. Do you mean to tell his Lordship that it is three weeks since you saw him last in Cashel?—I could not say three weeks, but if I had a few minutes to think, I could say the exact time; I am almost sure it is three weeks; it may be only a fortnight.

5476. Did you hear from Mr. Munster where Captain Dudley Byrne now is?—No, I did not.

5477. Did you hear him mention where he is; you are living in the house with Mr. Munster?—I never heard him mention a word of it.

5478. Will you swear that Captain Dudley Byrne was not in the house in John-street last Sunday week?—I am sure he was not in the house; as far as I recollect he was not in the house; I am sure he was not in the house; he could not be in it without my seeing him.

5479. When Ryan called back on you a few days after that tea, on being up at Miss O'Dwyers', did you mention the name of Captain Dudley Byrne to him?—I did not, unless I said that I would tell Mr. Boyton of his wanting to sell the horse, and that I would convey his message to the agent; but that otherwise I knew nothing about it; it was to Mr. Laffan that I said I would convey his message; but I never got any authority from any of them; it was merely as a friend that I spoke to Mr. Ryan, just as to any gentleman that would vote for Mr. Munster.

5480. When Ryan called back upon you on the second occasion, didn't he ask you for the money you mentioned at Miss O'Dwyer's hotel?—He did not.

5481. You swear that?—I do; for I had no money.

5482. Did you say that whatever the money was, you had returned it to Captain Dudley Byrne?—Never; I had no money.

5483. Did you ever give any money to Captain Dudley Byrne; I mean not of your own, but for the purposes of the election?—Never.

O 3

5484. Or

Mrs.
H. Boyton.
—
18 February
1869.

- Mrs. 5484. Or any cheque?—Never.
H. Boyton. 5485. Had you ever a cheque of Mr. Munster
or of Mr. Laffan, or any one on behalf of that
18 February gentleman in your possession?—Never.
1869. 5486. Never a cheque?—Never.
5487. Did you ever see a cheque for 1,225 l.?—
—I never saw a cheque at all for anything connected
with the election.
5488. Before you went to the lodgings at
O'Dwyer's, you lived at Abbeyview?—Yes, I
did.
5489. That is where Mr. Munster now resides?
—Yes.
5490. When did you or your husband let
Abbeyview to Mr. Munster?—I think it was on
the 16th of October that I let it.
5491. Didn't you leave the house when you
let it?—I did.
5492. When was it that you left the house;
do you mean to tell his Lordship that you don't
recollect?—I left it on Friday, I think, the 16th
of October.
5493. What rent was Mr. Munster to pay for
the house?—£. 60 for three months.
5494. Was it a furnished house?—Yes, furnished.
5495. Did you pay him for your accommodation
in John-street?—No, indeed, I did not.
5496. You are rent free there?—Well, I am a
visitor there.
5497. You are an inmate of the family; what
do you mean by a visitor; I thought Mr. Munster
resided at Abbeyview with his family?—He
has the two houses.
5498. Does he board you as well as lodge you
in John-street?—Yes.
5499. Pays for your board; what rent do you
pay for Abbeyview?—£. 15 a-year.
5500. Is your husband boarded in John-street
with Mr. Munster as well as yourself without
paying anything for it?—Yes; I was invited
there; I was very uncomfortable in the hotel,
my Lord; was put up into a garret room; and I
should have left it but that there were no lodgings;
I was frequently invited to stay in John-street;
I would not have let my house for 60 l.,
for it was I that let it against the will of my
husband, and I did not care to break up his
house, but that I had nuns living with me to send
to school, and on that account I induced young
Mr. Laffan to take my house, for it would have
been a better house that would have been taken
otherwise.
5501. Who told you that another house would
have been taken?—I know that they were wanting
a better house.
5502. How do you know?—I know; I think
there was some house offered.
5503. Did Mr. Boyton take a very active part
for Mr. Munster in the election?—No, I don't
think he took an active part.
5504. Did he take any part beyond voting?
—No, not a single part.
5505. Did he canvass?—No, he did not.
5506. Are you sure of that?—I am perfectly
sure of it.
5507. You say it was in October that Abbey-
view was taken, the 16th of October?—Yes.
5508. What rent has he been paying; after the
expiration of the three months, has he made a

fresh agreement with you?—No agreement. He
was to have given up the house when the time
was up, that was the 16th of January. He was
not ready, and I was written to. I said he could
hold the house as long as was his convenience.

5509. Rent free?—Oh, I did not want to keep
it for any rent.

Mr. Heron called on the shorthand writer
to read the part of the evidence of John
Ryan, relating to his interview with Mrs.
Boyton when the box containing 1,225 l.
was mentioned, which was accordingly
done.

Cross-examination of Mrs. Boyton by Mr. Heron.

5510. Did you ever ask John Ryan to tea?—
Never.

5511. Did you ever tell him that you had
1,225 l. to distribute amongst the commoners?—
Never.

5512. Did you, as he was going away, ever
bring him into any bedroom on any occasion?—
No.

5513. Or show him any money in a box?—
Never. I had not it.

5514. Was there a word of truth in what that
man said?—Not a word of truth in it. I had no
money. Probably I had not as many shillings at
the time.

5515. Did you ever, on any occasion, tell him
that you had 1,200 l. for him to distribute amongst
the commoners, or ask him anything on the sub-
ject?—Never. It was he that came to me on all
occasions, annoying me.

5516. You have mentioned 30 l.?—Yes.

5517. On the occasion of that interview, when
30 l. was mentioned, tell all that occurred be-
tween you?—He said that the commons men, if
they got 30 l. each, would vote for whoever would
give it to them; and that if I would try to get
him that, he was one of the heads of the party,
and could bring them all with him.

5518. What did you say to that?—I said
that I would convey the message, but that I had
no authority to offer anything.

5519. Baron Fitzgerald.] What?—I said I
would carry the message to his agents, but that I
had no money, nor no authority from anyone
to give anything.

5520. Did you mention it to anyone?—Yes.

5521. To whom?—To Mr. Pat Laffan.

5522. Mr. Heron.] Did he say that he had
ever done anything of the kind before?—I think
he said they got it before.

5523. Baron Fitzgerald.] You say you men-
tioned it to Mr. Laffan what he told you?—And
Mr. Laffan said they would have nothing to do
with Ryan at all; and that when he spoke about
selling the horse, he came from 70 l. down to 40 l.,
and that they would have nothing at all to do
with Ryan. And when he came last to me at
Miss Dwyer's, I told him I had no time to give to
him; and also at Abbeyview we told him that
we could not give our time to him, and sent him
away about his business.

[The Witness withdrew.]

JAMES DARMODY, sworn; Examined by Mr. *Curtis*.

5524. You are a Voter of the borough of Cashel?—Yes.

5525. Did you vote at the last election?—I did.

5526. For whom?—For Mr. Munster.

5527. Do you know Mr. Pat Laffan?—Yes.

5528. And Mr. Michael Joseph Laffan?—Yes.

5529. Do you remember having had any conversation with either of those gentlemen a few days before the election?—Never. I never had any communication on the election with either Mr. Munster or any of his agents.

5530. Do you remember having had any conversation with anybody with reference to the election in Corcoran's hotel, just previous to the election?—I don't think I do.

5531. In a dark room?—No.

5532. Do you say that positively?—I do, for my mind was made up to vote for Mr. Munster from the first day he came to Cashel till the last.

5533. When was that?—Well, I don't know.

5534. What first made you make up your mind

to vote for Mr. Munster?—I said that under no consideration would I go from Mr. Laffan or the Archdeacon, that I would not vote against him. *J. Darmody.*
18 February 1869.

5535. I believe you had a horse employed by Mr. Munster?—No, I had not. The horse belongs to my mother.

5536. Has that horse been hired by Mr. Munster?—I believe he has.

5537. Do you know what he gave for the hire of it?—I do not.

Cross-examined by Mr. *Cartan*.

5538. Do you know Pat Connors?—I do.

5539. Did he ever ask you to vote?—He did.

5540. How long before the election?—I think it was a month or six weeks, about. I was winnowing corn in a barn, and Pat Connors came in to me.

5541. Did he ask you more than once?—I have no recollection.

[The Witness withdrew.

THOMAS DONNELL, sworn; Examined by Mr. *Hemphill*.

5542. I BELIEVE you are a Voter?—Yes.

5543. Did you vote for Mr. Munster at the last election?—Yes.

5544. Where do you live?—In Main-street.

5545. You have a public-house there?—Yes.

5546. Did you supply drink for the election?—Before the election.

5547. How much did you supply altogether?—I supplied, let me see, I believe about 7 l. worth.

5548. Whom did you supply it to?—To the working men in the street.

5549. Who paid you for it?—I was not paid for it.

5550. Whom did you bill for it?—I think, Mr. Laffan.

5551. You have not been paid yet?—No.

5552. Have you got any cheque?—No.

5553. Was it only 7 l. altogether?—That's all.

5554. Who is your landlord?—My landlord was Dr. Butler. *T. Donnell.*

5555. Who is your landlord now?—Mr. Munster.

5556. When did he buy your house?—He bought it in the month of October.

5557. Before the election?—Yes.

5558. Who gave you the order for that 7 l. worth of liquor?—Mr. Laffan gave some of it, and another man gave more of it.

5559. What did Mr. Laffan say when he was ordering it?—He wrote a little order for a man in the street to give the people refreshments.

5560. Did you give any drink to any voters?—No.

Not Cross-examined.

[The Witness withdrew.

JOHN HANLY, sworn; Examined by Mr. *Curtis*.

5561. ARE you a Voter of Cashel?—Yes.

5562. Did you vote at the last election?—I did.

5563. For whom did you vote?—For Mr. Munster.

5564. Who asked you to vote for Mr. Munster?—Mr. Laffan.

5565. Which Mr. Laffan?—Mr. Michael Laffan.

5566. Tell the truth, and nothing will happen you; was anything promised to you for your vote?—Nothing.

5567. Did you get anything for your vote?—I got nothing for my vote.

5568. Nothing of any kind, money or other-

wise?—I got no money, sir, nor no promise of it. *J. Hanly.*

5569. Did any of your family get any money for your vote?—No, sir, there did not.

5570. Did you get any present?—I got a prayer-book.

5571. For your vote?—No, not for my vote.

5572. Did you get any picture?—A maid that does the going with the milk got a little picture; I never got anything for my vote at this election, or any other election.

Not Cross-examined.

[The Witness withdrew.

EDWARD WALSH, sworn; Examined by Mr. *Hemphill*.

E. Walsh. 5573. You are a Voter?—Yes.
 18 February 1869. 5574. Did you vote for Mr. Munster at the late election?—I did.
 5575. Have you a house in Cashel?—In Main-street.
 5576. Did you let any part of it before the election?—Mr. Laffan came to me one night as I was standing at the door, and said this would be a good place for a tally-room if you have no objection; said I, “I have no objection,” that’s all.
 5577. You let it?—That’s all I done.
 5578. How much were you to be paid for it?—He did not say he would give me anything, nor I did not ask anything.
 5579. You have not been paid anything?—Nothing at all.
 5580. Do you expect anything?—Maybe, I would get something.
 5581. Was it Pat Laffan that this happened with?—Michael Laffan.
 5582. How long before the election?—I believe about three weeks or a month.
 5583. Was your house used at all?—Until the morning of the polling.
 5584. What room did he take?—The front room.
 5585. Upstairs?—Yes.

5586. Did he go to look at it before he took it?—He did not.
 5587. Just stood at the door?—Just stood at the door.
 5588. How was it used the morning of the polling?—There were two or three clerks; I do not know whether it was used at all; I saw them going up.
 5589. You saw no voters there?—No voters.
 5590. And you left it to him?—I did not make any agreement, nor he did not say he would give me anything.
 5591. Whom did you vote for at the former election?—I voted for Mr. Lanigan; I voted at all, and I never got a penny from any of them.
 5592. Baron *Fitzgerald*.] Did Mr. Laffan say anything to you about your vote?—No, sir, not a word.
 5593. Did anybody ask you for your vote?—No; only Mr. Munster came one day to the door, I told him I would not pledge myself to anyone.
 5594. Mr. *Hemphill*.] Was that before or after the time Mr. Laffan took the room from you?—It was after it.

Not Cross-examined.

[The Witness withdrew.

Mr. MICHAEL J. LAFFAN, sworn; Examined by Mr. *Hemphill*.

Mr. *M.J. Laffan.* 5595. You were the Conducting Agent for Mr. Munster at the late election?—I was.
 5596. Where is your brother, Patrick Laffan?—At present I don’t know.
 5597. When did you last hear from him?—I had no letter since he left Cashel.
 5598. Where did he go to from Cashel?—Dublin.
 5599. Where there?—When in Dublin he lives at No. 5, Nelson-street, but his place of business is the Catholic School of Medicine.
 5600. He lived with you in Cashel?—Yes, he lived with my father.
 5601. Is he in this country now?—I believe not.
 5602. When did he leave it?—I don’t know; I can only form an opinion, because I know nothing of his movements myself; but I believe he left this country in the early part of December.
 5603. And you don’t know where he is gone to?—I heard, but I don’t know.
 5604. Where?—He was in Paris when I last heard.
 5605. He was employed at the late election for Mr. Munster?—Well, not exactly.
 5606. Did he do anything for Mr. Munster?—Oh yes, a great many things; I mean by being employed that he was not an agent in that sense.
 5607. Was he paid anything?—Nothing.
 5608. Oh, is he to be paid by Mr. Munster?—There is no agreement or bargain, or anything else, that he will be; but of course I cannot say whether he will, or will not.
 5609. Do you know Pat Cunningham?—Yes.
 5610. You heard him examined to-day?—I did.
 5611. He was also employed?—He was.

5612. Do you know Mr. Edmond Leahy?—do.
 5613. Is he in Cashel now?—I believe not.
 5614. When did you see him last?—I saw him, I think, last Sunday week; it might be last Sunday.
 5615. Was it in Cashel that you saw him?—Yes, I think, last Sunday.
 5616. Was he employed for Mr. Munster?—Well, I can’t say exactly; he seems to be a particular friend of Mr. Munster.
 5617. Did you see him go about with Mr. Munster?—I did certainly.
 5618. Where was he stopping when he was in Cashel; he does not live in Cashel?—No, he stops at Corcoran’s hotel.
 5619. That is the hotel Mr. Munster had taken, and I suppose his hotel bill was paid by Mr. Munster?—Well, I should think Mr. Richardson paid it; Mr. Leahy’s expenses at that hotel, in my opinion, are included in the 200*l.* paid to Mrs. Corcoran.
 5620. You, yourself, had an account at the bank?—Yes.
 5621. What other agents were employed for Mr. Munster besides those parties; I won’t call them agents?—Mr. George Richardson and myself were the two agents. At the beginning we employed, at least we thought we did,—his lordship decided against us,—those agents that were retained, and I think there were two or three since, employed as clerks.
 5622. Now Mr. Laffan, did you give those five guinea retainers with the view of really employing those men?—Well, I must explain the view—
 5623. Answer first, and then explain?—Well, I can’t well answer it without giving an explanation.
 5624. Very

5624. Very well?—One night we were discussing the election at Abbeyview in the presence of Mr. Munster. I told him, as well as I recollect, that Mr. O'Beirne and his agents had bills out for the greater part of the electors since the former election. I told him, too, that that, of course, gave him a certain influence; I told him that those parties would be looking out for money at the present election, and generally laid before him, as I thought it right to do, the state of things. He told me then, as he had told me previously, that if a shilling by bribery would put him in for Cashel, he would not give it.

5625. Mr. Munster told you that?—Mr. Munster; but, he said, "If we won't give bribery to them in any shape or form, the best thing is to prevent them from being bribed on the other side, so that if they are bribed and give their votes, they will be of no use." Mr. Munster then directed me to give those parties the five guinea cheques, and acting on his directions, I did so.

5626. That was with the view of preventing them from voting for O'Beirne?—Well, if you wish it, that way; but with the view, I say, of preventing their being corrupted by Mr. O'Beirne.

5627. But to prevent their voting for Mr. O'Beirne?—No doubt; but it would prevent them, both ways; I wish to state—

5628. Don't state anything but in reply to my questions?—I wish you to allow me—

5629. If you say it is in answer to my question?—Certainly, I do; yesterday these retainers were sneered at and laughed at. I got the advice of counsel as to those retainers.

5630. Baron *Fitzgerald*.] Did counsel advise you not to take back the retainers?—Well, the only counsel that advised that was Mr. Munster.

5631. Was it under the advice of counsel that you threatened to prosecute these men?—

Baron *Fitzgerald*.] Now, I cannot—

(*Witness*.)—I will answer that it was.

5632. Mr. *Hemphill*.] Was that Mr. Munster's advice?—No; the advice of another counsel, an Irish counsel; if I thought they would have been accounted bribery, I would not.

5633. When was Mr. Richardson last in Cashel?—Sometime after Christmas; I can't fix the date for you exactly.

5634. Was this account, or the account of which it is a copy, prepared in your office?—No.

5635. Where was it prepared?—Well, I suppose by Mr. Richardson.

5636. Do you mean to say that you never saw the account before it was sent to the sheriff?—I mean to say that I did see it.

5637. Did you see the bills referred to in that account?—All the bills came to me; that is, I think, nearly all; at all events I got a great lot of them.

5638. Have you them?—I have not one of them.

5639. Where are they?—I gave them to Mr. Richardson.

5640. Were they sent to you?—I put them down on a file and handed them over.

5641. You have none of them now?—Not one.

5642. You drew cheques on your account for the election?—Some small cheques.

5643. Have you got those returned cheques?—I have a few of them.

5644. Have you the block book?—Yes.

5645. I only want what are connected with the election?—They are all mixed up together.

5646. I see a great many of your blocks are blanks?—Yes.

5647. "James Carroll"; was that for goods supplied?—No; it has no reference to—

5648. Just run over the blocks quickly and tell me which of these have reference to the election; don't read out any that have not?—There is no block in this relating to the borough election.

5649. Tell me, how many retainers altogether of five guineas you gave out?—I cannot be very accurate, not having given them myself, but I think between 11 and 14 altogether.

5650. Was 14 the maximum?—I should think so.

5651. How many of those, whom you retained, voted for Mr. Munster?—Well I can only speak of those whom I retained myself.

5652. Didn't you fill up the cheques for all?—Yes; but I did not put in their names.

5653. Do you mean to say you don't know the names of the parties who got those 14 cheques?—I do not; there are eight of them already in the list; those are the eight that voted for Mr. O'Beirne.

5654. Who were the other six?—There is a man named John Dwyer who did not vote at all.

5655. That is nine?—There is a man named Thomas Cooney.

5656. He voted for Mr. Munster?—Yes; there were two men named Neill, they had no votes.

5657. Did you retain them?—Yes.

5658. Was it you or your brother did that?—Well I am not quite sure.

5659. Had their fathers a vote, or are they brothers, those Neills?—I think the father of one has a vote and the brother of another.

5660. And the brother and the son got those five guinea retainers?—They were.

5661. You have counted 12; what were the other two?—Well there were some others.

5662. Was Denis Ryan one of them?—No; the only other one is a man named Denis Phelan, I think.

5663. Was it Martin Phelan?—I did not give it to him.

5664. Do you know if he got it?—My belief is that he did.

5665. Did you not get all those cheques back from the men?—Oh yes; whatever cheques went out I got them.

5666. Was Martin Phelan a voter?—Yes.

5667. And he voted for Mr. Munster?—He did.

5668. Was Pat Ryan a voter?—Not that I am aware of.

5669. Baron *Fitzgerald*.] (*Question not heard*)?—To those whom I gave the cheques I told that they could not vote.

5670. Mr. *Hemphill*.] Was Thomas Rawlins one?—Yes.

5671. You say all these bills were sent into you?—Yes.

5672. And it was your duty, as conducting agent, to look at them, I suppose?—Oh, I am sure I must have looked at them.

5673. Will you tell me what were the "messengers and porters"?—To put it in plain words, it was a mob.

5674. £. 155 15 s.?—Yes.

P

5675. How

Mr.
M. J. Laffan.
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Mr. M.J. Laffan. 5675. How long were the mob organised?—A few men were employed every day, from the time Mr. Munster came to Cashel till the election.
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5676. What was the precise time of Mr. Munster coming to Cashel?—I cannot fix it.

5677. About what was it?—I think about the 20th of October; from that to the 26th.

5678. Was the mob organised immediately?—Yes.

5679. How many were in the mob, in round numbers?—Well, I don't know; I never asked.

5680. A mob of men and women, I suppose?—I think men.

5681. Who was the captain of the mob?—A man named Hourigan.

5682. There was some "Lady" captain mentioned?—

Mr. Heron. At your side.

Witness.] I gave orders to keep them at a distance.

5683. Mr. Hemphill.] You say 155 l. 15 s. At what rate were they paid?—Hourigan told me half-a-crown each.

5684. Did that include the drink?—Oh, certainly not.

5685. That was merely given for their services in shouting?—Well, during Mr. Munster's canvas, which he had to do in a carriage, it was necessary to have some of them to keep back the crowd of beggars and women.

5686. And they were a sort of——?—Guard or escort.

5687. There are one or two other matters, that I see, cars and drivers, 19 l. 9 s. 2 d.; who was that paid to?—That was paid variously. I think the drivers of cars had 100 l.

5688. Alone?—I think so.

5689. And the car owners, how much?—I don't know that the car owners have been paid at all. I am not aware.

5690. Did you employ any of the voters' cars?—Yes, certainly.

5691. Just name some of them?—Pat Maunsell, John Quirk, Pat Ryan; I don't think there was anyone else.

5692. I see here, "Agents and messengers, 49 l. 18 s. 8 d." who were the "Agents;" we won't mind the "Messengers"?—I can't well know what way Mr. Richardson compiled that from the different items before him; but if you will allow me to look at it (document handed to witness)—I rather think; well I don't know whether Richard O'Donnell's pay is included in that. It may be a separate payment to him.

5693. Who were the "agents," to whom the 49 l. refers?—That is, they were something better than those represented by the 155 l.

5694. But who were they?—I could hardly give the names.

5695. What agents were employed besides those you have mentioned?—There was, as agent, no one but Cunningham employed to do anything only as messengers and clerks of that kind.

5696. There are two remarkable items; "Cash to sundry persons on account as agents 42 l."; and immediately after, "Sundry agents and messengers, 49 l. 18 s. 8 d."; and "Sundry small sums, messengers and others, 20 l.; ditto, ditto, ditto, 19 l. 10 s. 8 d."; that is irrespective of the large item for the mob; that comes to 131 l. in round numbers. Can you tell me who were the

agents represented by that large expenditure?—I cannot. I could not give you the particulars.

5697. The bills were handed to you?—By me to Mr. Richardson.

5698. Then you saw the bills?—Certainly.

5699. You cannot tell how that is made up?—I cannot, because I was not at the payment of them.

5700. Cunningham is not included in that, because he has 30 l. besides?—So I see. For instance, there were some messengers put down, after the election specially, for 1 l. or 30 s.; and very likely they are included in that 49 l.

5701. I see 5 l. for Hourigan, besides the 155 l.?—Yes.

5702. Now how many houses were engaged or hired by Mr. Munster, for the purpose of the election, altogether; I don't mean Abbeyview, and John Street?—First, Mrs. Corcoran's hotel, there was a room taken in that, the second bedroom; and when the election was approaching, we had to use the whole drawing-room floor; then we were limited, and we had to descend into the coffee-room. The next house taken, that I am aware of, was Ryan and Murnane's. The next house taken was Carroll's at the Lower-gate. Carroll is a voter; Coffey's.

5703. Any other house?—Edward Walsh's; I told him I would use it as a tally-room, without making any bargain.

5704. Where is his house?—It is just at the corner of John-street.

5705. Any other?—I heard to-day; in fact I heard yesterday; Mr. Grace handed me the list. I heard before that, Phelan's house was taken.

5706. Was Mr. O'Sullivan's house taken?—No.

5707. Or any room in it?—No.

5708. Was Thomas Donnell's?—No.

5709. Was John Reilly's?—No.

5710. Or Rody Fogarty's?—No; I am speaking of what I am aware of, or heard.

5711. From your own knowledge, or heard people about you?—Yes.

5712. Was John Arthur's?—No; but the "Telegraph" office was taken from him; he is the landlord of the "Telegraph" office.

5713. Has he a vote?—He has.

5714. Do you know what was paid for the "Telegraph" office?—I think 25 l. or 26 l.

5715. What did the telegraph cost from Goold's-cross to Cashel?—I think they paid the Telegraph Company about 300 l.; and I should think I paid here, 50 l. or 60 l. for fitting up the house.

5716. Was James Walsh's house taken?—No; not that I am aware of.

5717. Nor Denis Dwyer's?—Nor Denis Dwyer's.

5718. Nor John O'Brien's?—No.

5719. Nor Mathew Dwyer's?—No.

5720. Nor Thomas Rolland's?—No.

5721. Do you mean to tell his Lordship that you don't recollect any other house, except those that I have mentioned?—I do.

5722. Taken for tally-rooms or anything else?—Yes.

5723. Had Mr. Munster a committee?—No, he had not a committee; but his supporters used to meet sometimes, and he used to address them; he had no committee.

5724. On what publicans were orders given to supply drink previous to and during the election?—The orders I gave myself.

5725. Yes?—

5725. Yes?—I gave an order to Thomas Donnell to give some drink to the mob.

5726. Did you give him an unlimited order?—No.

5727. What was the limit?—Well, I could not tell you at present; but I know it was limited.

5728. Did you pay him?—I think I paid him 3 l. on account.

5729. How much do you owe him?—I don't know.

5730. Did he furnish a bill?—He did.

5731. What was the amount of the bill?—Unless his own swearing, I don't know; I could not tell you now.

5732. Any other publican?—I don't recollect myself giving an order to anyone else.

5733. Do you know of any publicans to whom orders were given?—Mrs. O'Donnell.

5734. Where is she?—She lives in Main-street.

5735. Is she the daughter of a voter?—Yes; but she does not live with him.

5736. What order was given to her?—I did not give it.

5737. Did she furnish a bill?—Yes.

5738. How much did she claim?—I think she claims 40 l.

5739. What was the drink supplied there for?—I think to the butchers, principally.

5740. Have the butchers votes?—None of those to whom it was supplied.

5741. Do you know the names of the parties to whom it was supplied?—Well, I think, a man named Butler.

5742. He got the whole 40 l.?—I don't know whether 40 l.'s worth was given. I only know that the bill was sent in.

5743. He was to distribute it?—I heard, generally, that the butchers got the drink.

5744. They form a fraternity of some eight or ten?—No; I exclude the voters.

5745. Are you sure that a butcher who was a voter never took a sup?—I cannot swear that, but I know my impression and belief is, that it was not exactly the voters that drank it; it was only the others. The butchers who have votes were rather above that; they were not likely to be parties.

5746. Don't you know that Michael Noonan got some of it?—Well, I won't answer.

5747. From Mrs. Donnell's?—There was some, I am sure.

5748. At John Reilly's?—Yes. I think I ordered a drink to be sent on enight to the men on guard at the Abbeyview, and I ordered it either from Reilly's or Fogarty's; I suppose about a quart.

5749. Was there any ordered at Michael O'Sullivan's?—I am not aware that I ordered any.

5750. Did he send in a bill?—He sent in a bill for drink.

5751. For how much?—I think it was 48 l.

5752. On whose order was it given; was it Mr. Munster's?—No, I am sure Mr. Munster never ordered any.

5753. Was it Pat Laffan?—Very likely.

5754. I believe John Mullins is a publican, and sells drink?—Yes.

5755. He is a voter?—He is.

5756. Did he bill you for any drink after the election?—No, I am sure not.

5757. Was there any drink ordered at his house?—Not by me.

5758. Used not voters be constantly in and out of Corcoran's hotel?—Well, not constantly.

5759. Were they often?—Oh, yes, there were some persons who were continually there at night; some of our supporters would drop in when we were taking punch, and we would ask them to take a glass of punch.

5760. You would not think there was any harm in that?—Certainly not.

5761. That, we may suppose, is what made up the ingredients of this 220 l. bill?—Certainly. That did not often occur, though.

5762. Weren't you every night of your life at Corcoran's hotel, with a party of voters and non-voters?—We were there.

5763. Every night?—I should think nearly every night.

5764. Were you ever there a night yourself that you did not see from 20 to 30 voters there getting unlimited liquor?—I did not see so many. I only saw 50 or 60 there three or four times. I cannot tell you; perhaps it would range from five to 20.

5765. Voters?—Well, I won't say voters.

5766. Coman voted for you?—Yes.

5767. Did he bill you for any drink?—Yes.

5768. How much?—He billed me for 8 l. 3 s., the principal item of which was forty bottles of whisky, given on Christmas Day by Mr. Munster's orders.

5769. To whom?—To some of the labouring men in the town.

5770. Were there any half barrels of porter?—There were two half barrels of porter.

5771. Was that brought on the day of the meeting of the commoners?—I can't tell you.

5772. Did you go with Mr. Munster?—I did.

5773. Was there a large assemblage?—There was.

5774. Do you know of any drink being given on that day?—I do.

5775. How much?—I got some brandy from Cunningham. He told me they had a bottle of brandy, and I got it from himself or his father. That is the only drink, and it is just possible that while I was drinking, some other persons may have come up.

5776. How much money of Mr. Munster's did you yourself spend about the election?—Some 600 l. or 700 l.

5777. Have you been paid; I don't want now to pry into private affairs; have you been paid your own election charges by Mr. Munster?—I got a hundred guineas.

5778. Haven't you other demands?—Oh, certainly. That is, I expect to get more than 100 guineas, and to be paid for other proceedings afterwards, and legal matters.

5779. You spent 700 l.?—Yes.

5780. All on the election?—I think about that. Ah, well! it was mixed up in various ways; I paid a lot of money for cars; Mr. Munster was continually driving about town.

5781. Canvassing?—No; there were cars; three or four cars, and himself with them, up and down the town all day; he paid for them; I don't think they belonged to the election at all.

5782. Was not Patrick Cunningham's father's house taken, in addition to those you have mentioned, or a room in it?—No.

5783. Was not he one of those who supplied the drink?—Yes, I should think so.

5784. He is a publican?—Yes.

5785. And a voter?—And a voter.

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5786. How much did he bill you for?—You must refer to his son, for I don't know if he sent any bill at all; I suppose the son perhaps ordered; but I did not send him an order.

5787. Did Mr. Leahy draw any cheques for election purposes?—I don't think he did.

5788. Did you see any of his cheques?—Never.

5789. Did you ever see any?—I never saw a cheque of his.

5790. Where is Captain Dudley Byrne now?—I cannot tell.

5791. Did you see Mr. Boyton often in "Corcoran's Hotel"?—He might have been there once or twice.

5792. Did you see him?—I think I saw him once or twice, not more.

5793. Have you seen him at Abbeyview frequently?—Certainly; he was staying with Mr. Munster, I think, after the election.

5794. Used he, Mr. John Boyton of the bank, to be at your office?—I don't think he ever was in the office; I am certain he was not there during the election, nor since, in my opinion.

Cross-examined by Mr. Heron.

5795. Tell us, Mr. Laffan, what occurred between you and Con Carroll?—Con Carroll came

to me several times to know whether I was not going to get his house taken, or to do something for him; I did not see my way to it; I had not it done at that time, and I don't exactly recollect now any further interview. Oh, yes! now I recollect; I quite forgot it. One Sunday, Coman and I were going to the news-room. Con Carroll came up, and wanted us to give an order for whisky; for me to give Coman an order for whisky which he was to get; I said I could do no such thing.

Re-examined by Mr. Hemphill.

5796. You are aware that Mr. Munster gave 500 l. for the Christian Brothers?—I am.

5797. When was that given; about when?—It was before the election.

5798. Was it in October or November?—Well, I should think he was not there many days before that; I should think probably it might be the 1st of November.

The Witness retired.]

The Court then adjourned for 20 minutes.

Upon the Court resuming,

The Rev. DANIEL RYAN was sworn; Examined by Mr. Hemphill.

Rev.
D. Ryan.

5799. You are the Catholic Curate of this town?—Yes.

5800. Do you know Mr. Michael Laffan?—I do.

5801. Had you a conversation with Mr. Michael Laffan in reference to the election?—No, I don't think I had. I had with his brother, Pat Laffan.

5802. About signing a requisition?—Yes; he asked me to put my name to a requisition to call a Mr. Munster to come forward and stand as a candidate for the representation of Cashel.

5803. Was that what he said?—Yes.

Mr. Butt objected to this conversation.

Objection disallowed.

Witness.] I told him that I did not like the idea of a contest at all in Cashel; that it would bring a great deal of disturbance amongst the people; that I would like to avoid a contest, as we had a very good man already, and that it was only money-hunters who were looking for a person to overset him, and that he could not expect me to put my name to the requisition. "Oh," said he, "had you put your name to the requisition, I intended asking Mr. Munster for 40 l. or 50 l. for the Vincent de Paul Society." "Oh," said I, "you could not think that I could do anything that way, even for charity." He then said, "Holy Mother Church has a very wide mouth." "It is strange," said I, "to see that those who owe most to the Church are the first to speak against her, such as you." That's all the conversation.

5804. Were you yourself afterwards prohibited from taking any part in the election, Dr. Ryan?—

Mr. Butt objected to the question.

Baron Fitzgerald.] What have we to do with that?

Question disallowed.

Cross-examined by Mr. Butt.

5805. Did you call Mr. Munster, at any public meeting, an emissary of Beelzebub?—No, I never did in a public meeting. I never mentioned Mr. Munster's name.

5806. Did you in any place call him an emissary of Beelzebub?—Never.

Mr. PIERCE GRACE, recalled; Examined by Mr. Hemphill.

Mr.
P. Grace.

5807. You were the conducting agent of Mr. O'Beirne at the late election?—Yes.

5808. When were you first retained?—I can't remember. Indeed, I should say three months before the election.

5809. I believe you got ill shortly after your retainer?—Sometime afterwards; shortly afterwards.

5810. Was it before or after Mr. O'Beirne

came to Cashel first that you got ill?—It was before it.

5811. And you were ill when he arrived?—Yes.

5812. Were you long confined to your house?—I think about a month, or perhaps more.

5813. Did you ever employ Denis Guirey to do anything for Mr. O'Beirne?—Never.

5814. Did

5814. Did you give him any authority-what-ever?—None.

5815. Did you ever employ Captain Graham, or authorise Captain Graham to act for Mr. O'Beirne?—No.

5816. Did you employ anyone in connection with the election, Mr. Grace?—Well, I did not.

5817. You conducted the business yourself?—Yes.

5818. And the clerks, I suppose, in your office, did the scrivenery business, any that there was?—There was very little scrivenery business to be done.

5819. There was a man of the name of Keefe; was he authorised by you in any way to act?—No.

5820. I think his name is Michael Keefe?—Michael.

5821. Do you know that man, Michael Ryan?—Yes.

5822. Were you present at any time, at any conversation between him and —?—And Mr. O'Beirne. I was.

Mr. *Butt.*] I object, unless it be some conversation that we have given evidence of.

Mr. *Hemphill.*] He was called by you.

Question allowed.

5823. What was it; did you hear Mr. O'Beirne say anything to Michael Ryan, or Michael Ryan to Mr. O'Beirne in reference to this?—In the first place, Ryan stated that I was present when the arrangement was made that his house was taken. That was a mistake on his part; but I was present afterwards at a conversation between himself and Mr. O'Beirne about that house. Mr. O'Beirne told me that Ryan wanted to get more money for his house, and I told Mr. O'Beirne to get whatever money he had given Ryan, and to give it up.

Mr. *Butt.*] Was Ryan present?

Baron *Fitzgerald.*] We cannot have conversations between —

Witness.] Ryan came in just at the same time, and Mr. O'Beirne then offered to give up the house to Ryan and leave him at full liberty to do what he pleased with it, and to get back the money he had paid.

5824. Did Ryan say anything to that offer?—No; Ryan kept the money, and Mr. O'Beirne kept the house.

5825. You know Mr. Pat. Laffan?—Yes.

5826. Did you issue a subpoena with his name on it in this matter?—Yes.

5827. Did you make any effort to serve him?—I inquired for him at the School of Medicine in Cecilia-street, Dublin.

5828. When did you inquire for him first?—I think it is about ten days' since; something about that.

5829. Were you informed that he had left, or what?—I saw his brother there who is a demonstrator; another brother, and he told me that he had not seen him for some time. I then inquired from his brother where his lodging was, and he told me at a house in Nelson-street; I think No. 5.

5830. Did you inquire at Nelson-street?—I inquired; I am not sure of the name of the street; I think that is the name; I inquired, however, at 121.

the number of the house that they gave me, and saw a woman there who told me he had not been at that lodging for some time past.

5831. Did you make inquiries in Cashel at Michael Laffan's house?—I did not, but another person did.

5832. You were not able to serve him with a subpoena?—No.

5833. Did they tell you at his lodging that he had left the country?—No.

5834. You know Captain Dudley Byrne?—Yes.

5835. Did you see him active about the election?—Yes.

5836. Did you put his name to a subpoena?—Yes.

5837. Did you make efforts to serve him?—I gave the subpoena to be served on him; that is all the effort I made.

5838. He has not been served?—He has not.

5839. Do you know Mr. Leahy?—Yes.

5840. I believe he is a brother of the Archbishop of Cashel?—Yes.

5841. Did you see him active for Mr. Munster at the election?—Yes.

5842. Is he in Cashel now?—I am not aware that he is.

5843. Did you try to serve him with a subpoena?—I put his name to a subpoena to be given to him, as I did in the case of Captain Dudley Byrne.

5844. And he has not been served?—No; I gave directions that every effort should be made to serve both those gentlemen.

5845. Baron *Fitzgerald.*] When you say that those parties were employed as agents, you spoke of persons for payment?—I employed no persons for payment or otherwise.

5846. To your knowledge was anyone employed?—Not to my knowledge.

Cross-examined by Mr. *Butt.*

5847. In truth, Mr. Grace, you took very little part in the election at all?—Very little.

5848. In fact you left it very much to —?—In fact I was not able to take a part in it; I was ill; I suppose I was not out, perhaps, more than a fortnight before the election, and I was not very well able.

5849. You did not interfere?—Not very much.

5850. As to Captain Graham, do you know where Captain Graham lives?—At present?

5851. Where does he generally live?—He had a residence at Maryville, here in town, which he disposed of before the election.

5852. Then at the time of the election he had no residence in Cashel?—None.

5853. Did he come back to Cashel at the time of the election?—Yes.

5854. Didn't he take much more part in the election than you did?—He certainly acted a friendly part towards Mr. O'Beirne.

5855. He was certainly more active than you were?—I daresay he was.

5856. And a great many others were more active?—No doubt of it.

5857. Wasn't Captain Graham constantly with Mr. O'Beirne?—Well I cannot speak of that; I was ill.

5858. Well, you had an opportunity of seeing?—I don't think more than other people.

Mr. 5859. What other people were there?—Mr. many people; Mr. O'Beirne seemed to have
P. Grace. O'Connell, Mr. Laffan, Mr. Hanly. I cannot troops of friends.
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CAPTAIN JOHN GRAHAM, sworn; Examined by Mr. Hemphill.

Captain 5860. I BELIEVE you are a Justice of the
J. Graham. Peace of the county Tipperary?—I am.

5861. And also a Captain in the Tipperary Light Infantry?—Yes.

5862. Had you a residence in Cashel before this last year?—I had.

5863. Maryville, I think, is the name of the place?—Yes.

7864. Did you reside there with your wife and family?—Yes.

5865. Where did you remove from that place?—To Kingstown.

5866. When was that?—I have been off and on there for the last year and a-half; but I keep my house in Cashel.

5867. Did you remove with Mrs. Graham and your family in the year 1867?—Yes, I think about a year and a-half ago.

5868. You kept the house on for some time?—I did.

6869. Did you afterwards let Maryville?—I did, to Captain Andrews.

5870. About what time, I am not precise as to dates, did you let the house?—I think about May or April, I am not quite sure.

5871. In 1868. You have property in the neighbourhood of Cashel?—I have, and in Cashel.

5872. And though you left Maryville had you occasion to come to Cashel generally on business?—Constantly.

5873. Have you relatives residing in Cashel?—I have.

5874. In the year 1868, after selling Maryville, did you come down to Cashel?—I did.

5875. About what time did you first come?—I have been several times.

5876. Going backwards and forwards; well, do you know a person of the name of Broune in town?—Yes.

5877. Did you take lodgings at Broune's?—I did.

5878. When was it that you took lodgings at Broune's?—In September.

5879. Did you keep the lodgings?—I did.

5880. What were they?—A bed-room and sitting-room.

5881. I believe you are an intimate friend of Mr. O'Beirne's?—Yes, for some time.

5882. And have known him for some?—For some years.

5883. Was Mr. O'Beirne in Cashel when you took Broune's lodgings?—He was not.

5884. He had not arrived?—No.

5885. Do you know a man of the name of Murnane?—I do.

5886. Did Murnane ever promise you to vote for Mr. O'Beirne?—He did.

5887. When did he promise you?—In September; early in September.

5888. Had you, before that, communicated with Mr. O'Beirne about asking Murnane to vote, or anyone else to vote?—No, never.

5889. Had you any authority, at that time, from Mr. O'Beirne to solicit votes for him?—None whatever.

5890. Had you, at any time, authority from Mr. O'Beirne to solicit votes?—No.

5891. Or to canvass for him?—No.

5892. Or to act in any way in connection with the election?—None.

5893. Do you know a person of the name of Michael Ryan?—I do.

5894. Did you ever speak to Ryan about his vote?—Never.

5895. Did you ever look at Ryan's house with a view to taking it?—I did.

5896. When did you look about it?—Before I took Broune's house.

5897. Did he ask any price for it?—He asked 40 l. for his house.

5898. And did you take it?—No.

5899. Or agree to take it?—No.

5900. Was it after that, that you took Broune's house?—It was.

5901. Had your conversation with Ryan anything to do with O'Beirne?—None whatever.

5902. Or to the election?—None whatever.

5903. Do you know a man of the name of Pat Mackey?—I do.

5904. Did you look at his house?—I did.

7905. Or rooms rather. Was it the house, or rooms?—Rooms.

7906. At what time did you do so?—Immediately after looking at Murnane's, and before I took Broune's.

5907. What did he ask?—He asked 40 l.

5908. Did you agree to take them?—I did not, I liked his rooms very much, and I said I would consider about it.

5909. Did you leave him under the impression that you would take them, or anything of that sort?—Not intentionally.

5910. But you said you liked the rooms?—Yes.

5911. After that you took Broune's house; what did you pay for Broune's house?—20 l.

5912. For a bed-room and a sitting-room?—Yes.

5913. And you kept them?—Yes.

5914. Baron Fitzgerald.] When he asked 40 l., for what time was it?—About two months. I intended remaining until after the election. That is the reason that I said two months.

5915. Were you generally, in any way, authorized either by Mr. O'Beirne, or Mr. Grace, to act for him in reference to the election?—Certainly not.

5916. Do you know Mr. Close?—I do.

5917. Had you known Mr. Close for some time; has he been long in Cashel?—Oh yes, a good many years.

5918. You are a Cashel man yourself?—I was born here.

5919. Do you recollect how Mr. Close voted in 1865?—For Mr. O'Beirne.

5920. Had you any conversation with Mr. Close in reference to the election?—I had.

5921. When was it, as well as you can fix the time, that you had the conversation?—About four weeks before the election.

5922. The nomination took place on the 18th of

of November?—The 18th of November; about four weeks; about a month before that.

5923. Have you any means of fixing the time? Except that.

5924. Where did you meet Mr. Close?—At Dunne's hotel.

5925. That is where Mr. O'Beirne was staying at the time?—Yes.

5926. What conversation had you with Mr. Close?—Merely saying to Mr. Close, "I intend asking Mr. O'Beirne to employ your son as an agent during the election," and he replied by saying that he was very much obliged, but that he thought his son would not be here at the time; that he was looking for a situation, and was likely to get it. I said, "Very well, if he is, he may as well earn 15 l. or 20 l." and he said he was very much obliged.

5927. Was that the entire of the conversation with him?—The entire.

5928. Did you write on a piece of paper 20 l., or anything of that sort?—I did not.

5929. You mentioned what you said?—I said 15 l., or 20 l.

5930. In speaking to him in that way did you convey to him that you were seeking to influence his vote?—I did not.

5931. Did you, at the time, intend to procure any employment for his son when you spoke to him?—I did, from Mr. O'Beirne.

5932. Had you, before that, spoken to Mr. O'Beirne at all about getting employment for him?—I had not. It was entirely from myself.

5933. After that do you recollect meeting the son?—I did, about a week after that.

5934. Is it Mr. Harry Close; had you any conversation with him?—I had. I met him opposite to Dr. Coyle's, and I asked him if he wished to be employed for Mr. O'Beirne, and he said he did not.

5935. When you had the conversation with his father, the elder Mr. Close, were you aware how he was going to vote?—I believed that he was going to vote for Mr. O'Beirne.

5936. Why did you believe that?—From his having voted so on the former occasion, and having heard nothing to the contrary.

5937. He says that you followed him into the lobby out of Mr. O'Beirne's room at Dunne's, to a small passage on the top of the stairs; that you called him to one side, and said, "Mr. Close, I shall be very happy to give your son some employment during the election." He said, "Well, Captain Graham, he is under a nomination for the Civil Service from Lord Hawarden, and I am not sure whether he will be here at all." "Well," said you, "I know you would be very glad of it."

5938. Baron *Fitzgerald*.] Is that correct?—As to the situation, it is.

5939. When you first saw him, were both he and you in Mr. O'Beirne's room?—He was in the room.

5940. Was it when going outside that he spoke to you?—It was, my Lord.

5941. Mr. *Hemphill*.] Did you say, "I know you will be very glad of it, I will give him that,"—writing on a piece of paper 20 l.?—No. Such a thing never occurred, my Lord.

5942. You have stated what did occur?—Yes.

5943. Did you say, "Captain Graham, I will think about it; I cannot say that my son will be

here at all, and I must think about it?"—Yes; something to that effect.

5944. Did you say, "I cannot speak to you yourself, but I can speak to your son"?—No.

5945 "Or that your son can manage the thing, or arrange it"?—No.

5946. Baron *Fitzgerald*.] Nothing of that kind at all?—No, my Lord, nothing bordering on it.

5947. Mr. *Hemphill*.] Did you say I cannot engage you, for what is done must be done through your son?—No; I said no such thing; what I stated at the time, I now state.

5948. Did you say, "I cannot speak to you, I can speak to your son"?—No; I was speaking to him at the time.

5949. You say you had a conversation with the son; do you recollect his meeting you? You met him at Dunne's Hotel?—No; it was opposite to Dr. Coyles.

5950. Did you meet him more than once?—No. Oh! I often saw him in the street, but never to speak to him.

5951. When you met him, what did you say to him, or he to you?—I asked him if he was inclined —

5952. What he says is this. "He," said he, that is you, "said you would be very glad to do anything for him. I would be glad to have his father on our side; and anything that is done must be done through him." Did you say that?—No.

5953. Did you say anything to that effect, Captain Graham?—No.

5954. Baron *Fitzgerald*.] Did you ever say that you would be glad to have his father on your side?—No, my Lord.

5955. Mr. *Hemphill*.] Did you say, "I have offered your father 20 l. for your services; of course we do not want your services, you know what it's for"?—No, I did not.

5956. Or anything to that effect?—No.

5957. Do you recollect meeting him subsequently to that at all?—No; I have no recollection, except in the street.

5958. But I mean speaking to him?—No.

5959. Did he on a subsequent occasion meet you, and did you ask him had he made up his mind?—Not after that.

5960. It was stated, and appeared in the bank book, that you sent a cheque for 83 l. to the National Bank for Mr. O'Beirne?—Yes, I did.

5961. Can you state under what circumstances you did that; that was on the 28th of November, I think, according to the entry in the book?—It was after the election. Mr. O'Beirne came to my house a couple of days after, I think about nine o'clock. He had got a letter, and I had got another from Mr. Barron, the manager, stating that his account was overdrawn by 83 l. Mr. O'Beirne was to leave next morning by the boat, and I said, "I will write to Mr. Barron, and transfer 83 l., or 82 l., whatever it was, from my account to yours;" and he said he was very much obliged, and would send it to me from London, which he did.

Cross-examined by Mr. *Cartan*.

5962. You say you took lodgings at Broune's?—Yes.

5963. What kind of place is Broune's?—Broune himself is a watchmaker.

5964. What kind of a house is it?—It is one of

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of the ordinary houses in the street; it has a shop.

5965. Now, is it a good house, Captain Graham?—Well, I think, of its kind, it is very good.

5966. Now, is Broune's the house in Cashel that a gentleman would select to take lodgings in for his own use?—I did so.

5967. And you positively state that you took those lodgings in Broune's for your own use?—Positively, and for no one else.

5968. Are you staying at Broune's now?—No, I am not.

5969. Where are you staying now?—With Captain Minchim, on a visit.

5970. Did you ever sleep at Broune's?—Of course I did.

5971. How many times altogether did you sleep at Broune's?—Every night for five or six weeks; five, at all events.

5972. How long were you in Cashel about the election?—About two months, except for a couple of days, when I went to Cork.

5973. Where do you live?—In Kingstown.

5974. Might I ask you, Captain Graham, what brought you to Cashel?—My own private business; I receive my own rents, and whatever is to be done in the way of management of my property I do myself; I have neither agent nor bailiff.

5975. Do I understand that your coming to Cashel had nothing whatever to do with the election?—At that time certainly not; I was very anxious to be here during the election, and I intended it.

5976. You collect your rents?—Yes.

5977. Was that the private business that brought you to Cashel?—Amongst others.

5978. How many tenants have you?—I should think about 50; I could not tell you; 40 or 50.

5979. Are you in the habit of coming to Cashel to collect your rents?—I am.

5980. How long does it take you?—Sometimes a short time.

5981. Are they so badly paid that it takes two months to collect them?—No, indeed; they are the best paid rents in the country.

5982. Baron *Fitzgerald*.] I understood Captain Graham to say that he offered to take the house for two months because he intended to stay over the election?—I did.

5983. Mr. *Cartan*.] How long do you know Mr. O'Beirne?—Eight or ten years; since he first contested Cashel; I was opposed to him at that time.

5984. Were you in Cashel at the election of 1865?—I was.

5985. Were you an active supporter of Mr. O'Beirne then?—I was.

5986. What do you mean by saying that you were opposed to him?—When he first contested the representation I was opposed to him; he contested Cashel three times.

5987. Were you an active supporter of Mr. O'Beirne this time?—I was very anxious, indeed, for him.

5988. You were here in Cashel when Mr. O'Beirne was here before the election?—I was, a portion of the time.

5989. I suppose you saw him every day?—I did very nearly.

5990. Several times a day?—I did frequently, and dined with him.

5991. Did you see Mr. Grace?—I saw Mr. Grace, perhaps, two or three times a day.

5992. Did you ever confer with him about the election?—I very often talked to him.

5993. You canvassed for Mr. O'Beirne?—I asked votes for him.

5994. Did Mr. O'Beirne know you were canvassing?—I don't think he did, for it was before Mr. O'Beirne came that I asked.

5995. Now Captain Graham?—Oh, I don't know what Mr. O'Beirne knew at the time.

5996. Do you mean to say you don't know Mr. O'Beirne knew you were canvassing?—

Well, I am quite sure he must have known it; he must have known I was anxious about him.

5997. Did you ever tell him you had been asking votes for him?—Of course I did.

5998. Did you and he compare notes together as to the number of votes that were going to support him?—I never had notes, comparing notes, I have often spoken.

5999. You can compare notes without having them written; did you ever tell Mr. O'Beirne how many votes you had got during a particular day?—No, but I often asked him how many he had.

6000. You never told how many votes you had got?—I often asked Mr. O'Beirne what numbers he expected to poll.

6001. That is not an answer to the question I asked you; did you ever tell Mr. O'Beirne what votes you had succeeded in getting promises of?—I may have mentioned names; I am quite sure I did.

6002. Baron *Fitzgerald*.] To Mr. Grace?—Oh, yes, my lord.

6003. Mr. *Cartan*.] Do you know Thomas Murphy?—I do.

6004. He was a voter?—He was.

6005. Did you ever go to him about taking his house?—About taking his house, never.

6006. On the day of that interview with Mr. Close, tell me exactly what occurred between you?—Really, I have said it so often—

6007. Baron *Fitzgerald*.] Were you in the room when Mr. O'Beirne and Mr. Close came in?—I believe I was, my lord; my impression is that I was.

6008. Mr. *Cartan*.] Did Mr. Close speak to Mr. O'Beirne?—Yes, he did; shook hands with him, and, I believe, introduced his son.

6009. Did he stay long in the room?—Oh, perhaps ten or twelve minutes; really, I could not tell.

6010. Was anything said during that time as to how Mr. Close was to vote?—Not a word; not in my presence.

6011. Then you went outside with him on the landing?—I followed him.

6012. For what purpose did you follow him out on the landing?—To tell him what I have stated.

6013. What was it that you did tell him?—I told him that I would recommend Mr. O'Beirne to employ his son as an agent, and he said he was very much obliged, but he thought he would be away at the time, as he expected a nomination.

6014. Why couldn't you have said that in the room with Mr. O'Beirne?—I might have said it if I liked, but I said it as I told you.

6015. Why didn't you?—I really could not tell you.

6016. You

6016. You cannot give any reason?—I have no reason.

6017. What sum did you propose to give for the services of young Mr. Close?—I did not propose to give anything. I said if he earned 15*l.* or 20*l.* it would be very well.

6018. Had you previously made any arrangements with any other sons of voters about giving them employment?—I had not.

6019. Then this was a special benefit to young Mr. Close?—I think it was.

6020. I would ask you to be sure about that?—Well, I think, if he got it, it would be a benefit to him.

6021. That is not the question I asked; what I asked was this, was it a special benefit for young Mr. Close?—It was a benefit.

6022. Was he the only son of a voter who was to get employment?—Oh, no. If I had had interest for any one else, I would have—

6023. Did you at any other time suggest any other voter whose son was to get employment?—I am not quite sure whether I did not suggest young Cullen.

6024. What's his father's name?—William Cullen.

6025. Did you promise him employment?—No.

6026. Did you promise his father?—I did not.

6027. Did you say anything about giving employment?—I spoke to his son.

6028. What did you say?—I asked him would he wish to be employed for Mr. O'Beirne, and he said he would be very glad; and I believe he was afterwards employed.

6029. Did you mention any scale of remuneration?—No, none whatever.

6030. That day afterwards did you meet young Close in the street?—I did.

6031. Did you meet him more than once?—I had seen him more than once, but I did not speak to him more than once.

6032. What did you say to him on that occasion?—I asked him did he wish to be employed for Mr. O'Beirne; he said something else, used more words, but the substance was "No."

6033. Did you ever say anything to young Close after that day you met him at Mr. O'Beirne's about his father or his father's vote?—No.

6034. Are you sure of that?—Perfectly sure.

6035. Do you know a man named William Sullivan at Bohercly?—No. There is Paddy Sullivan.

6036. Do you know him?—I do.

6037. Do you know a man named Sheehy;

he has a son-in-law named Sheehy?—I don't think he has a son-in-law; I am not sure.

6038. Is it an intended son-in-law?—I don't know.

6039. Do you know a man named Sheehy, a policeman, some connection of his?—I do, but I believe he is not a married man.

6040. Did you ever promise Sheehy a place?—Never.

6041. Did you ever promise Sullivan that you would get Sheehy a place?—Never.

6042. Did you ever say a word to Sullivan about getting Sheehy a place?—Never.

6043. Nor to Sheehy himself?—Never.

6044. Do you know a man named Cahill in the town?—James C. Cahill. I do.

6045. Did you offer his son any employment during the election?—I don't believe I did.

6046. I must ask you to charge your memory now about this?—I remember speaking to Mr. Cahill more than once in his house.

6047. Did you ask Cahill to vote for O'Beirne?—I did.

6048. Did you say anything to him about giving his son employment?—I may have said about his getting employment. I have no recollection of it, but I may have.

6049. With reference to the 83*l.* cheque, you say you got a letter from Mr. Barron, the manager?—I did.

6050. What was in it?—It was saying that Mr. O'Beirne overdraw his account by 82*l.* 15*s.* or 83*l.*, and that Saturday would be the day on which he should return him in his accounts as a defaulter. Mr. O'Beirne got a similar letter.

6051. Have you got that letter?—Oh, I have not; I think I burned it. I am positive I burned it at the time.

6052. Well, that was a letter written with reference to Mr. O'Beirne's account?—It was.

6053. Why was that letter written to you?—Because he knew that Mr. O'Beirne was stopping in my house, and he sent another by the same post to Mr. O'Beirne. He was very anxious, I suppose, that Mr. O'Beirne should not be returned as a defaulter.

6054. That seems to have been a very unusual proceeding. Had there been any dealings between you and Mr. O'Beirne with the bank?—Except that 83*l.*

6055. But had there been any previous dealing between Mr. O'Beirne and you, and the bank, from which Mr. Barron, the manager, would naturally have written to you?—No.

6056. No dealing whatever?—No.

[The Witness withdrew.]

Mr. JAMES LYSTER O'BEIRNE, sworn; Examined by Mr. *Hemphill*.

6057. I BELIEVE you contested Cashel, in 1857, unsuccessfully?—Unsuccessfully.

6058. You were elected in 1865?—I was.

6059. When did you, after the dissolution of the late Parliament, first come to Cashel?—I came about the 10th of October.

6060. Had you previously issued your address?—I had issued a short address.

6061. Do you recollect the date of that address?—I think it was in the end of August.

6062. Up to the time of your coming to Cashel had there been any indication of a contest?

test?—I had heard of it two or three days before.

6063. Two or three days before the 10th of October; but not until then?—Not until then.

6064. Had you up to that time made any preparations for a contest?—I had not.

6065. Had you, before you arrived at Cashel, retained Mr. Grace as your conducting agent?—I had retained Mr. Grace more than a year before.

6066. As your conducting agent?—Yes.

Q

6067. When

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O'Beirne.

Mr. J. L.
O'Beirne.
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6067. When you arrived in town Mr. Grace was ill?—I found Mr. Grace in fever.

6068. Where did you take up your abode when you first came?—I staid at Dunne's hotel.

6069. And you had the accommodation that we heard of, the two rooms and the three bedrooms?—I had.

6070. After arriving, did you make a personal canvas of the town?—In some eight or 10 days afterwards.

6071. Did you go round most or all of the voters?—I went to a large number of the town voters on the first day.

6072. Were you well received on the first occasion?—I thought I was.

6073. Did you receive any promises?—Very many.

6074. Do you know a man named Pat Mackey?—I do.

6075. Did he promise to vote for you soon after your arrival in Cashel?—He did.

6076. Did he promise to vote unconditionally? Quite so.

6077. Do you know Mr. Murnane?—I do.

6078. Did you canvass him?—I did.

6079. Shortly after you arrived?—On the first day of my canvass.

6080. He is an old man?—He is a very old man.

6081. Had he supported you at the first election, in 1857?—He was one of my strongest supporters in 1857.

6082. When you canvassed him on this recent occasion, did he promise you or not?—He promised me at once.

6083. I believe there was a person named Michael Ryan living in the same house with him?—There was.

6084. Did you on the occasion that you got Murnane's promise as you have mentioned?—I don't think I did.

6085. Is Ryan a relation of Murnane's?—I have heard since that he is a relation.

6086. Do you happen to know what?—I do not.

6087. Did you canvass Ryan through Murnane on that day?—I did.

6088. Did he say anything about Ryan?—I understood Murnane distinctly to promise that Ryan—

6089. To impress what you said on his mind?—To impress what you said on his mind.

6090. Do you know a voter named Michael Coffey?—I do.

6091. Did you canvass him on that day?—I don't think I did.

6092. Any time after?—Soon after.

6093. Was it before the 7th of October?—I think it was; I cannot fix the date.

6094. At all events, you say it was soon after?—Some three or four weeks before the election.

6095. Did he promise you?—He did.

6096. Was anything said about his house when he promised you?—Not a syllable.

6097. Did he and Murnane promise you unconditionally?—Quite so.

6098. Do you know Thomas Murphy, a voter?—I do.

6099. Did you canvass him yourself?—Yes.

6100. Was it on the first or second occasion?—I cannot tell; several of the voters were out on the first occasion.

6101. Did he promise you?—He did.

6102. Unconditionally?—Quite so.

6103. You say you frequently canvassed them?—Yes; I was in the town for nearly two months.

6104. Had you any committee?—I had not.

6105. Had you any agent except Mr. Grace?—Yes, I had.

6106. Who?—I had Mr. Hogan; John, I think, is his Christian name. I had a man named Simon Tracy.

6107. Did you canvass the Commons?—I did.

6108. Were you well received on the Commons?—I was.

6109. Just generally, may I ask you whether you had met with many refusals on the occasion of your earlier canvass?—As well as I can now recollect I had met with some three or four refusals on the Commons; but all the Commons' voters were not in their houses on the first day that I went there.

6110. Now you know Denis Gurrey?—I do.

6111. Did you ever authorise him in any way to act for you in the election?—Never.

6112. I put that question in the most general way?—Never.

6113. Do you know Michael Keefe?—I do.

6114. Had he anything to say to you during the election?—He had.

6115. What was his office?—He had the charge of paying the people in the street.

6116. That is, what has been called——?—What has been here called the mob.

6117. Well; Patrick Cannon was your expense agent?—Yes, he was an expense agent.

6118. Did you ever authorise his brother Tom to act for you in any form or shape?—No.

6119. As a canvasser, or otherwise?—No.

6120. Did you ever authorise any of those parties; Gurrey, or either of the Connors, to give or get drink for any election?—I gave the most positive instructions I could give that no one, whether friend or otherwise of mine, should give drink to anybody on my behalf at the election.

6121. Were you aware of the illegality of it, or of the consequences?—I was not aware of the consequences. If you will allow me to state the reason I gave that order, was that I had made a pledge to the archdeacon and the clergy that as far as I could prevent it there should be no drinking or riot in the streets.

6122. Now you were staying at Dunne's hotel, as you told us?—I was.

6123. Mrs. Dunne furnished it to Grace, and it came to your hands, I presume, that bill for 106 l. for the entertainment?—She furnished me with a copy of the bill.

6124. Did you give her any directions with reference to giving entertainment to any one?—I did.

6125. What were they?—I desired her distinctly to give no entertainment, and no drink to any elector.

6126. When did you give her that order, do you recollect?—Very soon after going to her hotel.

6127. You have a valet of the name of Raven?—I have.

6128. Were you aware that he was ordering drink?—I was not.

6129. Did you ever authorise him to order it?—Certainly not.

6130. Had he any authority from you except as your body servant?—None whatever.

6131. Had you many friends staying with you occasionally at Dunne's hotel?—I had visitors very

very frequently; persons not connected with Cashel, or voters of Cashel.

6132. Several of them have been mentioned; Mr. Morgan John O'Connel?—Many gentlemen came to see me.

6133. Used they to occupy bedrooms?—Once or twice; Mr. Fisher, of Waterford.

6134. That's the editor of the "Waterford Mail"?—Yes; Mr. O'Connor, of Laffena.

6135. He is an influential person in the county?—Yes.

6136. Do you recollect deputations coming to you?—Not to me.

6137. But coming into the town?—Yes.

6138. Did you receive them?—They visited me as they passed.

6139. Mention what deputation?—The first can scarcely be called a deputation. It was a number of gentlemen who went to attend a county meeting at Thurles, and they came back to my rooms on their return from Thurles to Clonmel.

6140. Was that a meeting in connection with the county election?—That was a meeting in connection with the county election.

6141. Was it a large deputation?—A large number of gentlemen.

6142. Did you entertain them, or order anything for them?—I did.

6143. Did they dine, or only take —?—They did not dine; they came in upon me unexpectedly after dinner.

6144. And you ordered wine in the usual way?—Yes.

6145. That's one. Did any other body happen to visit you there in the same way?—Yes; the deputation, which came, I think, from Tipperary to present an address to Archdeacon Quirk, recently appointed to Cashel, came to my rooms from his.

6146. Did you entertain them in like manner?—I did.

6147. Was there any other, do you recollect now, besides the Tipperary and Thurles deputations?—Well, I don't think I can remember another.

6148. Now, with reference to this supplying of drink to any election on any occasion—I am putting it in the most general way—did you order, or authorize anyone to order, drink to be given to any person for the purpose of influencing their votes?—I did not; I never heard of it until I heard of it within the walls of this court-house.

6149. Have you paid 50*l.* for the use of the hotel?—Yes.

6150. Was that a reasonable price for the rooms?—I believed it to be a reasonable price.

6151. In engaging that hotel, did you seek to influence the vote of Dunne?—Certainly I did not. I did not know how Dunne would vote.

6152. Did you ask him?—I did not; he voted against me before.

6153. In the 1865 election?—He did.

6154. I believe the clergy used occasionally to dine with you at Dunne's?—They have; the clergy of the neighbourhood, the Catholic clergy.

6155. That is, of the parts surrounding Cashel?—Not the clergy of Cashel.

6156. I think you told me you saw the detailed items of Mrs. Dunne's account of 108*l.*?—I never have; but I paid 50*l.* on account of it.

6157. Did you say you wrote anything when you were paying that, with reference to the balance?—No, I did not.

121.

6158. Now, we will come to another part of the transaction?—Do you recollect dining at Miss Kitty O'Dwyer's hotel on the 19th of November?—I do, perfectly.

6159. What led to that dinner; were you the guest on the host there?—I was the guest.

6160. Was it a dinner got up for you?—A dinner got up for me.

6161. Did you in any way order that dinner?—Not in the least.

6162. Did you pay for that dinner?—Certainly not.

6163. Or in any way promise to do so?—Never.

6164. Were there a good many voters there?—There were a good many.

6165. Did you leave early in the evening?—I left about between 11 and 12.

6166. Was Mr. Grace at the dinner?—He was not; I think not.

6167. Were you aware whether the door was locked in order that not a man should leave; it was stated here?—I cannot say whether it was or not.

6168. Did you call any list of the voters over at that dinner?—Not at the dinner.

6169. Well, at any time during the evening?—I did before I left.

6170. What was the meaning of that?—The meaning of that was to enable me to see who were the voters who were in town; who were my supporters who were in town.

6171. Did you give, or to your knowledge were any directions given that evening to lock the door and prevent voters from going in and out?—Certainly not. Not with my sanction or knowledge.

6172. Do you know whether during the dinner or afterwards there was a crowd outside; can you state that of yourself?—Only from hearing a noise; I was not outside.

6173. You know Pat. Mackey?—I do.

6174. Did you take a house from him?—I did.

6175. When did you take the house; just state that to his Lordship now, and all the circumstances about the house?—I took the house, I think, three weeks or more before the election. I had no intention of taking the house until I found that my room at Dunne's hotel was inconveniently crowded, and that I could do no business there.

6176. Now, what passed between you and Mackey when you took the house; state the substance of what passed?—I sent for him, and asked him whether he could give me his house, and he said he would. I asked him what was the price, and he said he could not give it at less than 40*l.* I was not satisfied with that amount, but eventually I gave it.

6177. It was not actually paid as I understand?—I have not paid it.

6178. In taking that house did you seek to influence Mackey's vote?—Not in the least. He was pledged to me three or four weeks before.

6179. Was there any reference made at all to his voting on that occasion?—Not a syllable.

6180. Now, we have already heard of Michael Ryan and Murnane's rooms, when did you take those rooms?—I took those rooms very shortly before the election; within a few days.

6181. Will you state to his Lordship why you took those rooms, and for what purpose?—I took the rooms for the purpose of assembling there the Commons' voters. I had long known that the

Q 2

Commons'

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Commons' voters were in the habit of frequenting Mr. Murnane's house, and I believed they would rather go there than elsewhere. It was intended by me that they should come there.

Mr. Butt.] Don't say what you intended.
Baron Fitzgerald.] He is at liberty to say for what purpose he took the rooms.

6182. Mr. Hemphill.] What was your arrangement with Mr. Ryan?—Witness.] I don't understand the question.

6183. Did you make any agreement about the rooms?—Yes, I did.

6184. With Ryan?—Yes.

6185. State to his Lordship what it was?—Mr. Ryan asked me 60 l. for the house, which I was not at all satisfied to pay.

6186. Just tell us, as well as you recollect, the substance of what passed between you and Ryan in reference to this house?—Mr. Ryan said he valued his rooms at that amount, as well as I could remember; that he could get that amount for them.

6187. Did he say from whom?—No, I don't think he did.

6188. When he said that did you say anything?—As well as I remember I offered him 40 l., but I cannot positively say. I think I offered him 40 l. which he refused.

6189. Did you finally agree as to the price?—I did.

6190. On the same occasion?—On the same occasion.

6191. Was anything said in reference to his vote on that occasion, or on any occasion?—Not a syllable.

6192. Had you any talk with him afterwards about it before the election?—When I took his room he seemed to wish for payment, and I happened to have some notes with me, and I paid him the 60 l. in notes afterwards.

6193. Did he adhere to his agreement?—He came back on the same day within an hour or less.

6194. What did he say?—He stated that he was not satisfied. I cannot give the exact words; that he could get more for his rooms; and I told him that he was perfectly at liberty to let his rooms if he could get more, and that he had only to return me my money.

6195. Do you recollect whether anyone was present at that conversation?—Mr. Grace was present.

6196. Were those rooms used?—They were not.

6197. Was there any reason why they were not used?—Yes.

6198. What?—The voters whom I intended to put into those rooms on the night before the polling remained at the dinner that was given at Miss O'Dwyer's rooms; and therefore Murnane's rooms were useless to me.

Mr. Hemphill proposed to ask the witness whether on taking those rooms of Ryan and Murnane he in any way intended to influence their votes.

Baron Fitzgerald.] You may ask it.

6199. In taking those rooms and paying 60 l., did you mean to influence the votes of those men, Ryan and Murnane?—Certainly not, I considered that I had a very large majority then, and I did not want two votes.

6200. Now we come to Coffey's house; you took it?—Yes.

6201. For what purpose did you take it?—I was advised, the purpose was to assemble several voters, who lived in the lower end of the town, on the morning of the polling.

6202. Was it to keep them together?—To keep them together. As a tally-room at the lower end of the town. He lives near the lower gate.

6203. Tell what passed in reference to it, when did you first speak about this; you told us already the husband had promised to vote for you?—Long before.

6204. When did you first speak about taking the room?—I daresay the week before the election.

6205. And after he had promised?—Long after he had promised.

6206. Did you look at the room?—I did.

6207. Was Coffey there?—I went to his wife and asked her whether she could give me a room of her house, and she said she thought she could, and asked me could I look at it. I went upstairs with her to look at it, and found that her husband was in bed in the room. It was a good-sized room. He was a baker who works at night.

6208. Did you make any arrangement that day?—I did not.

6209. Did you afterwards take the room?—I did.

6210. What did you offer for the room?—£. 10.

6211. Was she satisfied with that?—She was not.

6212. What did she demand?—She said she should have 20 l. at least.

6213. Did you agree to give 20 l.?—I did.

6214. In doing that, did you seek to influence Coffey's vote?—Certainly not.

6215. Was 20 l. too much for the tally-room?—Well I thought it was dear, I thought it was a high price.

6216. Was there any reason why you should give so high a price?—Yes, there was.

6217. What?—Mrs. Coffey pressed upon me the consideration that the loss of her former husband, who was a supporter of mine in 1865 —

6218. She had been the wife of a former supporter of yours?—She had, yes. She told me that she attributed the loss of his life to his labours in my behalf in 1865, and that he never had any consideration from anybody on my behalf.

6219. Did you use that room as a tally-room?—I did not.

6220. I believe Mr. Munster had taken a room in the same house?—I did not know that then.

6221. Did you afterwards ascertain it?—The day before the nomination I understood that Mr. Munster had taken rooms also in that house.

6222. How did you pay the 20 l.?—I gave Coffey himself my own cheque on the National Bank for 20 l.

6223. Did you give him that before the election?—I gave it to him within a day or two after I saw his wife.

6224. Do you know a man named Thomas Murphy?—I do.

6225. Had Murphy supported you on former occasions?—I don't remember.

6226. Do you recollect, did you go to Murphy's room?—I did not.

6227. Did you take it at all?—I took it on the morning of the nomination.

6228. Did

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6228. Did you agree for any price?—I made no agreement. On the morning of the nomination, Murphy came to my room with a number of other electors to escort me to this courthouse; and I heard on the way, a few yards from Dunn's Hotel, that he had a room which might answer the purpose for which I had taken Coffey's. I asked him if he had one, he told me he had, and that he would let it to me; he said he would expect 25 *l.* for it; I made no bargain, made no reply; I believe from his evidence here that his price was ———

6229. Did you do that to influence his vote?—Certainly not; he came to escort me to the courthouse as a pledged voter.

6230. Did you ever pay that?—I have not.

6231. There was a man named John Hogan? There was.

6232. He is not an elector?—He is not.

6233. State what you did in reference to him?—I was urged by several of my friends to retain John Hogan's services on my behalf to speak and canvass for me the electors whom I knew, and I went down and saw him very reluctantly.

6234. Fix about the time you first spoke to him?—Well, it was before the end of October, as well as I can remember.

6235. Some time before the election?—A long time before the election.

6236. Tell what passed?—I went to his shop and asked him whether I could calculate upon his support, whether he would become an agent of mine and let me reward him for whatever he would do for me; he said he would. Upon that occasion no terms were mentioned. I subsequently saw him and asked him what he expected, and he fixed a figure, which, as well as I remember, was something like 80 *l.*; I thought that very extravagant, and eventually I agreed with him for 60 *l.*

6237. Did you give him the 60 *l.*?—Not then.

6238. Did you afterwards?—I did; I gave him a cheque for 60 *l.*

6239. On the National Bank of Cashel?—Yes.

6240. Was that given for his services?—The cheque was to remunerate him for his services.

6241. You are aware that that cheque was not presented?—I know it was not.

6242. Did you write to him on the subject?—I did.

6243. When; do you recollect; about when?—Soon after I got back to London I found my account was overdrawn.

6244. That was long after the election was over?—A fortnight, I think.

6245. Why did you write to him then not to present the cheque?—Because I was unwilling that there should be a cheque presented and dishonoured.

6246. You told me that there was a man named Simon Tracy?—Yes.

6247. Do you know where Tracy is?—Certainly not.

6248. Have you seen him since you came to town?—No.

6249. Did you employ this man?—I employed him under the same circumstances as I employed Hogan.

6250. Did you give him a cheque?—I did.

6251. For what amount?—The same amount.

6252. That was 60 *l.*?—Yes.

6253. Do you know whether that was ever presented?—I know it was not; I told both these men, when I gave them the cheques, that they

must not present them without my authority and knowledge.

6254. Do you know about Timothy Hogan?—Yes, I do.

6255. What about him; did you give him?—I gave him a cheque; my own cheque on the National Bank for 20 *l.*

6256. What did you give that for?—To pay him an account which he claimed as due in 1865, which he stated to me that my then agent, Mr. Johnston, ought to have paid him, but did not.

6257. About what time was this that you had this conversation?—About the third or fourth day after my arrival in town.

6258. Had you seen him before that, or was that the first occasion that you saw him?—I am not certain whether I saw him before or after the first canvass. No, it was before I canvassed.

6259. Will you state to his Lordship exactly what took place on that occasion?—Timothy Hogan came to my room and complained a good deal about not having been paid this sum of money. I intimated to him that I never heard there was any money due to him, and asked him what the money was due for. He said it was an account for car hire and services rendered, I think. I am not quite certain whether he did not also say services rendered to Mr. Johnston, and that he had been very illused, and should have been paid. I then told him I was very unwilling that any of the Cashel people should have any claims against me unpaid, and I paid him the cheque. While I was paying it to him I told him it must be clearly understood that it was to have no influence whatever upon his vote on the present occasion. Before he left the room he told me that, whether I had paid the bill or not, he would have voted for me.

6260. Did you, on paying him that demand of 20 *l.*, seek to influence his vote?—Most positively not.

6261. You gave the cheque?—I did.

6262. Unconditionally?—Unconditionally.

6263. There was a demand you paid of Mrs. Hanly's?—Yes; Mr. Grace paid that.

6264. Was that before you arrived in Cashel?—Long before. I knew nothing of the payment until after I had arrived.

6265. Were you aware that Gurney had these notes?—I was not; I heard rumours of it two years ago.

6266. Until two years ago, did you hear anything of them?—The year after the election of 1865 I heard first of these notes. I paid their accounts; I paid other accounts; I paid Mr. Quirk's account (a printer and car-owner) of 27 *l.*

6267. Did he vote for you at this late election?—He did not.

6268. Did you pay Mrs. Burke?—I paid Mrs. Burke, a widow.

6269. Had she any connection with voting?—Not that I know of. She came to me one Sunday, and asked me to pay her account. I requested her to furnish it, as I knew nothing of it. She came the next morning, with the items of the account; and I found clothes and various things given, some used by my late agent, at the time of the election of '65; and as she was a widow, and stated that she had given those things in my name, I gave her a cheque for the amount.

6270. Baron Fitzgerald,] Had any application been made by any of these persons, in the interval between the two elections?—One, my Lord; I think Mrs. Burke did write to me once.

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6271. Was she a stranger in the town?—I don't know. There were very many applications made for accounts, after Johnston's death, the year after the election, which I was obliged to pay; 500 l. or 600 l.

6272. Do you happen to know the date of Mr. Johnston's death?—October 1866.

6273. Now, I ask you, Mr. O'Beirne, did you, directly or indirectly, by payment of money, or promises, or giving of entertainments, seek to influence any vote at the late election of 1868?—I certainly did not.

Cross-examined by Mr. Butt.

6274. Was Mr. Charles Johnston your conducting agent in the election of 1865?—He was.

6275. And, of course, authorised to act for you?—Certainly.

6276. We all know you have an account here in the National Bank, and that you drew cheques; have you these cheques?—At this election?

6277. Yes?—I have not, but I daresay they will be here to-morrow morning. I have written for them, but I don't think my letter can be replied to.

6278. When?—On the evening of the day the subpoena was served on me.

6279. What day was that?—Monday last.

6280. Then that letter would be delivered in London on Tuesday evening; on Wednesday morning, at all events?—Yes.

6281. Could not an answer be here?—It ought to be here this afternoon.

6282. It cannot come till to-morrow morning?—Yes, it would come to-morrow afternoon.

6283. To whom did you write?—To my confidential clerk and manager, Mr. Cox.

6284. Did you telegraph to him?—I did not.

6285. Why did not you?—Well, I never thought of telegraphing to him.

6286. Never thought of telegraphing for cheques that you knew would be wanted for this trial?—I did not know they would be wanted, Mr. Butt.

6287. You did not know they would be wanted?—Permit me to finish my answer. I believe that if they wanted the paper the solicitor would have served me, in London, with a subpoena *duces tecum* to bring them.

6288. Mr. O'Beirne, on Monday, did you know that those cheques would be wanted for this trial?—For the first time I did.

6289. You knew it on Monday?—Certainly.

6290. Why didn't you telegraph?—Well, in giving an answer to that question, I may tell you that I understand Mr. Munster, or whoever the telegraph belongs to, charged 1 s. per word for every message sent to this town during the election.

6291. Was that the reason you did not telegraph?—That was not the reason; I never thought of telegraphing.

6292. Then why did you not; I ask you why you did not?—If I had thought of telegraphing I should have hesitated in consequence of that rule.

6293. Why didn't you think of telegraphing?—I cannot tell you why I did not think of telegraphing.

6294. Did it not ever occur to you that these cheques ought to be here?—It did not.

6295. You never knew that the cheques would be material in an inquiry in which corrupt practices were charged?—I did not.

6296. What is the name of your confidential

agent, to whom you have written for these cheques?—William Cox.

6297. Where did you write to him?—To my office in London.

6298. Is he there?—He is.

6299. You have no doubt of that?—I have not the slightest doubt of it.

6300. Now, let me ask you; you appointed an agent for election expenses?—I did.

6301. Did you pay a single particle of expenses through that agent?—Not one single shilling.

6302. Why did you do that?—Because I was in the hands of my legal adviser, Mr. Grace, and I had no intimation or advice from him to do so.

6303. Do you mean to convey to me by that answer that you did not know that the law required you to pay your expenses through an agent?—I do know the law required me, but I did not know what the limit is of time, and I don't now know it.

6304. Do you know that the law made it a misdemeanour for any person to pay any expenses except through an agent?—I do not.

6305. Do you mean to say that, Mr. O'Beirne?—I do, sir.

6306. You are a Member of Parliament?—I am.

6307. And you are a solicitor?—I was, many years ago; 20 years ago.

6308. And do you mean now to tell me that you did not know that the Act of Parliament required you to pay your expenses through an agent for election expenses?—I did not state any such thing.

6309. What did you say?—I said that I did not know that the Act of Parliament fixed any limited time.

6310. Baron Fitzgerald.] Did you ever read the section of the Act?—I don't think I ever read the section of the Act, my lord. I know there is such a section, but I don't know the provisions of it.

6311. Mr. Butt.] You have not recognised the importance of your obeying the law or not?—I considered that I was in very safe hands, and I was prepared to do whatever Mr. Grace advised.

6312. Did Mr. Grace advise you to pay your expenses by personal cheques?—He did not.

6313. Did you ever ask him?—I never did.

6314. Then you had no advice from him on that subject?—I had not.

6315. Did you ever read this: "No payment, except in respect of the personal expenses of the candidate, &c., shall be made by or on behalf of any candidate at any election, &c., otherwise than through an agent whose name and address shall be declared in writing to the returning officer on or before the day of nomination, &c." (*Vide section referred to.*)?—I did not know that section. I have made but one payment since the election, which was to Mrs. Dunne, of 50 l.

6316. Did you make any through your election expense agent?—None whatever.

6317. Did you appoint an agent for election expenses?—I signed the appointment prepared by Mr. Grace on the day of nomination.

6318. For what did you think he was appointed?—For the purpose of paying the expenses of the election.

6319. And you never paid a penny through him?—I never have.

6320. Tell me how much money have you spent

spent in this election?—I cannot tell you, but I think the election has cost me about 500 l.

6321. You had 800 l., and 300 l. of it was not spent on the election?—I don't think it was.

6322. Then out of that you spent, in other ways, 300 l.?—About that, I think.

6323. Since you came to Cashel?—Yes.

6324. And 500 l. on the election?—Yes.

6325. Had you any other moneys on hand applicable to election expenses, except what was lodged in the National Bank?—No.

6326. Then when you said you paid some things in notes, were those notes got by you out of the National Bank?—I think they were.

6327. You think, but do you know?—I brought down notes with me from Dublin, and I lodged from time to time 100 l. in notes.

6328. Did you lodge that?—I think so.

6329. Can you tell me how?—I cannot tell you the mode, further than that it was a lodgment in notes.

6330. Had you any money in your hands applicable to election expenses, except what you drew by cheques upon the National Bank?—No.

6331. Then you had no notes that you brought from Dublin?—No.

6332. Did you say now that you had not?—I did.

6333. How have you recollected that since this moment?—I don't think I made any variance in my statement. I did not intend to do it.

6334. Did you say that the only money you paid for election expenses was drawn through the National Bank?—Yes.

6335. Can you tell me generally what the 500 l. that you spent was for?—Yes, I can. The greater part of it was spent in paying the people in the streets.

6336. Paying the mob?—Yes.

6337. How much?—Very nearly the whole of it. Certainly 400 l. and upwards.

6338. Do you mean to say that you paid over 400 l. to the mob in the streets of Cashel?—I think I paid more.

6339. Will you let me ask you how that payment was made to the mob in the streets of Cashel?—In notes drawn from the National Bank.

6340. When did you begin to pay them?—I think the first payment was made on the morning but one after my canvass on the Commons, when there was a public meeting in the town.

6341. Through whose hands was that money paid?—I think part of it was paid through the hands of a man named Canavan.

6342. Who was he?—One of the townspeople.

6343. Was he a voter?—No.

6344. Through whom else was it paid?—There was another man, named Meenahan, a companion of his.

6345. Anyone else?—Yes, Michael Keeffe.

6346. Anyone else?—I don't know anybody else.

6347. Now, who paid the money to Canavan?—I did myself.

6348. How much money did you give to Canavan?—I think I gave him 27 l. or 30 l.

6349. Altogether?—Oh, no; on that afternoon?

6350. I mean altogether?—Altogether? I could not tell you. I have given him very large sums.

6351. How much about; tell me within

15 l. or 20 l.?—I have given him over 60 l. or 70 l.

6352. How much did you give to Meenahan?—I daresay 30 l. or 40 l. I cannot quite say.

6353. Did you give Meenahan 50 l.?—I think I did. I paid him 5 l. a week.

6354. How many weeks was this going on for?—For eight weeks nearly.

6355. Then, 40 l. or 45 l. would represent the payments to Meenahan?—I think it would.

6356. How much did you pay to Keeffe?—I paid Keeffe, I daresay, 180 l. or 200 l.

6357. Was Keeffe a voter?—He was not.

6358. None of these three persons were voters?—No, they were not.

6359. Was Keeffe an agent of yours?—Keeffe was employed by me.

6360. Was he an agent?—Well, if you will tell me what you mean, I will tell you what his business was.

6361. I want to know, did you consider that Keeffe was an agent of yours?—I did not.

6362. I want to know what you meant when you said you employed only two, Simon Tracy, and John Hogan; now tell me what you employed Tracy for?—He was exceedingly ———

6363. Ah, sir; tell me what you employed him for?—I employed him to do what he could for me with the Commons' people, and the voters in his neighbourhood.

6364. For what did you employ Hogan?—For the townspeople; to go to the townspeople; and for the Commons' people also.

6365. Was Simon Tracy to attend to the townspeople, and Hogan to the Commons' people?—I did not divide their duty.

6366. Then these two that you employed to canvass for you, you considered as your agents?—Yes.

6367. And Keeffe, that you gave 200 l. to pay the mob that was organised for you, you did not consider as your agent?—I did not consider him my agent.

6368. On the day you came to Cashel, on the 12th of October, the same day that you lodged 200 l., you drew out 50 guineas; what was that for?—Mrs. Burke.

6369. To pay her this old bill?—It was on a Monday. I think you will find that I came on the 10th.

6370. Did her bill amount to 52 l. 10 s.?—It did.

6371. The next cheque is of the 16th, for 10 l.; what was that for?—I think personal expenses.

6372. On the 17th, 10 l.; what was that for?—I don't know. It was not for personal expenses.

6373. Well, but now, personal expenses ———?—I can't tell you what they were for.

6374. It was not to pay your hotel bill?—No, no. I paid nothing there.

6375. Do you mean by personal expenses money given away in the streets?—Perhaps it was given to Keeffe.

6376. That's not personal expenses?—I cannot tell you what they were for. I will, if I can.

6377. If the cheques were here, you know, they would tell; what do you mean by "personal expenses"?—I was always obliged to have several pounds in shillings in my pockets for the people in the streets.

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6378. To give away?—Certainly.

6379. I would scarcely call that personal expenses; I will not go through all these; but there is one most remarkable one on the 20th of October, a cheque for 35 *l.*; what was that for?—No; I cannot tell you what that was for.

6380. I find one for 70 *l.* on the 22nd?—Yes; I can tell you of that. That was remitted by me to London for something else.

6381. On the 17th of November, the day before the nomination, I find a cheque for 100 *l.*; what was that for?—That was for the purpose of paying the people who were to come into town and support me at the nomination; for paying the mob.

6382. Where were they to come from?—A large number of people were coming from Clonolty and the neighbourhood, and they were all to be paid something or another.

6383. By whom were they hired?—They were not hired at all. I never hired them, nor did they come by my order.

6384. By whom were they engaged to come?—I think Mr. O'Connell, of —, told me a large number were to come in.

6385. Then, 100 *l.* was spent to pay a street mob on the day of the election?—No, no, it was not a mob.

6386. Were they voters?—No.

6387. What brought them in?—They came in to support me, being the popular candidate.

6388. Is that your evidence; that you being the popular candidate in Cashel, paid 100 *l.* to strangers to prove your popularity?—I have not said that I paid 100 *l.*

6389. What was it for?—I wished to have money by me for the payment of those expenses.

6390. Did you use that 100 *l.* in that way?—I think I did, a good deal of it; I cannot say that I used it all.

6391. That was because you were the popular candidate?—That is one of the penalties of being a popular candidate.

6392. To pay the mob to cheer you?—I never engaged them or desired them.

6393. Did you not pay for them?—Yes, I did. That is one of the penalties of popularity.

6394. You were telling me about taking Ryan's house?—I did not take his house. I went to canvass.

6395. You said you saw Murnane there. He had been a warm supporter of yours in 1857?—He had.

6396. Was Murnane the owner of the house in 1857, when you first started?—He was the owner of a house, whether on the same side of the street or not I can't say.

6397. Did Ryan at that time live with him?—I don't think he did.

6398. Ryan afterwards married his daughter?—I heard that here; I did not know it before. I don't think Ryan was a voter.

6399. Was any of the 100 *l.* to be spent in giving drink?—Not a shilling. The price that was paid was from 2 *s.* 6 *d.* to 3 *s.* 6 *d.* a head to each man.

6400. I think you told me that you desired Mrs. Dunne to give no drink to any elector?—I did.

6401. I think you said that you did that not from any apprehension about the law, but because you promised the clergy that you would not encourage drinking?—I was under the impression

that the law allowed treating and drink to be given up to a certain period. It was the old law, I believe. I have learned during this inquiry that it is not so.

6402. Now tell me this: your reason was, that you had promised the clergy not to encourage drinking?—I had.

6403. Did you say to Mrs. Dwyer not to give it to any elector?—I did not say to any elector specially.

6404. I thought you did. I will have your evidence read?—Well, I ask permission to correct my evidence.

(The evidence previously given by Mr. O'Beirne on the point in question was read by the shorthand writer.)

6405. No matter if there was a mistake. What instructions did you give to Mrs. Dunne?—I gave verbal instructions.

6406. What were they?—I told Mrs. Dunne not to give drink or any entertainment to any elector; and I am sure I added, "to anybody on my behalf without my orders." I don't know that those were the precise words; but what I meant to convey to Mrs. Dunne was, that she was not to give drink or entertainment to anybody on my behalf without my order.

6407. But you mentioned electors particularly?—I certainly did; but what I desired was, not to confine my answer to the word "elector."

6408. Now when did you give her those instructions?—I gave her those instructions within a very few days of my arrival.

6409. You are aware now, aren't you, that Mrs. Dunne charged you a considerable amount for drink supplied?—I have heard so; I have never seen the items.

6410. You heard it here now?—Yes, I have.

6411. Then that charge to you, and that giving drink to Guirey and to Keefe, and the others who got it, was a direct violation of your orders?—It certainly was.

6412. By Mrs. Dunne?—By Mrs. Dunne.

6413. You heard Captain Graham's evidence here about the taking of Murnane's house?—I did.

6414. He was taking a very active part for you at the election?—He was.

6415. And you consulted with him as to the conduct of the election?—I did.

6416. He was the most reliable person, except Mr. Grace?—He was my only personal friend whom I could confer with, in consequence of Mr. Grace's illness.

6417. And you did confer with him?—Very constantly.

6418. As to every step you took?—Not every step.

6419. As to any important step?—Very constantly.

6420. Of course you knew when he canvassed voters for you?—He frequently told me he had asked votes; he frequently came in in the evening and told me he had asked votes.

6421. Did you ever employ him for anything else; for other things than taking the house?—No, never.

6422. How many houses were engaged for you during the election?—The four houses named were the only houses ever, to my knowledge, engaged for me at the election.

6423. Two of these, I think you said, you never used?—Three of them I never used.

6424. Now

6424. Now as to the final arrangement with Ryan and Murnane for this house, when was that final arrangement made?—Very soon before the election.

6425. Was it the day before the polling-day?—No, I don't think it was, but it was very close to that period. It was certainly not the day intervening between the nomination and that day.

6426. Did you know when you took that house that it had been engaged to Mr. Munster?—Certainly not.

6427. They did not tell you that?—Never.

6428. Why did you think of engaging that house the day before the election; I don't say the day before?—I have already answered that question. Because I considered it necessary to have a house where the Commons' voters could come to on the day intervening between the nomination and the polling, as was the custom at previous elections in this town.

6429. But you knew that before?—I did.

6430. That it would be wanted?—Yes.

6431. You never looked for it until two days before it was wanted?—No, I did not.

6432. And you never used it?—I did not use it.

6433. What were the Commons' voters to do in that house?—They were to come and remain there the night before the day of polling.

6434. Were they to sleep there?—Not to sleep, for it would not hold them.

6435. Were they to get refreshments?—They were to remain there.

6436. And get refreshments?—Not with my sanction.

6437. Did you intend that the Commons' voters should come in there on the night before the polling?—I did.

6438. Why?—Because that was the practice here.

6439. Particularly as to the Commons' voters?—Simply the Commons' voters, because they had a long way to come.

6440. How far?—Some of them four miles.

6441. And it was the custom to bring them in and put them in one place?—It was.

6442. And that was, in fact, done at the Rock hotel, wasn't it?—It was.

6443. How many Commons' voters were at the dinner at the Rock hotel?—I think there were about 30; I cannot be accurate, but I think about 30.

6444. And you knew then that they were remaining at the Rock hotel that night?—I did.

6445. And that list that you called over, was that a list exclusively confined to the Commons' voters?—It was; I think it was; that's my recollection.

6446. Any mistake, of course, correct immediately; where did you get that list?—I had made out a list for several days previously; I had been several times to the Commons, and I had made up the list.

6447. Did the list you called over at the dinner contain a list of all the Commons' voters?—No, I don't think it did.

6448. On what principle did you select those that were to be called over?—I selected those that I understood were to support me.

6449. It contained a list of all the Commons' voters who you knew would support you?—Who, I believe, would support me.

6450. Then you went to the dinner, and called that out at the dinner?—No, I did not.

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6451. After dinner?—I called it out in a separate room.

6452. Baron *Fitzgerald*.] The dinner was in one room, and what they call the Rock Club was in another?—Precisely.

6453. Mr. *Butt*.] Was it in the Rock club-room that you read it out?—It was.

6454. Can you tell me out of 30 Commons' voters that were read out, how many answered?—I cannot; I think 25 or 26.

6455. Then almost all the Commons' voters who were your supporters, were there?—They were.

6456. Had they dined there?—Many of them had.

6457. How many of them, do you think, were there altogether?—I think it came up to a hundred; the room was inconveniently crowded.

6458. Did you intend when you called that list, that all the Commons' voters were to remain there all that night?—No, I did not; I hoped they would remain there, and I wished them to remain there, but I did not think they would; some of them did go.

6459. You say you did not think they would remain; why?—Because it is not a very comfortable thing for men to do to remain all night.

6460. When you called the list, you were afraid they would not remain?—I asked them to remain.

6461. Did you tell any of them you had the place taken for them to remain?—No, I did not.

6462. That you had taken Ryan and Murnane's house for their special accommodation?—No, I did not.

6463. Nor convey it to them in any way?—No, I did not.

6464. Whatever accommodation they got that night, they got at the Rock hotel?—They did.

6465. Had you done the same thing at the election of 1865 as to the Commons' voters?—I had not done it myself, but it was done for me. Corcoran's hotel was the place in 1865.

6466. Was there a dinner for them there in that year?—I don't think there was; they had some entertainment, but I attended no dinner.

6467. Who provided that?—Who paid for it, I don't know.

6468. Do you mean to say that you don't know; did you pay for it in 1865?—Certainly not.

6469. What did the election in 1865 cost you?

Mr. *Hemphill* objected.

Witness.] I have no objection to answer it at all.

Baron *Fitzgerald* did not think the question one that should be allowed.

Mr. *Butt* submitted that it should. (To *Witness*.)

6470. Were you in court when Mr. *Hemphill* was making his statement?—I was in court during the greater part of the statement.

6471. Did you hear him say that you would not be driven to bribe in Cashel; that there was a presumption against it by your having been elected in 1865, triumphantly by the free-will of the people?—No, I did not.

Mr. *Butt* submitted that he had a right to put the question as to the cost of the election in 1865 as to the credit of the witness.

Baron *Fitzgerald*.] I will not allow illegal evidence to be given under the notion of credit.

Mr. *Butt*.] I submit, I have a right to ask him

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him, did you commit bribery at the last election?

Baron Fitzgerald.] I don't think you have.

6472. Mr. Butt (to Witness).] I ask you, did you, or anyone to your knowledge for you, pay for any vote in 1865?—I certainly did not.

6473. Did anyone with your knowledge, or with money supplied by you?—Certainly not.

Baron Fitzgerald.] It cannot be done, it would be very wrong on the ground of credit to do a thing indirectly.

6474. Mr. Butt (to Witness).] Now, Mr. O'Beirne, will you tell me this; when you gave Hogan that cheque for 60 l., did you intend it to be presented?—I did.

6475. Immediately?—No.

6476. When was it to be presented?—It was long post-dated, I think it was dated the 28th; I explained to him that I thought I might be short of money, and that it should not be presented without my knowledge.

6477. Mr. Hemphill.] The 28th of what month?—Of November.

6478. Had you given Tracy a similar cheque?—Yes, I had; I cannot tell whether it was before or after that I gave it to Tracy, or about the same time.

6479. Was that cheque to Tracy also post-dated?—It was precisely similar.

6480. Had you given any other post-dated cheques?—No.

6481. You had not?—No.

6482. Did you think 60 l. a very large sum to give to Hogan?—Yes, I did, a very large sum.

6483. And 60 l. a large sum to give to Tracy?—I thought them both very large sums.

6484. I think you said you paid no one else?—No one else, I paid Keffe.

6485. What did you pay to Keffe?—I think I paid Keffe about 40 l.

6486. For himself?—Yes, for himself.

6487. And that was for organizing a mob?—He did a great deal more than that.

6488. What else did he do?—He constantly was out at night with men I found necessary to have to protect me coming home from dinner, from outrages of various sorts. They were out very late at night frequently.

6489. You don't like them to be called a mob, a body-guard?—Those were the services.

6490. As to Michael Coffey's house, was that taken?—It was taken, I think, a fortnight before the election; I am not quite certain about the date, I think a fortnight.

6491. I forget what you gave him?—20 l.

6492. What did you want his house for?—For the purpose of assembling the voters of the Lower Gate there on the morning of the polling, that they might go up together.

6493. Did you think it more important to have a place for the voters of the Lower Gate, or of the Commons?—Very much more important for the voters of the Commons.

6494. You provided a place for the voters of the Lower Gate a fortnight before?—I did; yes.

6495. And for the Commons not until two days before the election?—I did not.

6496. Did you use Michael Coffey's house?—No, I did not.

6497. As to Thomas Murphy's house, I think I understood you to say that you took it on the morning of the nomination?—As we were walking up to the court-house.

6498. What did you want it for?—I wanted it in place of Coffey's.

6499. What passed, was it Murphy that asked you to take his house, or you that asked Murphy?—Murphy came to me, I think; no, I think I called to Murphy. I heard that Mr. Munster had taken rooms in Coffey's house, and I determined that my voters should not go there; and I heard in the morning that Murphy had a house in the same neighbourhood that would answer the same purpose, and I called to him going up to the court-house.

6500. Was any use made of that house?—None whatever; Mr. Grace determined to tally his voters in the court-house, instead of out of it.

6501. Did you hear Timothy Hogan's evidence?—Yes, I did.

6502. Did you hear him say that the 20 l. was the balance of an account for his house, taken in 1865?—I don't think so, I did not hear him say so. He may have said so, but I did not so understand it; I never saw any account from him; it was a balance of an account certainly.

6503. (Handing book to Witness.) Look at that cheque on the 29th for 30 l.?—I cannot tell you what it is for, but I believe it is for the purpose of paying the daily expenses of the mob as well.

6504. Do you expect your cheques here tomorrow morning?—I hope they will be here to-night.

6505. They cannot be here to-night?—I don't know whether they are not here this moment.

6506. Were you here when Coffey was examined?—Yes, I was.

6507. Did you hear him say that he had got a letter from you?—I did.

6508. And that he went up to you?—I believe he did get that letter.

6509. And that when he came up you handed him an envelope with 25 l. in it?—I heard him say that.

6510. Is it true?—Not all true; part of it.

6511. Baron Fitzgerald.] When did that take place?—A very short time before the election.

6512. Was it the day before the polling?—Certainly not the day before the polling. I am quite sure not the day before the polling.

6513. Mr. Butt (handing ledger).] Will you look at the 19th, the cheque there for 20 l.; how long before the election did that occur?—Did which occur?

6514. That transaction about giving Coffey the 20 l.; this cheque is on the 19th?—My memory would lead me to say that it occurred four or five days.

6515. Could it have been a week before the election?—It might have been; I am not clear upon it at all.

6516. It might have been the day intervening?—I could not say.

6517. Could it have been three weeks before the election that you paid him the 20 l.?—Certainly not.

6518. Now, look back the three weeks before the election, and see if you can find any cheque for 20 l., but the one which is on the 19th?—The last cheque is on the 31st of October for 20 l.; that is very nearly three weeks; that was not the cheque, I am sure.

6519. Then there was no cheque from the 21st of October for 20 l. up to the 19th; see if I am right in that?—No, I don't think there is; there is not.

6520. Now, the remaining cheque is the one

on the 19th for 20 l.; that is the only remaining 20 l.?—If the witness swore, I don't remember his swearing, that it was the 19th; I would not swear that it was not so.

(*The learned Judge read the evidence of Coffey on this point.*)

6521. Is that true?—With the exception of the date. I won't swear that it is not the day.

6522. Is it true that you sent for him, wrote a note for him, saying, "That if he would come up you would settle for the room"?—Perfectly.

6523. And that when he came up you put the cheque into the envelope?—I had drawn a cheque, and I may have put it into the envelope.

6524. *Baron Fitzgerald.*] What was the day that you took Murphy's room?—On the morning of the nomination.

6525. Then you must have known, if you took it instead of Coffey's, that the latter was let to Mr. Munster?—I did know that Coffey's room was let to Mr. Munster on the day of the nomination.

6526. Then you paid the 20 l. afterwards?—I don't think I paid it. I am sure I paid it before.

6527. *Mr. Butt.*] When you took Thomas Murphy's room, had you any doubt that it was when you were walking up to the nomination?—Not the slightest.

6528. What time was the nomination?—At 10 o'clock.

6529. Then it was before 10 o'clock on the day of the nomination that you took Murphy's room?—Yes.

6530. Did you then know that Coffey's room had been taken by Mr. Munster?—When I took Murphy's room I did know it. It was in consequence of that that I took it.

6531. When did you know that Coffey's room had been taken by Mr. Munster?—I think the previous evening or that morning; I cannot tell you whether it was on the previous evening or that morning.

6532. Who told you; could you tell me that Coffey's room had been taken by Mr. Munster?—Well, I cannot remember.

6533. Was it Hanly?—I am not certain. It may have been. It is very likely it was Mr. Hanly; I could not tell you. Several persons were constantly coming in and out of my rooms, and I heard everything that was going on.

6534. Could it have been Captain Graham?—I don't think it was. I wish to state that in any case I should have paid Michael Coffey the 20 l. whether I used his room or not.

6535. How many rooms are there in Michael Coffey's house?—I have only seen one large room.

6536. When you knew that he had let his room to Mr. Munster, didn't you know that that was the same room that he had let to you?—No, I did not. I believe there are other rooms.

Mr. Butt asked if the cheques drawn by *Mr. O'Beirne* were in court.

Mr. Hemphill said a messenger had gone to see if they had arrived.

6537. *Mr. Butt* (to *Witness*).] I think you said you heard, about a year after the elections, about this outstanding bill?—Something about that.

6538. From whom did you hear it?—I heard

it from *Mr. Johnston* some short time before his death, and I think by letter.

(*Baron Fitzgerald read another portion of the evidence of Coffey.*)

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6539. *Mr. Butt* (to *Witness*).] I put this question to you; when you sent that 20 l. to Coffey you had not heard that the room was taken by *Mr. Munster*?—I don't think I said that; I have not said that.

6540. How is the fact then; had you heard it?—I believe I had heard it.

6541. Then, when you sent the 20 l. you had heard that the rooms were taken by *Mr. Munster*?—I really cannot tell you positively.

6542. What is your impression?—My impression is that when I sent the 20 l. I had not heard that the room was let; that's my present recollection, but I should have sent the 20 l. in any case.

6543. But when you sent the 20 l., had you heard then that the rooms were taken by *Mr. Munster*?—My recollection is that I had not.

6544. What did you write to the man to come up to you for that evening?—Because I wished to settle the account with him.

6545. Why had you not settled the account with him any time in the week before?—Because there was a difference of opinion between his wife and myself as to the amount to be paid for the room; she pressed very much for 20 l., and I said I would consider of it.

6546. Had you seen his wife apart from himself?—Yes.

6547. Had she come up to you?—Yes; by my desire.

6548. Had you sent to *Mrs. Coffey* to come up to *Dunne's* hotel to you?—No, I had not; I stated that when I first saw the room, I asked Coffey to come up to my hotel the next morning to arrange as to the price I should give, and *Mrs. Coffey* came up to my room; that was some considerable time before.

6549. Did you agree to her terms?—Not absolutely, I did not.

6550. Then, you had not agreed to her terms when she came to you?—Not at first.

6551. Not at all?—No.

6552. And when you put that 20 l. for her husband in the note, you had no agreement at that time that you were to pay 20 l.?—She told me—

6553. Now answer my question: had you any agreement at that time with her or her husband that you were to pay that 20 l.?—I had not definitely fixed; I had no definite agreement; I had not made up my mind.

6554. Then when you sent him that note with 20 l. in it, you had not made up your mind as to the sum?—I had not.

6555. You refused to give 20 l.?—I had not refused; I said I thought the sum too high; I saw Coffey several times in my room afterwards, and I told him that I would consider about it, and I gave him to understand that I would take the rooms.

6556. Do you mean to say, then, that after you had taken the room you saw Coffey repeatedly in *Dunne's* hotel?—Very often.

6557. And did Coffey know that his wife had asked 20 l.?—Yes, I think he did; I can't say whether he did or not.

6558. Did not you tell me you told him that you would consider of it?—Told her.

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6559. Told

Mr. J. L. O'Beirne. 6559. Told him?—No, I don't think I said that.
 18 February 1869. 6560. How often had Coffey himself (I am not speaking of his wife) been in your room between the time you first spoke about the room, and the time you sent him the 20*l*.?—Very often.

6561. How many times?—I daresay four or five.

6562. Had you and he any conversation about taking the rooms?—Yes, I had.

6563. Did he ask you for any price for his room on the occasion?—Yes; I think he asked the same price as his wife did, 20*l*. (*A messenger here handed a letter to Mr. Butt, who gave it to the Witness.*)

[*The Witness read the letter as follows:—*]

"17th February.—Dear Sir, I have received a copy of the subpoena. I have no papers whatever referred to in that document. I believe the cheques and account which you gave to me to examine and check, I think in December last, were so examined and checked by me, and are now in your drawers with the year's vouchers; but I cannot get at them without the key which I think you have. At all events, I have not got it. If you send me the keys, and tell me how I can get them, you shall have all the papers I can find, in course of post, which I trust will be * * Yours very truly, William Cox."

6564. Baron Fitzgerald.] What was the meaning of sending the subpoena?—To show what papers were required, my Lord.

6565. Mr. Butt.] Did you write with the subpoena?—I did.

6566. What did you write with it?—I wrote with the subpoena most pressing, that the cheques and bank account should be sent at once.

6567. Had you any knowledge of where they are?—Not the least. I had no knowledge of where any of my papers are.

6568. Had you the keys of those drawers?—When I leave London I put all my keys into a private drawer.

6569. Do you know, with the help of that letter, where the cheques are?—Yes, I think I can tell the drawers that they are in, if this be correct. He says, I think, they are in a drawer.

6570. In fact, you do not know where those cheques are?—I do not know where they are. My recollection is that they are with all the year's vouchers.

Mr. Hemphill.] Mr. O'Beirne was served with the ordinary subpoena in London. He only came over from England last Sunday morning. When he came to Cashel he was served with the subpoena *duces tecum*; and if there is any inconvenience in complying with it, no one can be blamed but the Petitioner.

Mr. Butt.] We are not to blame. If the Act of Parliament had been complied with, the vouchers would have been lodged with the expense agent. We find that that was not done, and that now it is important to get these cheques.

6571. (*To Witness.*) I must test your memory, then, as to each of these cheques. I asked you already about the cheque for 52*l*. 10*s*., and you said it was for Mrs. Burke. Have you any doubt

about that?—Not the least. It was the first cheque I drew.

6572. On the 16th there is one for 10*l*.; of that you can't give me an account?—No, not of small cheques.

6573. On the 17th there is one for 10*l*. On the 20th one for 35*l*.?—I can't tell what that was for.

6574. On the 22nd there is one for 70*l*.?—That was sent to London, I have said already.

6575. On the same day there is one for 20*l*.; what was that for?—I think that is Timothy Hogan's. It was one of the very early cheques that I gave.

6576. Now, let me ask you as to Timothy Hogan; do I understand you to say that when he came into the room he made great complaints as to the money being due by Charles Johnston?—He certainly seemed much dissatisfied.

6577. With its not having been paid?—Yes, he did.

6578. He had at that time given you a pledge to vote for you?—None whatever. I don't think I had seen him. He had not, for I had not canvassed him.

6579. And then you drew a cheque, telling him it had nothing to do with his vote?—Yes, certainly.

6580. And on getting it he told you he would vote for you, even if it had?—He certainly said he would vote for me, and I think he added that he would have voted for me, whether I paid him, or not. I again reminded him that I gave it unconditionally, and without attempting to influence him.

6581. Up to the time he got that cheque he was not a pledged supporter of yours?—Well, I cannot say what he was to the townspeople.

6582. Not to you?—Not to me.

6583. On the 26th of October there is a cheque for 20*l*.; can you say what that is?—No, I cannot.

6584. On the 28th a cheque for 10*l*.?—No.

6585. On the 29th there is a cheque for 30*l*.; can you tell me what that is for?—I don't think any other of these cheques are for any other than the purpose I have already stated; they were for constant expenditure that was going on amongst the people.

6586. Did you get vouchers for that expenditure?—None. I got some reports now and then; rough accounts.

6587. What did you do with those accounts?—I have some of them.

6588. Where are they?—They are in London, but they are very few.

6589. This was an expenditure of about 400*l*. Had you any check upon that expenditure whatever?—Yes; I had a return of it every morning.

6590. Who from?—From Keffe.

6591. But if Keffe chose to make an untrue return, had you any check upon him?—None whatever.

6592. Did Keffe make every day a return to you of the money?—Every day or every other day.

6593. What did the return contain?—The number of men employed, and the number of women, and the number of days, whether it was in the day or night.

6594. Here is on the 29th a cheque for 30*l*., can you give an account of that?—That is the one I have just spoken of.

6595. On the same day a cheque for 20*l*.?—
 The

The 29th. One of those days I was going out of Cashel for some time, and I took some money.

6596. On the 31st there is a cheque for 20 £.; can you give any account of it?—No.

6597. On the same day a cheque for 17 £.?—No. One of these cheques is for Quirk.

6598. On the 6th there is a cheque for 23 £., can you give me any account of that?—No.

6599. Do you remember drawing a cheque for 23 £. for any purpose?—No; I can't tell you.

6600. On the same day, the 6th, there is a cheque for 15 £.?—That's Quirk's.

6601. On the 17th one for 100 £.?—That was for the expense I have already explained.

6602. To whom was that cheque given?—Sent down to the bank and changed.

6603. Whom did you send it with?—Very often my servant.

6604. But that cheque for 100 £., that is the only cheque for so large an amount that you drew, have you any recollection of it?—No; I have no recollection of how I got it changed.

6605. Do you recollect having drawn it for 100 £.?—Yes.

6606. What did you do with the money you got?—I kept the money in the house for a considerable time, and then I lodged back 30 £. of it.

6607. You lodged back; did you tell me it was drawn to meet those expenses?—I did; I think you will find 30 £. re-lodged.

6608. 30 £. re-lodged on the 19th, was that out of the 100 £. cheque?—I think so.

6609. When you say that that cheque for 100 £. was drawn to meet those expenses, were there demands upon you for which you wanted that money?—I don't think there were demands for the whole amount.

6610. Were there demands at all?—Yes, certainly.

6611. From whom?—I cannot tell you from whom; from Keffe and others, Canavan, and Meenahan. I was always obliged to have a considerable sum in the house.

6612. Have you any recollection of drawing that cheque for 100 £.?—I have a recollection of drawing the cheque for 100 £., a very general recollection.

6613. On the 18th there is a cheque for 12 £., what was that for?—I cannot tell you.

6614. Now on the 18th I find that you drew cheques for 10 £., 16 £., 8 £., 6 £., 20 £., 40 £., and 30 £.?—That's all after the nomination day.

6615. That's all on the day intervening?—After the nomination.

6616. 20 £. of it, I think, we have as given to Coffey?—One of those cheques, certainly, was Coffey's.

6617. Can you tell what you drew the cheque for 40 £. for after the nomination?—No, I can't indeed.

6618. Can you tell me what you drew the cheque for 30 £. for after the day of nomination?—No, I can't; I don't know that I did draw it after the nomination. I don't know if these cheques could have gone in before the nomination.

6619. Under the date of the 20th, I find 7 £., 16 £., and 25 £., can you tell me what any of these cheques were drawn for?—Not specifically, I cannot.

6620. On the 23rd of November, I find a cheque for 60 £.?—That was drawn in favour of my servant to pay a small account before he left Cashel; I remember that.

6621. On the 25th of November there is a cheque for 20 £.?—I drew that myself for my own expenses.

6622. Well, that is more likely to be the cheque on the 26th for 20 £., the last cheque drawn here?—I think I left before the 26th.

6623. Do you mean to tell me that, of all those cheques, with one exception, you cannot tell me what they were drawn for?—No, I have not said that; I said that in a very few of the cases I can tell you. I can tell you of Burke's; and one of those cheques, it occurs to me, was drawn for a balance of Quirk's account. I gave him 2 £., 15 £., and 12 £.

6624. And, except saying that they went in this expenditure of paying the mob, you cannot give me an idea of how the rest was paid?—I think, as I said, about 400 £., or perhaps 450 £., went for paying the expenses of the mob.

6625. Did you keep any book of any expenses at that election?—Indeed, I did not; I wish I had.

6626-7. And that's all the explanation you can give me of these?—I tell you positively that the cheques went exactly as I have stated. I told him; I think I am almost certain I can remember what I said; not to present the cheque, as there was no lodgment to my credit in the bank; I think I told him if he sent it to London, I am not certain, but I think I told him that I would remit the amount.

6628. Then you intended to pay Hogan that money?—Certainly.

6629. Do you intend now to pay it?—I do certainly.

6630. Did he do anything for you?—I thought he did; I never heard he did not until he came on this table; I heard it with great surprise, I thought he had done me a great deal of service.

6631. Did you write to Tracy not to present the cheque;—Yes, I think I did; I told Hogan, and especially I told Tracy, that cheques being given for services of that class I might be short for other purposes, and that I hoped he would not present the cheque without letting me know something about it; I said the same thing to Hogan; they were both post-dated cheques.

6632. Did you write to Tracy not to present the cheque as you did to Hogan?—I cannot say that I did, for I requested Tracy more especially not to present the cheque.

6633. You wrote to Hogan to say that if he sent the cheque to London he would be paid?—Yes, I think so.

6634. Is Tracy paid?—He is not.

6635. Why did you not write to Tracy to make the same pledge?—Because he did not

* * * If you will allow me to explain: in giving the cheque to Hogan I post-dated it, and I told him why; that perhaps just at the period of the election I might be short of money, as I was.

6636. Didn't you do the same thing to Tracy?—No; I told Tracy absolutely; I requested him not to present the cheque in any case, without first communicating with me.

6637. Then you told Hogan that he might present the cheque if he did not hear from you?—Yes, I did, about the 28th of November; the date that would have given me time to get back to London.

6638. And the cheque to Tracy; when was it dated?—It was dated about the same time, I

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Mr. J. L. cannot tell you whether it was the 26th or the 28th.

18 February 1869. 6639. But it was not to be presented at all without hearing from you?—That was the understanding.

6640. Did you ever hear, until you heard it here, of Hogan having shown the cheque to anyone?—Never.

6641. Or of Tracy having shown your cheque to anyone?—I heard it here; I heard that Tracy went to the bank to ask if my cheque would be honoured.

6642. I would like to ask you through whose hands did all those cheques, that you drew here, pass?—How do you mean; by whom were they cashed?

6643. Yes?—I frequently sent my servants.

6644. How many of those cheques were cashed by your servants?—A great many of them; I sent Keffe also to cash them.

6645. From yourself always?—From myself always.

6646. When you gave Keffe the money to spend on the mob, was it a cheque?—Sometimes.

6647. Then he cashed that cheque for himself?—He did.

6648. Had Guirey ever a cheque?—Never.

6649. Had Tom Connors a cheque?—Never.

6650. Did you ever give Tom Connors any money?—Never.

6651. He was exerting himself?—He was, very much.

6652. Did you pay Tom Connors anything for his services?—Not a farthing.

6653. Or Guirey?—Not a farthing.

6654. Then, if I understand you rightly, did you pay anyone for his services?—Yes, I did; Keffe. The payment to him will be found among those cheques.

6655. You never paid anyone else for anything that they did for you?—Yes, I paid a man named Sleeveen.

6656. How much?—I think I paid him either 15*l.* or 20*l.* My recollection is 20*l.*

6657. What was that for?—That was for an old claim against Mr. Johnston in 1865.

6658. I am not asking you that?—I never paid him for anything he did at this election.

6659. Did you pay him for services at this election?—Not a farthing.

6660. Can you tell me any person, except Keffe, whom you paid for services at this election?—Not one person.

6661. Then, in this expenditure, there is nothing paid for services?—No, except what I have already told you.

6662. Except Keffe?—Yes.

6663. Is there anything paid for newspapers and advertising?—Yes, there is; 12 guineas to Miss Hackett of Clonmel. That is one of the items that I did not remember.

6664. Is that all that is paid upon your account?—I don't think there is any other. I don't remember.

Mr. Butt referred again to the non-production of the cheques.

Witness.] I most positively say, on my oath, that I have no objection to produce the cheques.

6665. I was asking you before about those bills of the former election; you say you

heard it from Mr. Charles Johnston before his death?—I did; some short time before his death.

6666. Tell what he told you?—I think he wrote to me to London.

6667. What did he tell you?—That a number of bills had been discounted for Cashel voters, and that some of them were still outstanding; and I think he added that he had some, or that his clerk had some. I believe that Mr. Phelan was a clerk of his.

6668. Then you knew, at all events, the year before Mr. Johnston's death, that those bills were outstanding?—I knew just before his death.

6669. Do you know with what money they were discounted?—I believe they were discounted with the money that I supplied to Mr. Johnston. I don't believe he had any other money.

6670. May I ask you how much money you supplied to Mr. Johnston?—I supplied him with a considerable sum.

6671. How much?—£. 2,000 or more.

6672. How much more?—Well, I daresay it was 2,500*l.* I can't tell you.

6673. Was it 4,000*l.*?—No, nothing like it.

6674. Now, tell me, did he tell you what use he made of it; can you tell me how many bills of the commoners he told you there were?—He never told me any number of bills.

6675. Did he tell you the amount of them?—No, he did not.

6676. What did he write; the amount of each bill?—Yes, he did.

6677. What was it?—£. 30.

6678. Did you understand from him that these bills, which were discounted, had been the price of the votes?—Well, I certainly did. He did not so write it; but it was the impression produced on my mind.

6679. Then, you knew that at the former election 30*l.* was the price of a vote?—I knew it afterwards.

6680. I am not saying that you were personally mixed up with it?—When I got that letter I did know.

6681. On your arrival here, then, you knew that there were a number of voters who had received from your agents 30*l.* bills at former elections?—Some had received 30*l.* bills. I think Mr. Johnston mentioned other amounts; that there were also 40*l.*, and 50*l.*, and 20*l.* bills.

6682. Did you ever make any inquiry as to the persons in whose hands those bills were?—I never did; I was very much dissatisfied about it.

6683. But still you had placed in Mr. Johnston's hands a sum of 2,500*l.*?—I gave him money as he required it, during the election.

6684. At least to the amount of 2,000*l.*?—Certainly 2,000*l.*

6685. Did you ever get any account of it?—Never.

6686. Did you ever ask for it?—Frequently.

6687. Did you ever get it?—Never.

6688. Were you yourself then out at the Commons?—When?

6689. Then?—I was, three or four times.

6690. Had you been out at the former election of 1865?—I had, two or three times.

6691. When you went out this time, how did you meet the Commons' voters; did they assemble

seem to meet you?—No, they did not; I went from house to house, as I did in 1865.

6692. Did you do the same things now as in '65?—As nearly as possible.

6693. Was there any allusion made by any of the voters to 1865?—Not the slightest allusion that I can remember.

6694. They did not say they voted for you.

Did you know those who had voted for you before?—No, I did not.

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6695. Did you know that the greater majority had voted for you?—I knew some few had not. (Cross-examination closed.)

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[The Witness withdrew.]

Mr. WILLIAM J. O'BRIEN, recalled; Examined by Mr. *Hemphill*.

6696. (*Ledger produced to the Witness by Counsel.*) DID you return Mr. Munster's cheques?—No.

6697. Have you got them?—We have.

6698. Do you produce them?—Yes.

6699. Do you see this cheque of the 21st September?—Yes.

6700. Is that Mr. Munster's cheque on your bank?—Yes.

6701. In whose favour is that?—Edward Leahy.

6702. For how much?—£. 100.

6703. There is another cheque of Leahy's; what is the amount of that?—£. 55.

6704. What is the date of that?—The 20th of October.

6705. "Captain Dudley Byrne;" what is the date of that?—The 15th October; amount, 25 £.

6706. Take that in your hand, and tell me what it is?—"P. Laffan, Esquire," for 200 £.; the 5th November.

6707. That is Cunningham's?—Yes.

6708. That is 30 £.; I think I have already proved that. Look at this one: what is the date

of it?—The 31st of October, in favour of George Richardson, for 500 £.

6709. Read that also?—The 8th January 1869, for 459 £. 13 s. 10 d.; in favour of George Richardson.

6710. Here is one also from Mr. Richardson; what is the date?—The 20th January 1869, for 100 £.

6711. Do you see that one of Mr. Leahy's; what is the date of that?—The 20th January 1869, for 50 £.

Mr. W. J.
O'Brien.

Baron *Fitzgerald*.] The shortest way would be to put in them all.

Mr. *Butt*.] Mr. Munster will be examined to-morrow.

Mr. *Hemphill*.] If you undertake that Mr. Munster will be examined, I won't detain this gentleman.

Mr. *Butt*.] Mr. Munster is most anxious to submit himself for examination.

The trial was then adjourned to the following Friday morning, at 10 o'clock.

Friday, 19th February 1869.

19 February 1869. The Court sat at 10 o'clock a.m.
Counsel and Attorneys appeared as before.

ANASTASIA BISHOP, sworn; Examined by Mr. *Hemphill*.

A. Bishop.

6712. ARE you in the service of Miss Kitty O'Dwyer?—Yes.

6713. Were you in her service last November, before the election?—Yes.

6714. Do you know a young man named John Ryan?—Yes.

6715. That tall young man?—Yes.

6716. Were you living with Miss Kitty O'Dwyer when Mr. and Mrs. Boyton were staying at her house?—Yes.

6717. Do you recollect John O'Dwyer taking tea one evening with Mrs. Boyton, at Miss O'Dwyer's?—No; he took no tea.

6718. Do you recollect seeing him there?—Yes.

6719. How long before the election was it that you saw him there?—About a week.

6720. Was Mrs. Boyton there, the evening that you refer to?—She was.

6721. And John Ryan?—Yes.

6722. Did you see John Ryan and Mrs. Boyton go up-stairs into any room in the house?—Yes, I did.

6723. Was the room up-stairs?—Yes.

6724. Were they in the room together?—Yes, they were.

6725. How do you know?—Because I had to go up to call him. His sister's husband came for him, and I was obliged to call him.

6726. Did you find them in the room together?—Yes.

6727. Was the door shut or open?—The door was shut.

6728. Did you open the door?—I opened the door.

6729. And were they speaking inside?—Yes, they were.

6730. Is there a passage-room, a room leading into the parlour down below, through which people pass going out?—Yes, there is.

6731. Can you say of your own knowledge; if not, don't answer it; how long they were in that room together?—They were about a quarter of an hour.

Cross-examined by Mr. *Butt*.

6732. What room was it?—It was a bed-room.

6733. Whose bed-room was it?—Oh, it was not anyone's; it was not a particular bed-room.

6734. That is just what I want to know; was it Mrs. Boyton's bed-room?—No; her bed-room was next.

6735. Then, it was not Mrs. Boyton's bed-room?—No.

6736. Who first asked you about this?—About which.

6737. About your remembering; did anyone ever ask you about Mrs. Boyton and John Ryan having been in a room together?—Yes; I was asked yesterday did I recollect.

6738. Who asked you?—Mr. Ryan himself did.

6739. Then, he went down to ask you?—No, he did not. He met me outside in the street.

6740. What did he ask you?—He asked me did I recollect the night I was below with Mrs. Boyton and I said, I did.

6741. What more did he say to you; did he ask you, did you remember his going into the room?—No, he did not say that.

6742. What makes you recollect that about the room; did you ever see Ryan there any other time?—No, never.

6743. He was never there any day?—No.

6744. Do you swear that Ryan was never at the "Rock" hotel, except that night?—Not with Mrs. Boyton, and I could swear I never saw him in the house before.

6745. You never saw him in the house before?—No.

6746. Where was Mrs. Boyton's room in the house?—Oh, it was down—

6747. Her bed-room?—Her bed-room was next this room that I speak of.

6748. Where is that?—It is a room in the top of the house, called the "Colonel's room."

6749. Was it a garret?—No, not a garret.

6750. Was it not at the very top next the slates?—Yes, it was.

6751. How many storeys has the house?—Two storeys.

6752. Were you there the night of the dinner, before the election?—I was.

6753. How many people dined there that day?—I don't recollect.

6754. Could you tell me now about how many; did 10 people?—Oh, I won't answer that question. I don't know. A good many dined there.

6755. Do you mean to say you don't know whether 10 people dined there or not?—Yes, there did; 40 people, but I cannot explain how many.

6756. I ask you did 10; did 40?—I don't know. It is a question I won't answer.

6757. Answer that; did 40 dine there?—There did.

6758. Fifty?—There did.

6759. Sixty?—I don't know about 60.

6760. Did 60 people dine there; do you know?—I do.

6761. Well, how many; did 60 people dine there?—There were a hundred and fifty people. I think I counted them at the time of the dinner in the house.

[Baron *Fitzgerald*.] Why didn't you answer that at first?

6762. Mr. *Butt*.] A hundred and fifty people dined; who counted them?—I don't know; I only heard them speak of it, that there were so many.

6763. Who did you hear speak of it?—I heard a good many in the house.

6764. Did you hear your mistress speak of it?—I did not.

6765. Did

6765. Did you attend them at the dinner?—Yes, I did.

6766. How did they sit at the dinner?—There was a table along two rooms.

6767. Was it in the “Rock” Club-room, or up-stairs?—No, the “Rock” rooms are down stairs.

6768. Was it in the “Rock” room they got their dinner?—No, it was up-stairs they got their dinner.

6769. You attended, you say?—Yes.

6770. I suppose Miss O’Dwyer had a cook that day?—Yes, she had.

6771. Who was the cook?—I forget her name.

6772. Was she brought in that day, or was she always in the house?—No, she was not; she was only there for the week.

6773. Why did you put Mrs. Boyton up so high in the house?—That was her bed-room from the first day she came to the house.

6774. Who had the rest of the house?—Every person that came. Strangers.

6775. Did you see anybody come to order that dinner?—No, I did not.

6776. You are sure of that?—I am.

6777. Did you see any one pay for it?—No, sir.

6778. It was not your business to take the money in the room?—No, it was not.

6779. Was there any one there to take the money from the persons who dined?—Miss O’Dwyer, of course, took the money herself.

6780. Did you see her take any money?—No, I did not.

6781. Was there much drink brought in during the evening?—I don’t know.

6782. Did you bring in any?—No.

6783. Are you sure you did not bring in any?—No.

6784. Did you see any drink brought in during that evening?—I did.

6785. Who brought it in?—The other waiter that was there.

6786. Who was that?—Cummins.

6787. How many bottles of whiskey were brought in?—I don’t know.

6788. Were there 10?—I don’t know.

6789. Do you mean to say you can’t swear whether there were 10, or not?—I can’t swear.

6790. Were there two?—I could not swear.

6791. Can you swear if there was one?—No.

6792. Did you see any whiskey at all?—Yes, I can; but I can’t swear how many bottles.

6793. Can you say if there was one bottle?—Yes, of course there was.

6794. Were there 10?—I don’t know.

6795. How often did you see drink going into the room that night?—I saw it twice after dinner.

6796. How was it taken up?—I don’t know.

6797. What was it taken in?—It was sent up in decanters to the table.

6798. How many decanters were sent up?—I don’t know.

6799. Were there more than one decanter?—There was.

6800. Can’t you tell how it was carried up; was it on a tray?—It was.

6801. Were there more than two decanters on the tray?—There were.

6802. More than three?—No; three decanters.

6803. You saw a tray going up with three decanters, and you saw that going up twice?—Yes.

6804. Can you tell me who called for it?—No, I could not.

[The Witness withdrew.]

Mrs. MARGARET HACKETT, re-called; Examined by Mr. *Hemphill*.

6805. Do you know Mrs. Rochford?—I do.

6806. Did Mrs. Rochford, before the election, ask you whether there was any money going, or anything to that effect?—She told me that if there was any money going on the O’Beirne side to let her know of it, that her husband was a poor man, and that wherever the money was it was there they wanted to go.

6807. *Baron Fitzgerald*.] Repeat that?—She told me if there was any money going on the O’Beirne side to let her know it, that her husband was a poor man, and that it was there they wanted to go. She also said she had a wish for O’Beirne; that her father told her he was as good a Member as ever went to the House of Commons; and that if they were going to give an independent vote, that it was O’Beirne that should get it; but that where the money was it was there she wanted to go.

6808. Mr. *Hemphill*.] Just listen to what Mrs. Rochford swore, and tell me if it is true or not: “Mrs. Hackett came to me and told me would John go with her husband James. I said I was afraid he would not; that he had pledged himself to Mr. Michael Laffan, and was a man not in the habit of going to do anything but what is just. If he comes with James (you said) Mr. O’Beirne is a very clever man, and he will bring him out of any difficulty he may get into. James will get him compensated as well as himself.” Did you ever say that?—Never. I told her continually that I never heard of money on the part of Mr.

121.

O’Beirne. I told her to stick to Mr. Munster. If I could offer money for Mr. O’Beirne, I am certain I could have had her for that side; but I never told her there was money.

6809. Again she said, it was on a Saturday night she had the first conversation with you, and that a few nights afterwards, before the election, you came in and you said to her, “Mrs. Rochford, we will have two bottles of porter; James has settled with Mr. O’Beirne on this day, in the morning.” Did you say that?—Never.

6810. Did you propose to have two bottles of porter?—We had two bottles of porter at Mrs. Dowling’s, the evening before the election.

6811. Did you say to her on that occasion that James had settled with Mr. O’Beirne?—Never; nor did I know that my husband spoke a word to Mr. O’Beirne until the Saturday before the election, when he told me he went to Mr. O’Beirne, and gave his vote independently.

6812. Further she said, you went on to say that he, Mr. O’Beirne, had received 2,000 £ out of the bank at 10 o’clock, which was the time for getting it; did you say that?—Never.

6813. Or anything to that effect?—No; but she used to say that Mr. O’Beirne had no money, but that he got the loan of it from Mr. Power.

6814. She says you said that Captain Graham there has plenty of money, and Mr. Power?—Never.

6815. And that James has went to give his vote for him, and that he also said, “Welcome James;”

Mrs.
M. Hackett.
—

Mrs. James;" did you tell her all that?—Never; I never knew that my husband went to speak to Mr. O'Beirne until the Saturday before the election.

M. Hackett. 19 February 1869. 6816. She also says that you told her in this conversation between Mr. O'Beirne and your husband, "James, I will compensate you for the cause, and what you have done it. I will now recompense you in 1868 for your father's vote, and your own." Did you ever tell her that Mr. O'Beirne had said such a thing?—Never.

6817. Or anything to that effect?—No.

6818. Did you tell her that he (Mr. O'Beirne) gave James, your husband, 40*l*?—Never; I never heard of the statement until I heard that she swore it. I never heard the words. I most solemnly swear I never heard the words until I heard she swore it here.

6819. Did you say that if you got John to go, James will have him treated the same way?—I never told her that; I always told her to stick to Munster. If I could offer her money for Mr. O'Beirne, or had the power to do so, she certainly would have voted for Mr. O'Beirne.

6820. Did you ever say to her that he, meaning John Rochford, is a fool for going with that Saxon that he does not know, instead of Mr. O'Beirne, that can bring him out of any difficulty?—She often stated that the Saxon would now hunt the Irishman.

6821. You have heard me read what she stated?—Yes.

6822. Is it true?—It is false; I never asked her to vote for Mr. O'Beirne; I never told her I had money to get from Mr. O'Beirne; I never knew my husband went near him at all until the 7th of November, when he told me he went to Mr. O'Beirne, on account of some difference between him and Mr. Laffan, and gave his vote independent.

Cross-examined by Mr. Butt.

6823. What is that that your husband last told you?—I never knew my husband to go to Mr. O'Beirne, or have any conversation with him, until the 7th of November, the Saturday before the election, when he told me he went to Mr. O'Beirne, and gave his vote independent.

6824. Did he not say it was in consequence of some difference with Mr. Laffan?—He said he had a falling out with Mr. Laffan.

6825. And then he told you that in consequence of that falling out with Mr. Laffan he went to vote for Mr. O'Beirne?—He said he thought he would break his vote by retaining him.

6826. Did he tell you that in consequence of that falling out with Mr. Laffan he went to give his vote for Mr. O'Beirne?—That was the cause of the falling out.

6827. Answer my question, Mrs. Hackett; did your husband tell you that it was in consequence of the falling out with Mr. Laffan that he gave his vote to Mr. O'Beirne?—He told me that Mr. Laffan thought to take him in along with several others, and that now he would give his vote independent for Mr. O'Beirne.

6828. Did you say this moment that it was in consequence of a falling out with Mr. Laffan that he went with Mr. O'Beirne?—Well, that was the cause of the falling out.

6829. Did you ever tell your husband that you got 10*l*. from Miss Ade?—I never told my husband that I got 10*l*. from Miss Ade, or any one connected with him, until I was subpoenaed, and then I was obliged to give my evidence.

6830. Then you never told your husband?—I never told him a word about it until I was summoned.

6831. Was that true that you told in the letter to Mr. Munster?—Was all I said true.

6832. Yes?—It was all true; I wanted money.

6833. Was it true that you had been disappointed of getting 20*l*. when you were married?—My father promised to give me 20*l*.; but when I asked him, he told me that he could not give it.

6834. Was it true that you had gone into debt without your husband's knowledge?—It was without his knowledge.

6835. Was it true that you had done so?—It was.

6836. What did you go into debt for?—For clothes.

6837. And your husband did not know of it?—He did not.

6838. Did you say that the young lady at Abbeyview was a dark young lady?—The first night that I went into the room I thought that the young lady that went into the room was dark.

6839. Was she?—Miss Ede is a dark young lady.

6840. Did not you say that the other young lady was dark?—I stated that the first night I did not know whether she was dark or fair; the second time I saw her in the room I knew that it was Miss Sterne, and that she is fair.

6841. Did you say in your evidence here that she was a dark young lady?—At what time did I say that?

6842. When you were examined here before?—I said that the first evening I went into Mr. Munster's room I was not sure whether she was fair or dark.

[The Witness then withdrew.]

Mr. Hemphill.] I now tender the cheques produced by Mr. Barrow, the officer of the National Bank; I don't think I need trouble your Lordship by reading them; but I only tender to enable me to observe on them. They are produced by the officer.

Baron Fitzgerald.] How many are there?

Mr. Hemphill.] There were three separate accounts: Mr. Laffan's, Mr. Munster's, and Mr. Richardson's. There are 17 cheques, all drawn by Mr. George Richardson. You will recollect that Patrick Halloran and Michael Hogan proved having received two retainer cheques, which were the only two that were produced; and then, connected with that cheque, we prove the letter written by Mr. Grace, dated the 14th of November 1868, and addressed to Mr. Michael Laffan. I need not read it again. I also produce Mr. Laffan's answer of the 16th November 1868, connected with these two cheques. And then, with reference to Dr. John Wood's retainer, we have his letter. It does not purport to be dated; and Mr. Michael Laffan's answer, 9th November 1868, and the summons founded on that, issued on the 9th December 1868. Also a copy of the letter, which was proved by Mr. Grace to Mr. Laffan, from Cassidy, one of the men that got retainers, dated the 6th November 1868. It is a letter repudiating it. And then there is a notice.

Mr. MICHAEL J. LAFFAN, re-called; and Examined by Mr. *Hemphill*.

6843. I SUPPOSE, Mr. Laffan, that is your handwriting, signed to that cautionary notice (*produced*)?—Yes, it is.

Mr. *Hemphill*.] It is dated the 19th November, and directed to Mr. Michael Hogan.

Counsel read the document as follows:—

“ Sir,—I have to remind you that inasmuch as you were duly retained to act as an agent for Mr. Henry Munster at this election, and which retainer you accepted, you are thereby disqualified from voting thereat; and inasmuch as in the event of your doing so, you will be guilty of a misdemeanour, punishable with fine and imprisonment, pursuant to the 8th section of the 31 & 32 Vict. c. 49, I hereby caution you against attempting to vote thereat for any candidate; and in the event of your doing so, your vote will be invalid, and you will subject yourself to a prosecution for having committed a misdemeanour.

“ Dated this 19th November 1868.

“ *Michael J. Laffan.*”

“ Mr. Michael Hogan.”

(*The following are copies of the other Letters mentioned by Mr. Hemphill:—*)

“ Cashel, 14 November 1868.

“ Dear Laffan, — Michael Hogan and Patrick Halloran have instructed me to send you the two cheques, which I enclose, for 5*l.* 5*s.*, each bearing your signature. They say that at the time your brother gave the cheques to each of them, he made misrepresentations which deceived them. They desire me to inform you that they have not acted as agents or canvassers for any candidate, but that they will vote for Mr. O’Beirne, and give him all the support they can. Faithfully yours,

“ *Pierce Grace.*

“ M. J. Laffan, Esq.”

“ Cashel, 16 November 1868.

“ Dear Grace,—I return the cheques given to Michael Hogan and Patrick Halloran, as retainers for acting as agents for Mr. Munster, amount 5*l.* 5*s.* each, which I note are endorsed. You are misinstructed; there was no misrepresentation whatever, and I must hold the parties to their engagements. They have been retained as agents, and as such cannot vote for any candidate. If they attempt, I am instructed by eminent counsel their votes will be disallowed, and they will subject themselves to a prosecution for a misdemeanour. Very truly yours,

“ *Michael J. Laffan.*”

“ Pierce Grace, Esq.”

“ Cashel, 6 November 1868.

“ Sir,—You did not inform me that no retained agent could vote at the next elec-

tion, which I now find is the fact. I am Mr. pledged to vote for Mr. O’Beirne, and there- *M. J. Laffan,* fore refuse to accept your offered retainer for Mr. Munster, and I return you herewith 19 February 1868. the check. Your obedient servant,

“ *John Cassedy.*”

“ M. J. Laffan, Esq.”

(Copy cheque.)

No. 22,998. The N. Bank.

“ Cashel, 6 November 1868.

“ Pay Mr. John Cassedy on order five pounds five shillings, as retainer for his services at election.

“ £.5 5*s.* (signed) “ *M. J. Laffan.*”

(Copy.)

Mr. *Hemphill*.] Then we put in the envelope, directed to John Coman, into which the 35*l.* was put. We also read the following letters of Michael Quirke and Mr. Laffan:

“ Cashel, 7 November 1868.

“ Dear Sir,—I have just heard that you have stated that the money you paid to me yesterday, five guineas, was as a retainer for Mr. Munster. Now, I give you notice that I did not understand you to say so when you paid me. I asked you for payment for my services given to you for the county election; and when you paid me, I believed it was for those services. I now inform you that I refuse to be retained for Mr. Munster, and if you decline to allow me to keep the money paid to me by you as remuneration for work done for you for the county election, I am prepared to offer to return it to you, and request your answer to this letter. Your obedient servant,

“ *Michael Quirke.*”

“ Michael J. Laffan, Esq.”

“ Cashel, 7 November 1868.

“ Mr. Michael Quirke,

“ Sir,—I have received your letter, and have only to say in reply that you having accepted my cheque, as retainer for Mr. Munster, to that acceptance, I shall hold you, and will insist on your fulfilling your engagement to him. As to your misunderstanding what the cheque was for, I will merely say there was no room for such. Yours very truly,

“ *M. J. Laffan.*”

Mr. *Hemphill*.] We now close, on the understanding that the opposite side will produce Mr. Munster.

Mr. *Butt*.] Yes.

Baron *Fitzgerald*.] Have we these bank books here?

Mr. *Butt*.] I was just going to ask for them; we gave notice to Mr. Barron.

Mr. HENRY W. BARRON, re-called; and Examined by Mr. *Butt*.

Mr. *H. W. Barron*. 6844. CAPTAIN GRAHAM mentioned yesterday that you wrote a letter to him about Mr. O'Beirne having overdrawn his account?—Yes.

19 February 1869. 6845. Why did you write to him?—I wrote to Mr. O'Beirne first; and Captain Graham, when he was going away, said, "should Mr. O'Beirne be away, that I should write to him."

6846. You wrote to Mr. O'Beirne first; how is that?—I wrote to him to Captain Graham's house, and then he had gone to England.

6847. Then you did not write the letters to Captain Graham or to Mr. O'Beirne contemporaneously?—No; I wrote that in case Mr. O'Beirne should be gone.

6848. But were the two letters written?—The same day.

6849. When Captain Graham was going away, did he say to you to "Write to me if Mr. O'Beirne be away"?—Yes; he said, "If Mr. O'Beirne be away, write to me."

6850. Then Captain Graham knew that Mr. O'Beirne's account was overdrawn?—Not till I wrote.

6851. Then what was the conversation between you and Captain Graham, that made you write?—He said, "Should Mr. O'Beirne's account be overdrawn, if you write to me I will have it settled."

6852. Then Captain Graham was a guarantee?—As far as that conversation.

6853. That, of course, implied that he would have it settled?—That he would have it arranged if I wrote to him.

6854. Did Captain Graham state that before Mr. O'Beirne's account was overdrawn?—I think so.

6855. Was Mr. O'Beirne with Captain Graham when he said that?—No.

6856. Was it on the faith, then, of that guarantee from Captain Graham that you let Mr. O'Beirne overdraw his account?—Certainly not.

6857. You would have let Mr. O'Beirne overdraw without it?—I would.

6858. Did you see Captain Graham very often during the election?—Yes; he was often there.

6859. Had you any conversation with him about the election?—How about the election?

6860. Well, about the election first, then I will ask you was there anything particular said in reference to the election?—Yes; he asked me if I would ask a man to vote.

6861. Who was that person?—A man named Kennedy.

6862. Who was Kennedy?—He is a baker in the town.

6863. Had you any conversation with Captain Graham about the election except that?—I am not aware.

Mr. PIERCE GRACE, recalled; and Examined by Mr. *Butt*.

Mr. *P. Grace*. 6864. DID you hear Mr. O'Beirne say that he paid 12*l.* to the "Clonmel Chronicle"?—That he paid it to some Clonmel paper, but I don't know which.

6865. Can you tell me was that an old account or one in relation to this election?—I did not know anything at all about it.

Captain GRAHAM, re-called; and Examined by Baron *Fitzgerald*.

Captain *Graham*. 6866. I THINK you told me that you reside in Kingstown?—I did.

6867. You have an account with the National Bank here?—I have.

6868. It was on the National Bank here that you drew for 83*l.* and balance of the account?—It was.

6869. The gentleman who has first gone down from the table explained his reason for writing to you as well as to Mr. O'Beirne in this way: He said that Mr. O'Beirne was staying at your house, and that his particular reason for writing to you was that on some previous occasion you had stated to him that if Mr. O'Beirne went

away overdrawing his account you would see to it?—Yes, my Lord, that is so.

6870. Now, I ask you this, of course expecting an answer not according to the sound but according to the sense: In the interval between the time of your going to Cashel and leaving it, was any money paid to your account in the National Bank for Mr. O'Beirne; I don't mean in his name, but for him?—Not one penny.

6871. Did you draw any other cheque in favour of Mr. O'Beirne?—No, my Lord.

6872. Or any cheque for the purposes of the election at all?—No.

6873. For the purposes of the election?—None whatever.

Mr. HENRY W. BARRON, re-called; and Examined by Mr. *Butt*.

Mr. *H. W. Barron*. 6874. DID you solicit the vote of Mr. Kennedy?—I did not.

Mr. PIERCE GRACE, re-called; and Examined by Mr. *Butt*.

Mr. *P. Grace*. 6875. WERE the sheriff's expenses paid?—Yes.

6876. Who paid them?—I handed over a cheque that I got from Mr. O'Beirne.

6877. What was the amount?—I think it was 20*l.*

6878. Was that the whole of what you paid the sheriff?—That was the entire; but I believe Mr. Munster paid him 5*l.*

6879. On what bank was that cheque?—On the National.

6880. Is it one of those cheques that are entered

tered in the book?—I suppose so; it was paid, I think, on the day of the nomination for the county election.

6881. When was that?—The day of the county nomination.

6882. Don't you know when that was?—I really don't.

Mr. JOHN COMAN, sworn; Examined by Mr. Carton.

6884. You live in Cashel?—Yes.

6885. Do you know Cornelius Carroll?—I do.

6886. Had you any conversation before the election with him?—Oh, several; he is a customer of mine for over 20 years.

6887. Do you remember his reading a letter from Dean Cantwell?—I read the letter.

6888. Would you tell us what passed between you and Cornelius Carroll that evening; first, fix the date?—Well, nothing in particular; he had been in the habit of coming to my house frequently; he called several times to me to know if I could do anything at the election; he said that Cunningham was employed, and that he could be as active as Cunningham; I told him that Cunningham was not a voter, and that it would be better for him not to have anything to do with it.

6889. When did you see him next after that night?—He used to come mostly once or twice a day, for he said to me he was sure I was a great friend of Mr. Laffan's, and that I could get him something to do, and that I could get his house taken.

6890. Do you remember one evening Cunningham and he coming up to your house?—That is about an order.

6891. Yes?—I do.

6892. Do you remember the Sunday previous to that day; did he come to you for anything?—Yes, he did; Laffan and Cunningham and I were speaking opposite my own hall-door.

6893. Baron *Fitzgerald*.] Which Laffan?—Michael Laffan. He said, "I am glad now you are together, and, sir, if you get an order from Mr. Laffan for whiskey, won't you give it?" I said, "I would give any amount of whiskey upon your own order, but I will have nothing to do with anything connected with the election; I would as soon have your order as either Mr. Laffan's or Mr. Cunningham's."

6894. Did Mr. Laffan say anything?—He said, "Oh, such a thing could not be heard of."

6895. Did anything else pass then?—No.

6896. Now do you remember the evening that Carroll and Cunningham went to your house?—They went to my house and asked Mrs. Coman where I was.

6897. Don't tell anything except what took place when you were present?—I came in and she told me that they were inside in the room next the shop. I went in and said, "What do you want?" Cunningham said, "We want to leave a letter in your hands." I said, "What letter?" And, said Carroll, "They would not trust me; they took my house," or something to that effect. "They would not trust me with the money, and I have agreed to leave it upon your hands." I said, "Of course it is something connected with the election, and you have a great deal of impudence to dare to come here with any such letter, and I will kick the two of you out of the house."

6883. Was it several days after the Cashel election?—I think it was some days; a few days after the Cashel election.

Mr. *Butt*.] Now we go into a rebutting case, and I would like to have Miss Kate Dwyer here.

Mr.
P. Grace.
19 February
1869.

6898. Was anything else said that you recollect?—No; I don't recollect anything else being said.

6899. Was anything said about Ryan and Murnane's house?—Oh yes; Cunningham said that he had Ryan and Murnane's house taken, and that they returned him the money, and that, consequently, he had some objection to leave the money with Carroll himself.

Cross-examined by Mr. *Hemphill*,

6900. You said you read a letter of Dean Cantwell's?—Yes.

6901. What was the short substance of it?—Merely the short substance of it; up to the time I got Dean Cantwell's letter, and until I saw the recommendation of Mr. George Henry Moore, I had not made up my mind to vote.

6902. What was the short substance of the letter?—That he was in a position to recommend Mr. Munster as a man who, he thought, would benefit the town of Cashel.

6903. And asked you for your interest?—No; he said I can recommend Mr. Munster.

6904. Did he not write to you as an influential man in Cashel to enlist you in Mr. Munster's service?—Well, I don't know; I think he wrote to several others also.

6905. But I am only speaking of you?—Well, Dean Cantwell and I are very old friends.

6906. Do you recollect having been present at any conversation between Carroll and young Pat Laffan?—Oh, well.

6907. Do you recollect at any time when you talked about the whiskey, saying to the effect that it would not do for a third party to be got into it, or was that said in your presence, rather?—No, not in my presence.

6908. By either Laffan or Conyngham?—Never; it never occurred in my presence. I will give you all the information I have. Pat Laffan came up to me one morning at Corcoran's hotel, and said Carroll was with him and wanted to get an order from me for whiskey.

6909. Did you tell Carroll that Pat Laffan would meet him at "Corcoran's" hotel; do you recollect that?—Not on the whiskey matter.

6910. Did you at any time tell Carroll that Pat Laffan would meet him at Corcoran's?—Not meet him exactly; but that he could see him there; I did not make any appointment; but that if he wanted Pat Laffan he could see him there.

6911. You know when you saw this envelope you did not like the look of it?—I never laid my eyes on that letter; I never saw it, good, bad, or indifferent.

6912. I understood you to say that you saw a letter, and that you thought they had a great deal of impudence?—I did not say I saw the letter.

6913. Did you or did you not see the letter?—Never; I never laid my eyes on it.

6914. Did you say when they mentioned that letter that you would not have anything to do with

Mr.
J. Coman.

Mr. J. Coman.
19 February 1869. with it for 1005 *l.*, or anything to that effect?—I did not mention a thousand pounds, nor was there any money mentioned at all. They said they wanted to leave this letter in my hands about the house, and then I told them they had a great deal of impudence to mention such a letter to me.

6915. Do you recollect telling him when Carroll was going home to wait a little while; how long did they remain that evening?—I don't know, for the reading-room was just opposite the door. I walked across, but Conynghame had followed me out. "I suppose," says he, "I might have entrusted him with this letter." "Do what you like with it," said I, "and you had a great deal of impudence to come to me."

6916. Did Conynghame go into the kitchen with you?—I am after telling you that Conynghame had come to me to speak to me.

6917. What passed between you and Conynghame then?—I have just told you that what Conynghame said was, I suppose I might have trusted himself with the letter, and I said, "You may do what you please with it."

6918. And it was after that you saw him following Carroll, was it?—I walked out and across to the Town Hall, and the two were in a line with me.

6919. Baron Fitzgerald.] Did you tell Conynghame that you thought he might trust the man himself?—Conynghame said, "I suppose I might trust the man himself with the letter, and I said, "you may do what you like with it."

6920. Mr. Hemphill.] Were you not very

active in helping Mr. Laffan in reference to this petition?—Oh no.

6921. Did you give any information to Mr. Laffan as to the parties to be served with the subpoenas?—Mr. Laffan often spoke to me about the parties.

6922. In reference to this petition?—In reference to this petition Mr. Laffan and I had a great deal of conversation.

6923. Did you not supply information as to the parties to be served with subpoenas?—Certainly not; he knew the whole of the names himself.

6924. Did you give any names?—Well, I might have mentioned names; we might be talking generally, and he might ask me, being the receiver over the corporation property.

6925. Is that where the Commoners live?—The Commons.

Re-examined by Mr. Carton.

6926. What information did you give Mr. Laffan; just tell us now?—Well, Mr. Laffan was talking of the names, and I said, "I think there is very little use in your summoning" so and so; but I never dictated to Mr. Laffan. He knew the whole of them himself as well as I.

6927. Did you say anything else to Mr. Laffan; did you mention any names?—Well, I might have mentioned names.

6928. Of the Commoners; what else did you say to Mr. Laffan about it; why did you tell him there was no use in summoning the Commoners?—Well, I will tell it if I am allowed now.

Mr. JAMES L. O'BEIRNE, re-called; Examined by Mr. Butt.

Mr. J. L. O'Beirne. 6929. You stated yesterday that you gave a cheque to pay some newspaper?—I did.

6930. Was not that for an account standing over from a former election?—Yes, it was. No, not from a former election; it was an old account.

I had subscribed for years to the "Clonmel Chronicle."

6931. It was not for anything connected with this election?—Certainly not.

[The Witness withdrew.]

Mr. MICHAEL COFFEY, re-called; Examined by Mr. Butt.

Mr. Coffey. 6932. Is that your handwriting to that agreement?—It is.

Cross-examined by Mr. Hemphill.

6933. That's your handwriting?—Yes.

6934. Now that is dated the 19th of November, the day before the polling?—Yes.

6935. When did any one first speak to you about your room for Mr. Munster?—I went first with the intention, if I got the money, to go to Mr. Grace with the money; and they told me they would not like to trust me. They had some suspicion of me.

6936. When was that?—That was the week before the election.

6937. Who was it spoke to you first on Mr. Munster's behalf about the room?—Pat Laffan came down to me.

6938. And was that the time you speak of, about a week before the election; or when did Pat Laffan propose about the room?—The day he took it.

6939. What do you say happened a week before the election?—I went down to Corcoran's Hotel, and told two men that I would do it.

6940. Do what; let the room?—No; we were

in dread that O'Beirne would be defeated, and we wanted to find out was he giving money; and I went with that intention, to know if I could find it out; and they told me they would give it to us after the election, if I voted.

6941. Give you what?—Money.

6942. Baron Fitzgerald.] Who told you?—I was going to state this yesterday, and I did not like to mention any one's name.

6943. Who was it?—Mr. Sullivan is one.

6944. Who else?—Mr. Laffan.

6945. Which Mr. Laffan?—Michael Laffan.

6946. You must tell the whole of what was said to you, and when it took place?—They told me that they did not like to give any money, on account of what Carroll had done the day before. Then I told him that I would not give him my vote. They told me that they would give me money after the election, for Mr. Munster was a very rich man. After the petition (they told me that there would be a petition lodged, and that every elector would be sworn),—then I went away, with the intention of not minding them at all. He came down to me then to settle for the room.

6947. The same day?—A couple of days after, No,

No, the day before the election he came to settle for the room.

6948. Who did?—Pat Laffan.

6949. Who did you tell that you would do them?—Mr. Guirey is one, and Mr. Ryan.

6950. What is Ryan's christian name?—John Ryan.

6951. When was it that you told Hanly that Mr. Munster's people had been with you?—I told Mr. Hanly the day before the election.

6952. Was that after you signed the agreement, or before it?—Before it; and I told him afterwards too.

6953. Was the agreement signed before or after you got the money from Mr. O'Beirne?—Afterwards.

6954. Mr. *Hemphill*.] Did anyone at all speak to you on Mr. Munster's behalf before that, either about your vote or about your room?—They did.

6955. Baron *Fitzgerald*.] Before what?

Mr. *Hemphill*.] Before the 19th of November.

Re-examination of the Witness by Mr. *Butt*.

Mr. *Butt*.] We will read the agreement now: "I agree to let Mr. Henry Munster have the use of my house and yard during the election, for a sum of 35*l*."

"Dated the 19th of November 1868.

"*Michael Coffey*."

6956. (To the *Witness*.) At what time of the day was that agreement signed?—In the morning.

6957. What time in the morning?—About 12 o'clock. I did not read it before I signed my name to it.

6958. But you remember signing it?—I remember signing it.

6959. Tell me, up to the time you had signed that agreement had you let your house to Mr. Munster, or agreed to give it?—Up to the time I signed that?

6960. Wasn't that?—That is the time that I let it to Mr. Munster.

6961. When you went to Corcoran's Hotel, you wanted to serve Mr. O'Beirne?—Yes.

6962. And to entrap Mr. Munster's agent into promising you money?—I did not want to entrap him at all; I wanted to see if they were giving money.

6963. With the intention of using it for Mr. O'Beirne, who you thought would be unseated?—Yes.

6964. Well, I call that entrapping them; whom did you plan with that you should go there?—I told Mr. Guirey that I would do it. He told me that he thought they were giving money, and he told me about Carroll; and then I said I would see if it was true, and I went down.

6965. Did you say anything about letting your rooms to them that day, when you went to Corcoran's Hotel, or what did you say?—I

asked them; no, I don't think I spoke about the rooms that day.

6966. Do you say now, on your oath, that Mr. Michael Laffan told you that you would get money after the election was over?—I do; I swear that.

6967. How much?—He did not state any sum.

6968. Who was by when he said that?—Mr. Sullivan went out; I don't think they were giving any—

6969. Was anyone by?—I think Mr. Sullivan was present; Mr. Sullivan said, "Won't you take Mr. Laffan's word?"

6970. That they would pay you after the election?—Yes.

6971. You processed Mr. Munster for the money for your rooms?—I did.

6972. How much did you recover?—20*l*.

6973. Was Mr. Scallan present, either when your rooms were taken or when you went first to the hotel?—When I went first to the hotel; when Mr. Laffan came for me; I wanted to see Mr. O'Beirne before I would let them, to tell him about it. They sent a man watching me, to know would I go in, and I did not like to go in for fear.

6974. Was that when you were sent for to go to the hotel, to let your rooms?—Yes.

6975. You wanted to see Mr. O'Beirne before you would give them an answer?—Yes.

6976. What did you go to Mr. O'Beirne for then?—To tell him what I was intending to do.

6977. What you were intending to do?—Yes.

6978. What was that?—To tell him that they came down for me to-day, to take the house.

6979. And you saw that they were watching you?—Mr. Scallan met me and another man, and they asked me, would I not go into the hotel, to settle? I told them that I would not; that I had let them to Mr. O'Beirne. Then Mr. Scallan made answer; there was another man with him. He said that I could let the house to him, "but," said he, "sure you need not vote for me."

6980. You have not answered my question yet; when you saw Mr. Laffan, and say that he promised you money after the election, was Mr. Scallan present?—He was present when he made the agreement, but he was not present when he paid me; there was no one but the two of us.

6981. Have you not said that you went into the house, and that Mr. Laffan promised you money after the election was over?

6982. Baron *Fitzgerald*.] In Corcoran's Hotel?—Yes.

6983. Was Scallan present then?—No.

6984. But he was present when you signed the agreement?—No.

6985. Well, when was Scallan present?—He was present when we were making the agreement.

6986. For the house?—Yes; then Pat Laffan brought me into a private room, and shut the door.

Mr.
M. Coffey.
19 February
1869.

Mr. MICHAEL JOSEPH LAFFAN, recalled; Examined by Mr. *Butt*.

6987. You have heard what this man said?—I have.

6988. Is it true that you ever, on behalf of Mr. Munster, promised him money after the election was over?—It is not.

121.

6989. Did you say anything of the kind?—No.

6990. Did you see him in Corcoran's Hotel?—I did.

6991. Who was present?—Mr. Sullivan.

6992. Who

Mr.
M. J. Laffan.
—

Mr. 6992. Who is Mr. Sullivan?—I cannot say ;
M.J. Laffan. Sullivan was often in and out. I wish to state—

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Mr. *Hemphill.*] I think you had better answer the questions.

The *Witness.*] I merely wanted to state that Coffey promised his vote to Mr. Munster in my presence, when we went on a former canvass through the town, a considerable time before that.

6993. Mr. *Hemphill.*] You had some conversation, at all events, in Corcoran's Hotel?—Oh, yes; I recollect the fact of his coming in there.

6994. You know a man named Sullivan?—I do.

6995. He is in court?—I can't say.

6996. Point him out?—[*A person in court said, "I am here."*]

6997. Mr. *Hemphill.*] Have you subpoenaed him as a witness?—Have I?

6998. Yes?—No.

6999. Is he subpoenaed?—By us; no.

7000. Then you had some conversation with him in the presence of Sullivan?—Yes; Oh, I won't undertake to say that I had a conversation in the presence of Sullivan, with him. I recollect the fact of his coming into the room on that particular day. I am perfectly certain that I never made such a promise to him, as that I would give him money after the election.

7001. Do you recollect what day it was that he came to the house?—Well, I think it was either the day between the nomination and the polling, or the day before the nomination.

7002. The day before the nomination?—Yes.

7003. That is before Mr. Munster took the room at all?—Yes.

7004. I want you to be particular on that; was it before Mr. Munster took the room, that you had the conversation?—To be strictly accurate, I cannot say, but I recollect it was quite close to the election.

7005. Had you more than one conversation with him, sir?—I had.

7006. With Coffey?—Yes.

7007. Before the polling?—Yes.

7008. Now the first conversation, was it at Corcoran's Hotel?—It was not at Corcoran's.

7009. Where was it?—In his house.

7010. Coffey's own house?—Yes.

7011. What did you go there for?—I think I canvassed the whole town for Mr. Munster before he commenced his own canvass.

7012. The conversation you speak of, you say, was close to the election; before the nomination day, or before the polling?—Yes.

7013. The conversation you are mentioning was in Coffey's own house?—The first conversation I had with Coffey.

7014. What brought you to his house?—To canvass him.

7015. Didn't you tell me a moment ago, that before that, in Mr. Munster's own canvass, he promised Mr. Munster?—No, I did not; I told you that he promised Mr. Munster when we went on the canvass, but that was not before I went on a canvass.

7016. When did he promise Mr. Munster?—I should tell you that I first canvassed for Mr. Munster, and then Mr. Munster and I went on the canvass through the town, in his carriage, and he repeated the promise which he had previously made to me.

7017. When did he first promise you; that is what I want to know?—I should probably say a month.

7018. A month before the election he promised you; what took place at Coffey's house, when you had this conversation?—

7019. Baron *Fitzgerald.*] When was it you had the conversation you told Mr. Butt of, and where?—The first conversation I ever had with Coffey was in his own house; the second was in Corcoran's.

7020. Mr. *Hemphill.*] When was that conversation at Corcoran's?—Either on the day before the nomination, or on the day before the polling.

7021. Tell me precisely what passed between you in that conversation?—Well, I could not.

7022. The substance of it, sir?—The substance of it was, that Coffey came into the room; of course I canvassed him; I reminded him of his promise, and asked him was he going to stick to it, or something of that kind; a general conversation. I never made him a promise of money.

7023. Baron *Fitzgerald.*] Tell what did he say?—My Lord, I cannot tell you what happened with every elector.

7024. No, no; but what did he say; do you remember what he said?—Do I remember what he said; as far as my recollection serves me, he said he was going to support us; to stick to us. He said, "Didn't I promise you already."

7025. Is that your whole recollection of it?—That is my whole recollection of it.

7026. Was anything at all said about a petition?—Not a word by me.

7027. Or by Sullivan, in your presence?—I don't recollect Sullivan taking any part in the conversation.

7028. Or by Guirey?—Oh, no; Guirey was one of O'Beirne's principal friends.

7029. I think he said Sullivan and Guirey were in the house with you?—With Coffey? well, I think not; Sullivan, he says, was in the room.

7030. He told him not to trust you?—Sullivan told him not to trust me? I don't believe such a thing could have happened.

7031. Might it have happened?—It might not, could not, because I don't think Sullivan could make such a statement.

7032. Was there anything taking place, to which it could refer?—There was not; Sullivan never said that.

7033. Have you an independent recollection of the conversation?—No, I have not, of all the details of the conversation; I can't recollect.

7034. Do you remember a person of the name of Judge being there?—No; there was no such person mixed up in the election; there is a man in the town, a slater, of that name.

7035. Might he have been there?—No.

7036. Did you ever say that no money could be given, or settled for, until after the time for petitioning was over?—I told the parties who came to me, that we would give no money.

7037. Until when?—I did not say.

7038. Until after the time for petitioning?—I never made that statement.

7039. Did you not make that statement to the parties, before the election?—No.

7040. Are you quite sure of that?—I am, certain.

7041. Had you any conversation with Coffey, except the one you have just mentioned?—That

was the only conversation that I recollect with him; that, as I recollect, was the second one.

7042. When did you first make up your own mind to take the rooms?—I think it was the day between the nomination and the polling; in fact, I am not quite sure that I made up my mind at all. It was Scallan and my brother that did it, and I told them that I would not undertake—They consulted me, in the first instance, but I became aware of it in the course of the day.

7043. What was the room taken for?—To put the Commons voters in on the night before the polling.

7044. You did not consider that a corrupt act on the part of those acting for Mr. Munster?—Well, I did not.

7045. You thought it was a legitimate thing to take rooms for that purpose?—To take rooms, if we made use of them.

7046. You intended to use them?—Yes.

7047. And were they made use of?—Yes; at least I believe so. I gave directions to carry out the object, and I understood it was done. I did not see it myself going on.

7048. There was nothing in that act that you consider illegal or improper?—That is a matter of opinion.

7049. You did not consider it so?—I did not.

7050. Baron *Fitzgerald*.] Was anything said in that conversation about Carroll at all?—By me to Coffey?

7051. Yes?—No, my Lord.

7052. By none of them?—No; but I am quite sure that Mr. Scallan said it; it is my belief.

7053. Mr. *Hemphill*.] What is it that you think Scallan said?—

7054. Baron *Fitzgerald*.] Did you hear it said, whatever it was?—No, my Lord, I did not.

7055. Mr. *Hemphill*.] Had you not heard, before this conversation at Corcoran's, that Coffey had promised Mr. O'Beirne?—I had not.

7056. Do you swear that?—I do; the only thing I heard about Coffey, from somebody or other, was, that he was a doubtful voter.

7057. But you had not heard that he had promised Mr. O'Beirne?—Of course we were calculating.

Mr.
M.J. Laffan.
19 February
1869.

Mr. JOHN LEWIS SCALLAN, sworn; Examined by Mr. Carton.

7058. Do you recollect taking this house from Coffey?—I do.

7059. What day, exactly, was it that you took the house?—The day before the polling.

7060. That was the 19th?—The 19th.

7061. About what time of the day was it?—I think it was about 12 o'clock, or between 12 and 1 o'clock in the afternoon.

7062. Did you go down to Coffey about taking the house, or did Coffey go to you?—I went to look for Coffey.

7063. And did you meet him?—I went down in the morning to his house, and he was out. We had determined—I and Mr. Pat Laffan—I don't think Mr. Munster was a party to it—

7064. Don't mind that?—I went down to the house after we lost Con Connell's house, for the purpose of taking Coffey's, he having stated, on the previous Monday or Tuesday, when he came to Corcoran's hotel, that he was disposed to let his house, and that Mr. O'Beirne was seeing about it. I went down to his house, and found that he was out. I came up to the hotel, and was told shortly afterwards that Coffey was in the street. I should have mentioned before, that I went down to Murphy's house, and found that it was taken by Mr. O'Beirne. I went across to Coffey in the street, and said, "We have lost Carroll's house, and, consequently, it is indispensable for us to have some house in town." "Well," said he, "I made a proffer of a house to you the other day at the hotel." "That is very true," said I. "We did not want the house then, and did not wait on you for it at all; but now we do want the house, are you prepared to let it; have you let it to Mr. O'Beirne?" "I have," said he. "Well, of course, if that be the case, Coffey," said I, "that is all about it." I made a pause then, and I looked at him, and said, "Coffey, in the first instance you came forward very honestly at the hotel, and while you complained very much that Mr. Munster's agents gave you no attention whatever, and never canvassed you except at the beginning, still, at the same time, as you pledged yourself to Mr.

Munster, you meant to keep your word. Now, of course, Mr. O'Beirne having taken your house, is a matter altogether independent of your vote, and you will keep your pledge like an honest man."

7065. What did he say to that?—He said, "I don't know;" and I left him.

7066. Did you meet him later in the day?—Later in the day I was told that Coffey wanted to see me. I said, "Send him to me." I and Pat Laffan saw him then. Said he, "I won't let my house." Said I, "I thought it was let to Mr. O'Beirne." "Oh no," said he, "I did not conclude the thing; he and I differed." "Well," said I, "if you have not let the house, we are prepared to take it, for we want the house;" and we then and there agreed to take his house. I drew up the memorandum which has been put in evidence to-day, and handed it to Pat Laffan for the purpose of arranging about the payment, as no money whatever passed through my hands in reference to the election. That is what passed exactly.

7067. What time of day was that?—I think between 12 and 1 o'clock on the 19th.

7068. Did you see Coffey after that?—I did see him afterwards in the street, when he appeared to be under the influence of liquor.

7069. Did you at the time want the house?—Well, as far as I could judge (I had not a great deal of experience of election matters at Cashel or elsewhere); but as far as I could judge, I understood that the house was really required for the purpose of assembling voters on the morning of the polling, and the night before the polling, and for that purpose I went to take the house, having lost the other; and I should mention that I went down there afterwards, at four or five o'clock in the afternoon, perhaps not so late, when I saw a number of persons in it, and I saw possession given of the house; and Coffey, at none of the interviews, mentioned that Mr. O'Beirne had taken the house after he stated to me that Mr. O'Beirne and he had differed.

Mr.
J.L. Scallan.
—

Mr.
J.L. Scallan.
19 February
1869.

Cross-examined by Mr. Curtis.

7070. When was it that Coffey first offered the house to you on behalf of Mr. Munster?—I don't think he made any actual offer, but he mentioned in the course of the interview I had with him at Corcoran's hotel, on the Monday or Tuesday previous to the nomination, that Mr.

O'Beirne was about taking his house, and I think at that time (I am almost sure at that time) I said to him, "Well, by all means, Coffey, if you can make an honest penny by your house, do make it, and let it to Mr. O'Beirne."

[The Witness withdrew.]

Miss KATE O'DWYER, recalled; Examined by Mr. Butt.

Miss
K. O'Dwyer.

7071. I WANT your papers that you produced the other day; did you bring your books?—You kept one before. (*The Witness was understood to send for papers.*)

7072. Mr. Butt asked for the paper that had on it the names of the persons that paid for the dinner?—*Witness.* I was taking it away, Mr. Butt, and you called me back and took it from me.

7073. It has been read; what I want to ask you is: I saw in that paper that twelve commoners were paid for by Mr. Ryan?—Yes.

7074. Who was the Mr. Ryan who paid it?—Mr. James Ryan; I saw the twelve commoners pay James Ryan in my presence; I was busy at the time, and I could not take the money myself; he owes me 10s.; he told me he had to pay for 14, and he only paid me for 12.

7075. Was James Ryan acting for you?—No, he was not.

7076. Where did Mrs. Boyton sleep?—She slept in the best room in my house; it is called the Colonel's room, because we give it to the colonel of the Tipperary Militia.

7077. You made a colonel of Mrs. Boyton, then; was she satisfied with that room?—Perfectly satisfied.

7078. Did you put her out of it?—Never.

7079. Had she any other room but that?—She had.

7080. What was the other room?—She had the use of the public sitting-room.

7081. Had she any small little sitting-room of her own?—She had; it had been a bedroom.

7082. Did she complain of it?—Well, no; it was her own wish to go into the room, and she did at times; but she made use of the public room also.

Cross-examined by Mr. Hemphill.

7083. Was it a small room next the bedroom, on the same floor?—Quite close, on the same floor.

7084. You were in and out of the room?—Constantly.

7085. Had she a box that she kept money in, or did you see a box?—I did.

7086. What sort of a box was it?—A large-sized deal box, with a cotton cover; there were two boxes; there was also a sort of writing-desk in her room.

7087. Was it a wooden writing-desk?—A mahogany writing-desk.

7088. Did she ever say that she kept money in any of these boxes? No, she never did.

7089. Did you ever see her take money out of a box?—I did; I saw her take money out of a box.

7090. Was it the large box, or the writing-desk?—The large box; she has paid me money out of the large box.

Mr. JOHN BOYTON, sworn; Examined by Mr. Carton.

Mr.
J. Boyton.

7091. WERE you and your wife living at Miss O'Dwyer's before the election?—Yes.

7092. Do you know a man they call Ryan, of the race-course?—I do.

7093. Do you recollect his calling on you before the election?—I do.

7094. Did he call more than once?—I think about twice.

7095. Did he then say anything to you about the election, or about his vote?—Yes, he wanted to sell a horse.

7096. What did he say to you?—He said if he got 60 l. or 70 l. for the horse he would support Mr. Munster.

7097. Do you recollect the night that Mrs. Boynton, you, and he, were together in that house?—I do.

7098. Do you recollect what took place that night?—It was all about selling his horse; he said if he got 60 l. or 70 l. for the horse he would vote for Mr. Munster, and also that if he got 30 l. each for the votes of the commoners, he would get them to vote.

7099. What room was this in?—It was in the public sitting-room of the hotel.

7100. You were in that room the whole time that Ryan was there?—I think I was.

7101. Did Ryan and Mrs. Boyton go out of

the room together?—No, except to leave; when he was going out I think I walked out with him, just to show him down the stairs.

7102. Did Mrs. Boyton and he go out of the room together?—I cannot say.

7103. Were you not there all the time?—Oh, except when he was going—

7104. Yes, exactly?—Then she might have walked down with him a bit.

7105. Did she go out of the room alone with Ryan?—Oh, certainly not; not at all.

7106. Had Mrs. Boyton a sum of 1,250 l. in a box?—Oh, Lord! not 1,250 pence; not at all.

Cross-examined by Mr. Hemphill.

7107. You are the cashier of the bank?—I am accountant.

7108. And of course you know the state of the accounts?—I do very well.

7109. Where are you now living?—I am living in Mr. Munster's house.

7110. Close to the church?—Yes.

7111. And you were at Abbeyview?—I was for a short time.

7112. You were aware, of course, knowing the accounts,

accounts, that Mr. Munster had this large credit at the bank?—Yes.

7113. You were quite aware of that?—Yes.

7114. Had John Ryan ever drunk tea at Kittv O'Dwyer's with you and your wife before?—Never; never asked him.

7115. You are not of the same rank in life?—Certainly not.

7116. Baron *Fitzgerald*.] Did he take tea at all that night?—No, sir.

7117. Mr. *Hemphill*.] Was there any tea there?—No, there was not.

7118. Was there any tea produced?—Not while he was there.

7119. Were the tea-things on the table?—I am sure not.

7120. What made Ryan go to you?—Well, I always had a friendship for him; I saw he was a respectable young man, and he always came to me, and I obliged him in any way when he asked my advice.

7121. Is he a friend of yours?—I was always friendly to him.

7122. Did you see this horse that he offered to you?—I never saw it.

7123. And were you going to buy it?—I was not going to buy the horse at all.

7124. Then you refused it; you would have nothing at all to say to it?—I had nothing at all to say to it; only I wished to serve him, and I said I would speak to one party or other connected with Mr. Munster.

7125. There was a good deal of conversation about the election between you and your wife and Ryan?—Yes.

7126. How long did he stay in the room?—About, perhaps, half an hour.

7127. What hour was it?—I think it was between five and six o'clock.

7128. And the candles and gas were lighted?—They were.

7129. You said, I think, you were in the room the whole time?—I am sure I was.

7130. What was said first—on your oath?—Well, I am somewhat decomposed, for it is the most extraordinary charge I ever heard.

7131. Then you are somewhat decomposed?—I am; I am surprised at such a thing.

7132. And does that affect the clearness of your recollection?—It does not affect it in the slightest.

7133. Not the slightest?—Not in the slightest degree; because we were bothered with him about his horse that night.

7134. And why did you not tell him to leave the room?—Oh, I would not do that; I would be very sorry.

7135. You said that you and your wife went to see him downstairs?—Oh, no. I showed him down.

7136. Where was your wife?—I suppose she remained in the room.

7137. Don't suppose; can you state whether she did remain in the room when you went to show him downstairs?—When I left the room I don't know whether she might have gone out of it or not.

7138. At all events, you and he left the room, leaving her behind?—Ryan and I, yes.

7139. Then she was inaccurate in her recollection when she stated that she went into the passage that leads on the landing with him?—She might have followed me after.

7140. This room, you say, is on the drawing-room floor?—It is; and you must pass out through another sitting-room to get out.

7141. And you are quite clear that you walked out with Ryan and not your wife?—I am.

7142. Of course you must have money for your ordinary house expenses?—Two or three pounds.

7143. Of course you would not keep more in the house; it would be foolish?—Oh, no.

7144. Is there not a box in the bedroom where your wife kept the money?—She very seldom has any.

7145. If she has any, where would she keep it?—Oh, she keeps it—I don't know really.

7146. In a box?—Yes.

7147. Do you recollect seeing Anastasia Bishop there that evening, the servant girl at Miss O'Dwyer's?—I suppose I did; she was the attendant.

7148. You don't recollect whether you did or not?—I think she was the attendant.

7149. Do you recollect her going upstairs, and knocking at your wife's bedroom for any purpose?—I do not, indeed.

7150. Might not she have done so without your knowing it?—She might.

7151. Where did you go after John Ryan left?—I remained in the sitting-room.

7152. The whole night?—Yes, I am sure I did.

7153. Did you go down to the shop with him when you went to show him downstairs?—No, I did not. I am sure I did not.

7154. Is there a light in the passage?—Yes; sometimes the light was there and sometimes it was not lit.

7155. Was there a light that night in the passage?—I cannot say.

7156. Now, Mr. Boyton, is it not the fact that Ryan and your wife, as she stated, left the sitting-room together, leaving you behind them; is not that the fact, sir?—I won't say it is the fact or not; but I think, my Lord, this is all a conspiracy, from the way Mrs. Boyton was suborned.

Re-examined by Mr. *Carton*.

7157. Did you speak about it?—I spoke to Michael Laffan about it, and he said not to have anything to do with him, that he was a dangerous man. I met him afterwards at Abbeyview; it was after dinner, and came out to meet him in the hall. I felt that he was a respectable young man, and asked him what he wanted, and again he said to buy the horse, and to speak to Mr. Leahy; and that he would give the horse for 35 *l*.

7158. Baron *Fitzgerald*.] May I ask you, Mr. Boyton, if you thought it was the part of a respectable young man to sell his horse for 60 *l*. or 70 *l*. and give his vote?—I could not say what the horse was worth; I had not seen it.

Mr.
J. Boyton.
19 February
1869.

Mr. HENRY MUNSTER, sworn; Examined by Mr. Butt.

Mr.
H. Munster.
19 February
1869.

7159. You were a Candidate for this borough at the last election?—Yes.

7160. At what time did you come here?—On the 16th of October, I think; I am not sure whether it was the 16th or the 17th.

7161. Did you engage anyone as your conducting agent?—Mr. Michael Joseph Laffan.

7162. Did you canvass the town soon after your arrival?—I do not think I did very soon; I was very infirm at that time.

7163. I believe you took a house at Abbeyview?—It was taken for me before I came.

7164. Who took it for you?—I think Mr. Laffan signed the agreement, as my agent.

7165. Then did you go to Abbeyview immediately on your coming?—Direct; drove from the Thurles station.

7166. Tell me who accompanied you; the inmates of your own family?—Immediately?

7167. Well, yes; immediately or afterwards?—I travelled from Sheffield with, I think, Miss Ede, Miss Sterne, Mr. Leonard Cartwright and his sister, Miss Emily Cartwright, but they did not come to Cashel with me; I came to Cashel with Miss Ede and Mr. Edward Leahy, who met me at Thurles.

7168. Mr. Edward Leahy is brother to the Archbishop?—Yes.

7169. And was a supporter of yours here?—He was a very old friend of mine; my first acquaintance.

7170. You had known Mr. Edmund Leahy for some time?—At intervals, Mr. Butt, before he went out to Jamaica with a Government appointment. I was going to tell you what I thought might cut short —

7171. When did you canvass the town?—I don't think I can tell you; I went to six, eight, or ten houses at a time, according as I could.

7172. Baron Fitzgerald.] What Mr. Butt means is, what time did you commence?—I don't remember, my Lord; I should think probably about ten days or a fortnight after my arrival; my beginning in the town was calling in two physicians.

7173. After your arrival here, of course you opened an account in the National Bank?—Before my arrival.

7174. Now I will just put this general question to you, Mr. Munster. Did you ever, to any person, supply any money, knowing that it would be expended in bribing voters, or intending that it should?—I did not.

7175. Or that it should be expended in treating voters?—I did not.

7176. Did you know of any money being expended in bribery during the election?—I did not.

7177. Or in treating?—I did not; I except from that answer, that I saw some bottles of sherry ordered presumably on my credit.

7178. Where was that?—At Corcoran's hotel. I think the day I made the speech, some sherry was handed round; I forget; I think it was Saturday; I have not the dates; if I had an almanack —

7179. Did you to Mr. Laffan give any directions or instructions, with reference to the expenditure of money, do you recollect?—I do not think that I did; it did not enter into my mind that it would be necessary.

7180. There have been some things which you have done here mentioned, and I must ask you about them: it has been stated, that you bought 50 l. worth of toys at a shop in Cashel?—I see it so reported in yesterday's "Times."

7181. I believe it is also stated that you have no children?—Yes, I saw that also.

7182. The latter is not quite true?—Nor the former. I have no children, in one sense; I had two sons and a daughter.

7183. Will you tell me as to the purchase of the toys; what was that transaction?—I, on two occasions, bought a considerable lot of toys; one, the day before the nomination, for a scramble among the schoolboys at Abbeyview, the house I occupied, and the other, subsequently to the election, for the children of the school; 5 l. or 6 l. worth at Christmas; which I sent to the national school and the convent school, to be distributed among the children; with the exception of these toys, and perhaps, a few balls, my purchases at Mr. Ferris's consisted of such things as these: flat candlesticks for my house, carpet-bags, books, chiefly religious books, prayer-books, rosaries, combs. I have given away a great number of combs since I have been in Cashel.

7184. To girls, was it, or to —?—To the young ladies and gentlemen of the town, who happened to be begging.

7185. What were the rest of your purchases at Mr. Ferris's?—A number of prints which are hanging about my house.

7186. Some very good?—No, not very good; of a low class.

7187. Did you make those purchases as you wanted those things?—Entirely; I never bought anything since I have been here that I did not want, in a certain sense; I don't mean to say by that, that I could not have done without them.

7188. There is another transaction about which we have been asked; will you just tell me, with reference to applications for charity, in what exact position did Miss Ede stand to you?—When I came down here, it was so difficult for me to transact any business or attend to anything, that I made this division. Not only did I appoint an election expense agent, but I employed Miss Sterne to attend to my household expenses, and gave her an account on the bank for that purpose; and knowing that I should have undoubtedly many begging applications, I got Miss Ede, who had come to stay with me from a French convent, prior to her intended noviciate there, to consider all those cases of charity, and relieve them according to her judgment and mine.

7189. Now, I believe I must ask you this, though, perhaps, you don't like to answer it; I believe you have been in the habit of giving largely in charity?—At different times of my life; of late years, I have been very irregular, because, since 1864, I have alternately had intervals of great depression—monetary, I mean—and some inflation.

7190. When you say depression, you mean that you suffered heavy losses in different transactions?—Well, yes; not in transactions exactly.

7191. Well, by being brought into companies?—Baron

Baron *Fitzgerald*.] What have we to do with this?—Chiefly one company.

7192. Do you recollect the time when the letter came from Mrs. Hackett, whom we have heard of?—I do.

7193. Will you just tell his Lordship, as nearly as you recollect, what passed upon that occasion?—Mrs. Hackett forced her way almost into my presence, and a letter of hers, whether to me or to somebody else I cannot say, for I discouraged any letters being written to me at all; but a letter of hers being seen by me, and containing some allusion to some voter or another, that was quite enough for me, and I would have nothing more to do with her, and had her sent away. She had some further conversation, I believe, with Miss Ede, but I may say it is one out of some eight hundred cases.

Baron *Fitzgerald*.] State nothing but what occurred in your own presence.

7194. Had you, or was there in your presence, any further conversation with Mrs. Hackett, after you had sent her away; I want you to state everything that passed while you were present?—Well, I do not recollect very well; I think she went out and talked with somebody else, and then they came back and begged very hard for her, and then I think I saw her again for a few minutes; but I don't feel at all certain, it happened to me so often, and but for one circumstance I should not have recollected it at all.

7195. Did you ultimately agree to give her anything or did you refuse?—No, I did not.

7196. Did you recommend an application to be made to a lady in London?—I did, some time after, because they pressed me so hard; both Miss Ede and Mr. Richardson thought it was a deserving case; in fact, I thought the woman was a plant, and said so from the first. I said, "Well, perhaps Mademoiselle de Moncourt would undertake to lend her the money.

7197. Was that lady a friend of your's?—She is my godmother; my dearest friend in the world.

7198. I believe she is now too ill to be here?—She is blind, and I think I have a letter that I received from my wife yesterday about her.

7199. Mrs. Munster is with her?—No; the moment I heard of any intention to compel her attendance, I recommended them to call in Mr. Paget.

7200. She is unable to be here?—She was so ill in July, August, and September, that she could not come down to me to Sheffield.

7201. When you assented to the application being made to this lady, was it thought you might give the money through her?—Certainly not; that would be the same thing as to give it myself.

7202. And of course you are not under any obligation to repay the money to her?—Most certainly not; the same answer would apply.

7203. In assenting to or yielding to the suggestion that that application should be made, had you any wish or desire to influence a vote?—Not the least; I weakly yielded to their importunities; I thought they were soft at the time.

7204. Now you have been in court part of the time, and you have heard of a good deal of voters being retained as your agents?—Yes, I know all about that.

7205. You know all about that?—At least, I think I do.

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7206. Was it with your consent and knowledge that that was done?—Oh, entirely; I may say it was my own suggestion.

7207. Will you just tell for what purpose that you suggested that that was done?—Well, I am under a difficulty, because it is rather an argumentative process.

7208. Baron *Fitzgerald*.] I don't want to hear any reasoning; I merely want to know what they were?—The *Witness*. My idea, my Lord, was, that it was a step, a move, in the direction of purity of election.

7209. Mr. *Butt*.] Then for what purpose did you wish those people to be retained as your agents?—In order to prevent the most corrupt people in the constituency, whom others bribe—and I would not bribe—from voting at all.

7210. Baron *Fitzgerald*.] That is, paying them for that?—The *Witness*. To make use of them, to render such services as I might want; with that double object.

7211. Mr. *Butt*.] You knew it would prevent them from voting?—Oh, certainly.

7212. It was done?—I believe it was; I don't know it of my own knowledge; I was told that in one instance it was done.

7213. Now will you tell me, did you know of any house being taken for you during the election?—I knew of Corcoran's hotel, of course.

7214. Of any other place?—I don't know if I heard of the house opposite; I heard of the house at the Lower Gate; Carroll's, I think. I think I am right in thinking it is Carroll's, at the Lower Gate. I remember, as I was driving about, the house being pointed out to me, and it was explained to me why that house was wanted. Oh, I must have heard of Ryan's; I am wrong.

7215. What explanation was given to you as to how Carroll's house was wanted?—Because we could not get Ryan's.

7216. Had you been told that they had failed in getting Ryan's, and therefore they could get Carroll's?—I heard of it altogether; I heard of it altogether, *uno flatu*—the whole thing together. I heard that there was a yard. If I may explain, the thing was this: we had a meeting upstairs in Corcoran's room, which was inconveniently crowded, so much so that individually I was very much inconvenienced; I got squeezed up against the fire, and half roasted. For the next meeting we were to have Ryan's. We could not get it; and what I heard, as I tell you, *uno flatu*, was, that being unable to get Ryan's, we tried to get Carroll's, where there were facilities for holding meetings, or admitting our own supporters into the yard.

7217. Do you believe that Carroll's?—I ought to add, before you ask me another question, that our next meeting was held in a kind of tap-room below, and not in the room above, at Corcoran's. We had three meetings there; two at least in that tap-room, which was a little larger, but was still inconvenient. It was not hired by me at all, and I don't know who paid for it.

7218. You wanted a place of meeting?—So I was told.

7219. But from your own judgment, and from what you saw?—I think so.

7220. Did you believe, from what you were told, that Carroll's yard would answer for the purpose of the meeting of your supporters?—I believe it would; but I think I never heard of it until after Carroll had also "shied." I suggested that we should immediately bring an action against him

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Mr. him for a breach of contract, and recover the money.

H. Munster. 7221. Who was your agent for election expenses?—Mr. George Richardson, my private solicitor for many years, at No. 12, Seven-street, Manchester.

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7222. He was your private solicitor?—And friend; he is my friend also, for many years.

7223. I believe I may ask you, is he a gentleman of position and eminence in his profession?—He is.

Mr. *Hemphill* objected, on the ground that Mr. Richardson's position was not the question.

Baron *Fitzgerald*.] I don't think you can try his character.

The *Witness*.] I heard with great pain, my Lord, that it was my duty to have had him here. I had not the slightest conception of it, and, more than that, on Monday, having heard what fell from you (for I had not known that the other side subpoenaed him), I would have telegraphed to him to come immediately, as I did for Miss Sterne, whom I brought yesterday from London.

7224. Mr. *Butt*.] They have not proved any effort whatever to serve you; did you make any effort whatever to keep Mr. Richardson from coming here?—Oh, not the least. We unfortunately had a quarrel; I had a quarrel with his wife before the nomination, and since then our private friendship is weaker, though still he does my business, because he wanted it; he is not a rich man, though very much respected.

7225. But you made no effort to keep him away?—Oh, not the least.

7226. Did you authorise any house to be taken, with the view of indirectly?—I beg your pardon, I ought to have added this: he wrote me a letter the other day, saying he hoped I would not want him, to which I did not give an answer.

7227. Did you authorise any house to be taken, with the view of influencing a vote?—I did not, and would not.

7228. In any charities that you have given away in Cashel, did you seek to influence any vote?—Certainly I did not.

7229. As it has been mentioned here, I must ask you, did you give a very munificent donation to the funds of the Christian Brothers?—Not quite so. For the purpose of bringing the Christian Brothers to Cashel?

7230. For the purpose of bringing them to Cashel?—Yes.

7231. That was a sum of 500 l.?—It is not an absolute gift.

7232. Just state what it was, and how it was given?—

7233. Baron *Fitzgerald*.] You were saying that the gift was conditional only?—I beg pardon, my Lord; I must tell the whole thing, because "conditional" is ambiguous. Before I came here, it was suggested to me that I should do this by letter; that I should lodge 400 l. or 500 l. in the hands of trustees, to be given for the purpose of bringing the Christian Brothers here, in case I was elected; to be returned to me in case I were not. To that I immediately replied, by next post, that I would be a party to no such transaction; that if I approved of the object I could give the money, and would give it at once,

and the condition which I subsequently attached to my gift, the gift being otherwise unconditional, being this: that the Christian Brothers should be brought to Cashel within nine months of the date of my handing over the cheque.

7234. Now, I have asked you whether you gave Mr. Laffan any directions as to the expenditure of money; did you, in any conversation with Mr. Laffan, speak to him on the subject of the illegal expenditure of money, one way or the other?—I several times discussed the turn which the election was taking, and various matters connected with it, and the one thing I always said to Mr. Laffan, not merely implicitly, because I remember the exact terms, were these: I said, "Mr. Laffan, I will forgive any result that may happen, except winning the election and being unseated for bribery." I mention that out of many, because I happened to remember the exact terms.

7235. Have you repeated similar injunctions to him upon other occasions?—Not injunctions, but directions; we were discussing what was being done and reported as being done, and all the one hundred and one little matters with regard to it.

Cross-examined by Mr. *Hemphill*.

7236. Let me see your bank book?—I will give you every book and cheque I have in the world.

7237. I have no wish to pry into matters not connected with the election.—I will answer any question you choose; there can be no delicacy whatever.

7238. Mr. Munster, do you know who it was first suggested that you should become a candidate for Cashel?—Mr. Edmund Leahy. Suggesting is, perhaps, hardly the term; he mentioned that it was possible.

7239. But that was what first gave you the idea; I suppose you had hardly ever heard of Cashel?—Oh! I beg your pardon.

7240. Otherwise than in your studies?—No, not casually.

7241. But you had no particular interest in the place until last year; am I correct in so saying?—No—yes, I think you are.

7242. When was it that the possibility of having the honour to represent the borough of Cashel was presented to your mind by Mr. Leahy?—Some time in this autumn.

7243. How long before you came; you came on the 16th of October?—I could hardly tell you without looking at letters; I will send for them all, if you like.

7244. Was it a month?—I should think about a month.

7245. When was it that you gave the £. 500 for the Christian Brothers?—I will tell you, if you let me look—

7246. I want the date?—I can give you the date of the cheque; perhaps my pass-book would help you?

7247. Is it in the pass-book?—Certainly.

7248. I see 500 l., that may be it; Mr. George Richardson's account?—No; that is George Richardson; my account was a feeder to two accounts—Mr. Richardson's for election expenses, and Miss Sterne's for household expenses.

7249. I want to fix the date of the 500 l.?—I am not sure that it was out of my cash account; I don't think it was.

7250. Was it in any cheque; I see no cheque here?

here?—I tell you why that was, because the cheque was handed to Mr. Edmund Leahy; he was to be satisfied in a certain number of days, I think a week, that they had suitable premises, and he reported, when the time came, that he was satisfied, and the cheque was handed over to Archdeacon Quirk.

7251. It is not mentioned in this account?—I beg your pardon; I had accounts in five banks, including Coote and Co., and the Bank of England.

7252. Baron *Fitzgerald*.] All we want to know is the date?—It is a pity the Archdeacon is not here, because he has the cheque in his possession.

Mr. *Hemphill*.] I see no 500 l. cheque, but one, "George Richardson."

Mr. *Butt*.] It was not a cheque on the Cashel bank?

The *Witness*.] No; my recollection is that it was Coote's.

7253. Mr. *Hemphill*.] How long before you came to Cashel, on the 16th of October, did you give this cheque?—After I came to Cashel.

7254. Was it after?—Oh, yes; I saw some gentlemen there, Mr. Mullins and the others, and the town commissioners, and I had a conversation on the subject with them; I could give it from recollection.

7255. When did you first publish your address; what was the date of it?—I don't think I know; it was before I came here.

7256. And you held then the meeting of the town commissioners?—I did not hold the meeting; they came to me up at Abbeyview, in my rooms, and we had a conversation.

7257. Was it after that they so waited on you, that you gave the cheque for 500 l.?—I wrote it there and then, after we had the slight conversation; I think they thought I was going to recede from my offer, and I wrote the cheque then and there, somewhat to their surprise.

7258. In whose favour was it?—In favour, I think, of Archdeacon Quirk.

7259. Who was it suggested that you should lodge 500 l. in the hands of trustees, to be spent in case of your election?—I don't think I know; it was mentioned to me, I believe, in a letter of Mr. Laffan's.

7260. Mr. Michael Laffan?—My agent.

7261. There are two?—I never corresponded with any but the one, Michael Laffan.

7262. Was that letter written to you before your arrival in Cashel?—It was, and I daresay Mr. Laffan has it this moment.

7263. It was to be lodged, in case you were elected?—No, no; not in case I was elected.

7264. His proposition was, that you should lodge it in the hands of trustees, to be used in case you were elected?—Not his proposition.

7265. Well, the proposition conveyed in the letter; whose proposition was it, Mr. Munster?—I don't know.

7266. Did the letter mention whose proposition it was?—It did not.

7267. Was it the archdeacon's or the bishop's?—Certainly not.

7268. Was it Mr. Edmund Leahy's proposition?—Certainly not; Mr. Edmund Leahy was with me at Sheffield.

7269. Was it the commoners' proposition?—I don't know; I don't know whose it was; the

letter did not state, and I did not care to inquire.

7270. You said you would not do that, but made the condition that a school should be provided within six months; is not that what you said?—I think that is what I said; it is all in writing, and, I believe, published in the newspapers.

7271. Why did you fix nine months?—Why did I fix nine months? Because I thought, if they had them at all, they ought to have them within that time.

7272. Why not twelve or six months; why nine months?—Because I was assured that they would come here in six months, and I put the three months extra as a margin; I would have been quite willing to wipe out the condition altogether.

7273. Did the local clergy of Cashel support you?—Quite the reverse.

7274. Any of them?—None of them.

7275. Did the clergy in the county; did the Archbishop support you?—I don't know what you call support; the Archbishop was my friend.

7276. Do you mean to say you don't know what I mean by asking you, "Did the Archbishop support you"?—I think it is an equivocal and insidious question, sir.

7277. Then you don't understand what I mean; did he give you his interest?—If you mean in an electioneering sense, he did not.

7278. Did you send a cheque to the Archbishop himself, for charitable purposes, for 100 l.?—I did not.

7279. Did anyone on your behalf?—No.

7280. Was a cheque or was cash (now don't mind if I use "cheque," if it was not done by a cheque), you know what I mean; was 100 l. sent to the Archbishop for charitable purposes by you, or was it offered?—No.

7281. That you know of?—No.

7282. Are you sure of that?—Perfectly.

7283. Did you ever hear of 100 l. having been offered for charity on your behalf?—For charity, no.

7284. Well, for what?—For what? do you answer me a question, and I will answer it, sir.

7285. You know you are on your oath, Mr. Munster?—I am; I am quite aware of it.

Baron *Fitzgerald*.] Mr. Munster is right; your question assumes—

The *Witness*.] It is because I am on my oath, my Lord, that I wish to understand the question before I answer it.

7286. Mr. *Hemphill*.] Did you ever offer the Archbishop 100 l. for any purpose?—I did.

7287. When?—When I was on a visit with the Archbishop in Thurles, after he had taken me to his cathedral.

7288. What was the 100 l. for?—For the cathedral.

7289. Now, when I asked you a few moments ago about this 100 l., did you mean to tell his Lordship that you did not understand what I wanted to ascertain?—I had some idea, but it was not within the terms, in my humble judgment, of your question; and all I have got to attend to is the language that you use.

7290. Quite right; how was that 100 l. given?—It was by my cheque.

7291. Was it afterwards returned to you, or

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the cheque given back to you?—I have made a mistake; the cheque was not given then; if you wish, I will tell you the whole circumstances.

7292. Well, shortly?—I cannot tell it shortly.

7293. Baron *Fitzgerald*.] First tell us whether it was returned?—Never, my Lord; it was not given on that day; it so happens that sometimes I cannot make a short story of a long one.

7294. I don't want to cut short your explanation, but answer the question first, and say if the cheque was returned?—It was not returned.

7295. Now give your explanation?—It was never sent until after Father John Ryan made the attack on the Archbishop and myself, when I immediately sent the cheque, and it was never returned.

7296. Mr. *Hemphill*.] Did you hear of that attack?—I did.

7297. What was it?

7298. Baron *Fitzgerald*.] What is the necessity of this?

Mr. *Hemphill* submitted that the question he was going to ask was material.

Baron *Fitzgerald* allowed the question to be put.

7299. Mr. *Hemphill*.] What I want to know is this: you have said that it was after the attack of Father John Ryan's that you sent the cheque, and that it was then returned?—Oh, it was never returned.

7300. You sent the cheque; what was the attack?—A letter was published in the newspaper, I think the "Freeman's Journal," in which Father John Ryan said that I had bribed the Archbishop with 100*l.* to give me his support, or something of that kind.

7301. And you sent the cheque after that?—Yes.

7302. You have told us that you had a variety of bankers in England; I suppose they had balances during the same period as may be covered by this account in their hands?—Positive or negative.

7303. In your favour?—Not in all cases.

7304. I am not prying into these matters?—You are quite welcome.

7305. You had balances in some of them?—In some of them.

7306. And, amongst others, you had a balance at Coote's?—I had.

7307. I see here that between the 18th of October 1868, up to, I think, the end of the year, when the account is balanced, your lodgements altogether in the National Bank of Cashel amounted to 8,102*l.* 1*s.* 2*d.*?—Yes, I believe so; I don't know.

7308. Does that include the amount which was lodged to the private account of Mr. Michael Laffan for election purposes?—Lodged by me; I never lodged a farthing to his account.

7309. Does that represent all the money that you had in Cashel?—With the exception of 5*l.* in coppers, I believe it does, except, perhaps, that I had dividend warrants, or something of that kind.

7310. How did you supply funds for the election to Mr. Laffan; did you draw cheques in his favour?—I sent Mr. Laffan, to whom I was a stranger, a cheque for his retaining fee for 100 guineas from Sheffield; I began with that.

7311. Quite right?—And then as he asked me for money on account, which he very seldom

did until lately, for counsel's fees, for I had not supplied him with much money, I gave him whatever he asked.

7312. Was it by cheque, which he lodged?—I gave nothing to anybody that was not by a cheque; every cheque is in the bank now.

7313. Are you aware that it was boasted, or at least announced, throughout Cashel, that you had lodged 5,000*l.* to your credit at the bank?—I never made a boast of it.

7314. Did you ever hear it generally circulated?—Mr. Laffan complained to me that my having done so was a very great annoyance to him, because people came worrying about him.

7315. Might I ask you, you did not come to Cashel until the 16th of October, while you lodged on the 18th of September, the month before, 5,000*l.* to your credit in the National Bank?—I will tell you most easily; because I was coming almost any day for that time. I was pressed to come. I was told that I must come. I could not come; in fact the 6th of October was the first day I put this foot to the ground, or put any of the least weight on it.

7316. I see the very first cheque you drew here was a cheque in favour of Mr. Edmund Leahy for 100*l.*?—Yes.

7317. What was that for?—Travelling expenses, chiefly.

7318. Whose travelling expenses?—Mr. Leahy's. He came to Ireland to look at an estate for me, and to do something else for me, not connected with Cashel. I will tell you what it was, if you like.

7319. Did you not know that he was coming to Cashel to feel his way, if I may use the expression?—Why, I distinctly tell you that he came to Ireland for another and very different object.

7320. I am not speaking of his coming to Ireland?—I sent him to Ireland.

7321. Did you send him to Cashel to see what were your prospects of success?—No, I did not.

7322. Were you aware that he came to Cashel?—After he had been in Ireland for some time he came to Thurles, and then I think he wrote to me about Cashel.

7323. Was it after that you sent him the 100*l.*?—No; I think it was before; but I cannot tell you until I look at my letters which I have in a box.

7324. Where is Mr. Leahy now?—I don't exactly know.

7325. When did you see him last?—I think last Sunday.

7326. Where?—At Goold's Cross station.

7327. Do you know Captain Dudley Byrne?—I do.

7328. Was he acting for you at Cashel?—I don't think he was; it is a question of law. No doubt he accompanied me in my canvass, as did several gentlemen at different times. I could not get out of my carriage, and he came to the carriage to me. I always had some friends of mine sitting with me to supply my wants. At that time I could do very little for myself.

7329. Were you not aware that Mr. Grace was trying to serve Mr. Leahy with a subpoena?—I was not.

7330. Did you never hear it?—Never.

7331. Did you ask Mr. Leahy to come to Cashel with you last Sunday from Goold's Cross?—No, I took him to Goold's Cross from Cashel.

7332. Was he previously with you in Cashel, or

or did he only come on Sunday morning?—No; he only came very specially. I don't like to refer to other matters.

7333. I don't want you?—Owing to a difficulty I was complaining of with the Cashel post-office I never trusted anything of importance in the Cashel post for some time.

7334. Was it last Saturday evening he came to Abbeyview?—I think not.

7335. What day was that?—Not Saturday at all; Sunday.

7336. And he left the same day?—He left the same day.

7337. Now I ask you when did you see Captain Dudley Byrne first?—Really, I wish you would keep to one or other.

7338. I will exercise my own discretion; we are in a court of justice, and you cannot dictate to me?—If it is to be that way, I shall apply to his Lordship, for it seems unfair to drive me from one to the other.

Baron *Fitzgerald*.] It is necessary that he should not be confused.

Witness.] My only fear is that I may answer as to one gentleman when I am asked as to another; I have no other fear whatever.

Mr. *Hemphill*.] I shall be very distinct, Mr. Byrne.

Witness.] My name is not Byrne.

Mr. *Hemphill*.] I beg pardon; any question that I put his Lordship will rule as to whether it is legal or not.

Witness.] His Lordship, I think, has decided that point in my favour, sir.

Mr. *Hemphill*.] Well, whenever you wish to answer the question, I will put it.

Baron *Fitzgerald*.] Go on; what is the use of this controversy?

7339. Mr. *Hemphill*.] I ask you about Captain Dudley Byrne; was he, or was he not, acting for you in your candidature here?—I think he took a great interest in my candidature; if you wish to know, I have not the slightest reservation about it; I think Mr. Edmund Leahy knew Captain Dudley Byrne, who was a perfect stranger to me; Captain Byrne advised Mr. Leahy to see Mr. Laffan on my behalf, and to retain him as my agent; and that is the whole chain between Mr. Laffan and myself.

7340. Did Captain Dudley Byrne go canvassing with you?—Sometimes he did; sometimes Mr. Pat Laffan did, and sometimes they accompanied me in my carriage; I did not canvass in the common sense of the word, because I don't think I asked any one elector of this town for his vote; I have said I don't think I asked any one person in it for his vote; I went about, submitting myself to be criticised, on account of the reports that had gone abroad about me, that I was an Orangeman, and goodness knows what.

7341. Did you supply Captain Dudley Byrne with any money for any purpose?—Not any.

7342. Did you give him any money at all; I am speaking now of the interval between 18th September and the beginning of the year?—Some money for his travelling expenses.

7343. How much?—I think 25 *l*.

7344. Where is Captain Dudley Byrne now?—I don't think I exactly know; I heard he was to be at his own residence to-day; whether he is or not I cannot tell you.

7345. When was he last in Cashel; what day?—I don't think I know; about three weeks ago.

7346. Was he here last Sunday?—I think not.

7347. Did you see him on Sunday?—I don't think he was.

7348. Was it on the Sunday he was last in Cashel that you saw him; any Sunday two or three weeks ago?—I think, I am not quite sure, that it was on—not on a Monday; you asked me when I last saw him.

7349. You think it was on the Monday; very good; you mentioned just now the name of Mr. Pat Laffan?—Yes.

7350. Was he employed by you for the election?—That also, I think, is a question of law, personally, I did not employ him; I found him, as I thought, in his brother's employment, and I thought he was a clerk of his brother's for a long time, until I found out that he was studying for medicine.

7351. But you are aware that he was acting for his brother in the progress of the election?—I constantly saw him with his brother; he came up to Abbeyview to talk about election matters to me, and to others in my presence.

7352. Do you know where Pat Laffan is?—I do not; I heard he was in Paris, studying for medicine, but as for knowing, I don't know; I had a slight difference with Mr. Pat Laffan.

7353. Did you supply him with any money?—Do you mean for election purposes; if so, I misunderstood your question before; in that case, I did not, I think.

7354. We won't use the word "supply"; did you give him any money from the 18th September up to the end of the year?—Do you mean for himself, personally?

7355. For any purpose; did you hand him cheques or money?—Oh, yes; now you have come to a question, I can answer; you will see by my cheque-book that I gave him a cheque for 200 *l*.

7356. I don't see that cheque here?—Oh, it must be there.

7357. I see, quite right; on the 11th of November; for what purpose did you give him the cheque for 200 *l*?—Will you allow my counterfoil now to supply the answer?

7358. Certainly; it will refresh your recollection?—I don't want any; on the 11th of November you see (*hands block*).

7359. That is the entry here, "Pat Laffan, 200 *l*."—It was drawn on the 5th; that puzzled me.

7360. I see this is the counterfoil?—That is the counterfoil.

Mr. *Hemphill* reads:— "November 5th 1868, Pat Laffan, grant to Fethard Convent, 200 *l*."

7361. I believe the very Rev. Dean Cantwell is parish priest of Fethard?—I believe he is.

7362. I want to know?—I don't know; but I think he is; I have no reason to doubt it.

7363. Were you aware that Dean Cantwell had written a letter to Coman?—No; I was not.

7364. Enlisting him in your behalf?—Neither to Coman or to anybody else.

7365. I believe Dean Cantwell is one of the gentlemen who made speeches for you at the hustings?—He certainly did, though I certainly did not hear him; if you call this court the hustings.

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7366. Did

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7366. Did he make them?—I have no doubt he did; I saw it in the papers.

7367. Now, Mr. Munster, I don't want to pry into your private affairs, but I must ask you a question, for which I have a reason, and that is the number of servants in your household establishment in Cashel?—Really, I can hardly tell you; it is fluctuating from time to time.

7368. How many domestic servants do you keep?—Really it is very hard; Miss Sterne could tell you much better than I.

7369. But you won't?—I tell you, sir, now this moment, I have four brats whom I picked up in the streets, in order that they might not run after my carriage; two at Abbeyview, and two at Johnstown.

7370. What do you call them?—Four brats: I give them occasionally sixpence or half-a-crown.

7371. Baron *Fitzgerald*.] What I understand he is asking you for, is your domestic servants?—Well; I mean domestic or not.

7372. Baron *Fitzgerald*.] He means the persons boarded and lodged in your house?—Some of my domestic servants, my Lord, are a sort of charwomen who come in and go out in the day.

7373. Mr. *Hemphill*.] I am confining the question to the important point between the 18th of September and the end of the year; I am not speaking of your present arrangements?—Miss Sterne could tell you so much better, for she paid them.

7374. We may not have her?—I have telegraphed for her to London.

7375. Then you can't tell?—It is not within my dominion.

7376. I want to be candid with you; the reason I asked you that question is that in the book it appears that between the 18th of September and the end of December your expenditure amounted to over 6,000 *l*.?—Stop a moment; no, I don't think that is correct.

7377. Well, now correct me if it is wrong?—Perhaps you will allow me to look at that book.

7378. Oh, certainly; somewhat over 6,000 *l*. it appears by this book?—Yes; but there is a 1,000 *l*. which is gone into another bank.

7379. Did it go?—Yes, to the bank now at Thurles.

7380. Well, now let us pause; you transferred 1,000 *l*. on that date to the bank at Thurles?—I beg pardon, I did not transfer; that is incorrect. I took ten 100 *l*. notes in Dublin that day, and brought them down to Thurles that night, and they are at Thurles now.

7381. Where did you get them?—At the National Bank at Dublin, on my cheque.

7382. I thought it was an account for the Cashel bank?—They charge it to my account here, of course.

7383. Why did you bring that 1,000 *l*. to Thurles?—It was due for the lodgment of the election petition on the 21st December.

7384. Why not lodge it in Cashel, or leave it in Cashel; was there any object in opening an account at Thurles?—Simply because it had nothing to do with this.

7385. But you do not live at Thurles?—No, I do not.

7386. You have no connection, as far as I am informed, with Thurles?—Well, nearly as much as I have with Cashel.

7387. Nearly as much?—Yes; there was an estate somewhere there that I was thinking of buying.

7388. Did you draw any portion; what is the date of that 1,000 *l*.?—"21st December, 380 *l*., Read and Crawford."

7389. That is an attorney's bill; they are solicitors?—No; I can give you the reason. That money is mine now. There is that 380 *l*. of mine now in another place.

7390. Did you draw on the Thurles bank for any portion of that 1,000 *l*.?—Not a penny.

7391. With that exception. Glance your eye down along these cheques from the beginning (*book handed to Witness*)?—I must tell you that there is a good deal of confusion in the early part of this account, for what I intended to take place did not. Mr. Richardson did not have a separate account from the first; he drew cheques, which were cashed in my account. You will see this distinguished by the initials of "H. M." and "G. R." up to a certain period. My directions were disobeyed. I wanted my own accounts to be as short and simple as possible.

7392. My simple question is this: does that book, with the exception of these two items you have fairly mentioned, of 1,000 *l*. and 380 *l*., represent your expenditure during that period in Cashel?—No, not all in Cashel; there was that cheque to Captain Dudley Byrne of 25 *l*., that you mentioned; that would not be expended in Cashel.

7393. I don't know that?—Well, I think I do; but I won't be positive either.

7394. Baron *Fitzgerald*.] There was 100 *l*. to Mr. Pat Laffan for some convent?—£. 200; and I think there was a large sum for a bazaar in Dublin, the Vincentian Sisters, which either I or Miss Sterne paid; all our hotel bills at Dublin; also our hotel bills at Killarney; for I had been travelling about lately.

7395. Mr. *Hemphill*.] Are they included in it?—Yes; they are included in it. "Thomas Graham, 85 *l*. 9 s." I rather think that was for furniture to a Clonmel dealer. I furnished a house here, you must remember, and bought a horse and carriage and all sorts of things; but if you want the exact amount of my Cashel expenditure, Mr. Richardson's accounts can furnish it to you, and Miss Sterne also.

7396. Very well; I won't press you.—But I wish you would let me give this paper, for I had great difficulty in knowing what to do. I made no return of my personal expenses, which seemed to me so odd. I wanted to return the whole of it. My election agent made his return. I wanted to make the return as a mass, because, although I thought it was too much, I could not discriminate, and I would not make a guess. Miss Sterne can speak to every item of it.

7396*. Then we will keep it until she is produced?—Oh, certainly.

7397. Were you aware that Mr. Edmund Leahy bought 30 *l*. worth of cloth at a draper's in Cashel?—No; I think it is not correct.

7398. Did he buy any?—Yes; he bought some things for me, which I had made up and have worn since.

7399. Did you yourself make many purchases in Cashel from voters?—I did, a good many, and I can easily tell you why.

7400. First, before you tell us why, can you mention how many voters you did deal with?—I never knew whether anybody was a voter or not.

7401. Do you mean to tell his Lordship that you did not supply yourself with a list of voterst?—Not?

—Not before I made the purchases, I do mean to tell you and his Lordship.

7402. When did you first make or see a list of the voters?—Oh, I think not for a fortnight after I was in Cashel.

7403. Did you make no purchases after a fortnight from voters?—Oh, very likely; I did, in fact, I know I did, because it happened that some of the people I was dealing with were voters; I went to the best shops in the town.

7404. Did you go from your house to Cashel?—No; I came from Sheffield.

7405. That is a good town, and has good shops?—Very good shops.

7406. Did you bring a variety of articles yourself from Sheffield?—I sent before me Miss Sterne, something like a fortnight before I came here, not knowing what Cashel was like, with a great number of articles that I thought I could not get in Cashel, of the 101 things that I needed; I got rather chaffed by Mr. Leahy about my personal appearance, which unquestionably was shabby, and consequently I had some new clothes; I think the people of Cashel looked down on me as a tattered figure.

7407. Did you bring a great number of watches?—I don't think I did.

7408. I don't mean for private use?—Oh, you have hit a hobby of mine; I have 300 or 400 watches, and I might have brought 10 or 15 with me to Cashel.

7409. Only 10 or 15?—Not more.

7410. How many of them went to the voters' wives and families in Cashel?—I have not given away a single watch since I came to Cashel; oh, I have, to a Sheffield servant of mine, who came with me.

7411. That is the only watch you gave?—I believe so.

7412. Are you quite certain of that, Mr. Munster; just try and think?—Well, I am so likely to give away a watch that I don't like to be positive; but I believe it is.

7413. Were any watches sold that you are aware of?—Yes.

7414. At what price now?—A man named Ryan, from whom I was in the habit of buying watches and other odds and ends, bought a watch for 25 s. from Leonard Cartwright, who came over to bring some things of mine over, and he sold that watch to Dr. Russell for 25 s.; and Dr. Russell has bitterly complained of it since.

7415. Do you mean to say that he took Dr. Russell in?—No, I do not; I think he sold him a very good watch for the money.

7416. And that was the only watch sold to anybody?—I believe so.

7417. Very well; we will leave the watches now. Now, I want to know, can you give me an idea of how much money was expended amongst the voters in Cashel for the purchase of goods, and who were the voters that got it?—I don't think I can.

7418. Am I over the mark in saying that you spent 1,500 l. during the autumn or winter of last year in purchasing goods amongst the voters of Cashel?—I should think you were five times over the mark.

7419. Then I will say 300 l.?—No; I don't say that; but if you like, you can have it ascertained to the fraction.

7420. You cannot give any more specific?—That is my idea.

7421. I won't press you?—I beg your pardon, 121.

I forgot; I bought furniture for the John-street house, which is not a very small house; and a good deal of that was bought in Cashel, but not by me; so I cannot tell you further.

7422. Do you recollect having a large dinner at Corcoran's hotel; or was there a large dinner there just the evening before the election; no, at Coffey's lodgings, that you are aware of?—Not that I am aware of.

7423. Was there any dinner at Corcoran's hotel?—I think not.

7424. Did you entertain any voters at Corcoran's hotel?—I might have given them a glass of sherry; it is quite possible.

7425. You might have?—I did; but I did not know whether the parties were voters or not.

7426. Are you aware that Mrs. Corcoran was paid 228 l. for her bill?—She was paid some bill; she demanded it personally, and wrote to Mr. Richardson; I cannot really tell you what the amount was.

7427. Did you not take the trouble to ascertain what became of that money?—Not very much; Mr. Bigger, my private secretary, does that.

7428. Do you know anything at all of your expenditure?—Yes; I do know something, I think.

7429. No details?—I don't know the details of that bill, for instance.

7430. I must ask you to try and recollect; do you mean to say that you did not, over and over again, entertain voters at Corcoran's hotel; or were they entertained to your knowledge?—I never entertained them, nor were they entertained to my knowledge, excepting that I said before, that sometimes there was a bottle or decanter of sherry on the table.

7431. Did you ever see the details of that bill of 228 l.?—Yes; I think I have.

7432. Where is it now; that bill itself?—I don't think I know.

7433. Has your secretary got it?—I think he has; as far as I could, I have taken care to have every scrap of paper preserved.

7434. Did you know Mr. Boyton was a voter when you took his house?—No, I did not; in fact, I did not take his house.

7435. Who took it?—Mr. Laffan.

7436. Michael?—Yes; several letters passed between Mr. Boyton and myself; there was a negotiation, and I said, I would leave it all; in fact, I did not know what would suit me.

7437. You were an intimate friend of Mademoiselle De Moncourt, you have told us already?—She is both the oldest and dearest friend I have in the world, and my godmother.

7438. Did you yourself pay any money among what is called the mob of Cashel?—You mean the beggars.

7439. No; but during the election, you know; do you understand what I mean?—I am not sure that I do, and I am cautious in answering; if you will show me the bill, I will tell you in a moment.

7440. Look at that, and we will have it marked (*Document handed to Witness*)?—Having looked at it, I have never seen this.

7441. What is the total of it?—£. 248 12 s. 2 d.; This, I don't think, I have ever seen.

7442. At all events, it was furnished to you, or your secretary?—No, it was not; it was sent to Mr. Laffan, I think, or Mr. Richardson; I don't think I have ever seen that particular bill.

7443. I see it commences on the 21st September, U 2

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tember, with Capt. Byrne's account; we will take up the items; I see an amazing quantity of liquor of all sorts, in this?—I daresay you do; I refused to pay some portion of it.

7444. Look at that; are you aware of only a few glasses of wine having been drunk in Corcoran's hotel?—If you talk to me of what I saw —

7445. How often were you in Corcoran's hotel?—Not often.

7446. Were you there ten times before the election?—I should say, not ten times, except in the billiard-room, on the ground-floor. I swear I never saw anything; I was not above six times there; I ought to tell you that I was always mobbed when I went to Corcoran's.

7447. How do you mean?—There was a crowd of people in front, and a crowd of people in the yard, and I had great difficulty in getting to my carriage.

7448. What is Mr. Cahill, do you know; I see his account?—How do you spell his name?

7449. O-a-h-i-l-l?—Mr. J. C. Cahill, of No. 3, Main-street.

7450. He is a voter?—Yes.

7451. I see in the bill, Mr. Cahill's account is: One pint decanter of spirits, 4 s.; two ditto, 8 s.; one ditto, 4 s.; one ditto and bottle of lemonade, 4 s. 6 d.; two quart decanters, 16 s.; two bottles of sherry, 10 s.; two ditto, 10 s.; one quart decanter of spirits, 8 s.; one bottle of whiskey, 5 s.; two ditto and lemonade, — ; two glasses of spirits, 1 s.; one bottle of soda, 6 d.; one quart of spirits, 8 s.; six bottles of soda, 3 s.; two glasses of sherry, 1 s.; might I ask you, how Mr. Cahill came to get all that liquor?—I have not an idea.

7452. Do you mean to tell his Lordship you don't know?—I do, most certainly.

7453. Did he drink it all?—I cannot possibly say.

7454. He is a voter?—If he was six voters I don't think he could drink all that.

7455. Was not Cahill employed by Mr. Laffan?—I don't think he was.

7456. Did you see him acting at all?—Oh, I have seen him.

7457. Acting on your behalf on the election?—I thought he was one of my committee, while I fancied that I had a committee.

7458. Here is another account of the same Mr. Cahill, with an amazing quantity of spirits and liquors of all sorts. Attend to this, if you please: "19th of November, eight breakfasts, 16 s."; who got their breakfasts at Corcoran's that day?—I am sure I cannot tell.

7459. Then am I to understand that you really allowed them to spend as much money as they liked, without your calling them to any question; is that what I am to understand?—I could not possibly prevent Mrs. Corcoran from putting down in that bill anything she liked. I never authorised it, directly or indirectly.

7460. Has the bill been paid?—Not the whole of it.

7461. Has not 228 l. been paid?—Some of it has been paid.

7462. That is what appears by the election expenses?—Surely you have Mr. Richardson's cheques: it was he who paid.

7463. The total of that bill is 248 l.?—I think the sum of 20 l. was what we objected to for spirits given to voters, and we would not pay it. Yes, but I left it to Mr. Richardson, as I assumed he knew what the law was. I paid 100

guineas for his services; and I was rather disgusted that any of it was thrown upon me.

7464. You, in fact, left it to Mr. Laffan to do what was right and proper, and gave yourself no further trouble about it?—Quite so.

7465. You also knew that Pat Laffan was making himself active about the election?—Pat Laffan was always coming up to Abbeyview, early in the morning and late at night with any messages, and all sorts of things; and I did not inquire into the relations between him and his brother.

7466. Did he not frequently go in your carriage with you from house to house to the voters?—He did. I did not know where to go to.

7467. He pointed out where you were to go?—Michael Laffan, I think, chalked out the voters that I was to canvass on a particular day. Pat Laffan took me and showed me the places where they lived, Michael having to go away sometimes to Tipperary or Thurles or other places.

7468. You yourself did not see the least harm in taking rooms of voters?—Not if I wanted them. The question was discussed; but Ryan's and Carroll's were the only two men that came under my notice. In their case, to some extent, I was consulted. On any portion of the question of price being raised, I said, "Well, whatever fairly may be an indemnification of the man for letting his rooms at an inconvenience for such a purpose, let him have it."

7469. About this telegraph station from Goold's Cross, how much did it cost you?—I think 394 l.; I paid it myself.

7470. Have you presented that as an absolute gift to the people of Cashel?—Dear me, no.

7471. You are at liberty to withhold it when you think right?—Just when I please; I have a great mind to do so to-morrow.

7472. Then am I to understand that you only gave that provided the people of Cashel made themselves agreeable to you?—I did not provide anything at all, one way or the other; I simply made a telegraph, and I used it myself most frequently.

7473. You mean to shut it up when you leave Cashel?—I don't say I do.

7474. Do you?—I don't know; that will depend on how they behave.

7475. Did you not erect it, at all the expense you have been at, in the hope of being thereby returned as Member?—I never indulged in an expectation so futile.

7476. Did you never expect, then, to be returned?—That I don't know.

7477. Did you ever expect to be returned?—That, I tell you, I did not know.

7478. Did you ever entertain the expectation of being returned?—I thought it possible.

7479. But not probable?—I thought it was probable.

7480. Did you do the utmost in your power to promote that return?—No, I did not.

7481. There were things left undone that might have been done?—Quite so.

7482. What were they?—Bribery; I had no doubt that if I had held up my finger I should have been returned by a considerable majority, as you asked me the question.

7483. You are a classical scholar?—Yes, a little, in a mild way, I have been.

7484. Did you ever boast that the Cashel men were like Danae, and could be won with gold?—No; a blackguard from Tipperary made the allusion

allusion to Danae, and I called him over the coals for it.

7485. Oh, it was not your classical allusion; have you given a classical allusion that you came to Cashel like Jupiter, in showers of gold?—That was in the papers.

7486. You said you purchased horses; did you not make a variety of purchases of horses and stock from voters?—I did not; two horses were bought for me without any knowledge of mine, but I don't know at this moment from whom; I believe one was from—

7487. Who was Mr. O'Beirne's proposer?—I believe so; I don't know it.

7488. Did you buy a mule from a voter named Thomas Luby?—A jennet.

7489. What did you pay for it?—I don't know.

7490. Who paid for it?—Really, I cannot tell you.

7491. Do you not know what the price of the jennet was?—I assure you I don't know.

7492. Did you buy it before the election?—Yes.

7493. Why did you do it?—I don't know why.

7494. Did you sell the jennet?—It was found unsafe, and so we got rid of it.

7495. Did you sell it after the election?—No, it was sold directly almost.

7496. What was it sold for?—I don't know that; I can tell you nothing about it.

7497. Who bought it?—I don't know.

7498. Is it a fact that you paid Tom Luby 70*l.* for his jennet?—I don't believe it is.

7499. Mr. Munster, this is a serious matter, and I must ask, is it a fact that you paid 70*l.* for the jennet?—To my knowledge, nothing can be more false; it may be, but I don't know.

7500. What did you pay for it?—I don't know.

7501. Did you sell it for 2*l.* 10*s.*?—I know it was bought, and that it was sold, but what it was sold for, or bought for, that I cannot tell you; I can tell you this, that it was sold because it was considered unsafe for me.

7502. Did you buy a variety of cattle at different fairs about, and present them to voters?—I only bought one until long after the election, and I have got that now; I gave 9*l.* or 10*l.* for it, and I saw it this morning at Abbeyview; I may say this in general, that I believe it to be a tremendous lie.

Re-examined by Mr. Butt, Q.C.

7503. As to the bill at Corcoran's hotel, I believe that some of your friends, for whom you had no room at Abbeyview, were staying there?—Yes, I had not John-street house then.

7504. I believe Captain Dudley Byrne and Captain Stewart were staying there?—Yes, and Mr. Richardson and his wife, and I am not sure whether there were not some of their children.

7505. But you paid the bills?—Well, I did not wish that anybody should incur expense who gave his aid in my affairs, directly or indirectly.

[The Witness then withdrew.]

Miss ANNE STERNE, sworn; Examined by Mr. Cartan.

7506. DID you come over to Cashel with Mr. Munster?—I came the day before Mr. Munster.

7507. Were you living at Abbeyview with him?—I was.

7508. How long were you there with him?—I think about three months.

7509. During that time had you the management of Mr. Munster's household?—I had.

7510. Did you pay all the bills connected with the household?—I did.

7511. All the household expenses?—Yes.

Cross-examined by Mr. Hemphill, Q.C.

7512. I find by the bank book, that the total amount of cheques that you signed and drew for was 1,855*l.* 3*s.* 2*d.*; do you mean to tell his Lordship that all that money was spent in household expenses?—There were journeys and hotel bills; there were charges in Dublin, and several other things of that kind.

7513. And that is what made up this 1,855*l.* 3*s.* 2*d.*?—I don't know that that was the exact amount.

7514. Were you in Cashel yourself from the time you came over up to the end of the year?—I have been away for the last three weeks.

7515. I speak of up to last December?—I was.

7516. You were in Cashel that whole time?—Yes.

7517. And you paid expenses connected with the house?—I did.

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7518. Do you recollect supplying some money to Miss Ede on one occasion?—I supplied every one with money who wanted it. Miss Ede several times.

7519. Do you recollect going into the room with Mrs. Hackett?—I am not sure of the woman.

7520. A tall country woman?—I don't know the woman you mean.

7521. Do you recollect going in and giving Miss Ede some sovereigns to make up 10*l.*?—I never recollect going into the room.

7522. Did you give her some gold?—I have given Miss Ede gold several times.

7523. Are you aware that Miss Ede gave money to Mrs. Hackett, or are you not?—I am aware of it.

7524. Did you not supply Miss Ede with some money to make up that?—I could not tell you; when Miss Ede asked me for money, I never asked her what it was for; I gave it as a matter of course.

Re-examined by Mr. Butt, Q.C.

7525. Do you mean to convey that she had no money of her own?—No money of her own! I don't know what she had; I meant for household purposes.

Mr. Butt then put in as evidence Mrs. Corcoran's hotel bill for 248*l.* He also mentioned that two cars had been sent to Golden for John Rochford.

Miss
A. Sterne.
—

JOHN ROCHFORD, sworn; Examined by Mr. Butt, Q.C.

J. Rochford. 7526. WHERE have you been this morning?
—In Golden.

19 February 1869. 7527. Are you working there?—Yes.
7528. And have been sent for and brought here?—I was.

7529. You are the husband of Margaret Rochford?—Yes.

7530. You are an elector of Cashel?—Yes.

7531. Do you recollect any time before the election did your wife make any proposal from Mr. and Mrs. Tracey?—My wife told me she was at Simon Tracey's, and that she saw some cheques there with his wife, and that she would get one if I voted for Mr. O'Beirne; 30*l.* I think she told me.

7532. *Baron Fitzgerald.*] When did she tell you that?—I forget the night, sir.

7533. How long ago?—Oh, it was before the election.

7534. *Mr. Butt.*] How long?—I don't exactly know.

7535. Was it a week?—Well, I could not exactly say how long.

7536. Do you recollect one evening Simon Tracey himself coming to your house?—I do.

7537. *Baron Fitzgerald.*] Was it before or after that?—It was after that; I believe it was the same night.

7538. *Mr. Butt.*] On the evening that Mr. Tracey came to your house, was there any one else there?—There was, I think, another young man.

7539. Was his name Mara?—I forget his name now, but I would know him.

Mr. Hemphill.] This part of the original case; we must examine Mara now.

Baron Fitzgerald.] It is just as you went into the case of Mrs. Hackett.

7540. *Mr. Butt.*] It was not my fault that we had not this witness here yesterday. (To *Witness.*) I am now asking you about the evening that Tracey and Mara were there; did your wife say anything to you while they were there?—I think she called me, as far as I recollect; I told her that I would vote as I promised, for I was greatly pledged to Mr. Laffan for Mr. Munster; she said I was right.

7541. Was it in the presence of Tracey she said that?—I think, as far as I recollect, it was.

Cross-examined by Mr. Hemphill, Q.C.

7542. Where were you this morning?—At Golden.

7543. How long have you been in town since you came from Golden?—About 11 o'clock I came here.

7544. Did you come to Cashel from Golden at 11 o'clock to-day?—Yes.

7545. Did you come up to the court-house?—I went up the town.

7546. Were you not in the court-house until within the last half-hour?—I was.

7547. Why did you not come when you were called; did you hear yourself called?—No.

7548. Who went for you to bring you into the court-house?—I forget his name.

7549. Do you see him here in court; was it Mr. Scallan that went for you?—No.

7550. Who?—Mr. Laffan, I believe.

7551. Had you any conversation with Mr. Laffan as to what your wife had proved?—No.

7552. What did Mr. Laffan say to you?—He only asked; I don't think he asked me that question.

7553. What did he say to you?—I forget now what he said to me.

7554. Ten minutes ago?—I don't recollect; he spoke hardly one word.

7555. And yet you recollect what your wife told you three months ago?—Oh, distinctly.

7556. I ask you again, upon your oath, what did either of these gentlemen say to you to-day?—

Mr. Butt.] Speak of one or the other.

Mr. Hemphill.] Take Mr. Laffan first.

I don't recollect what he said to me now, to tell you the truth, and I am on my oath; that is my answer, and I don't think he spoke a second word.

7557. Did that other gentleman speak to you?—He did.

7558. What did he say to you?—He asked me what had I to say; he asked me did Mr. Tracey come down to the house to me?

7559. When did he ask you that?—A while ago.

7560. Go on; tell us the whole of what the tall young gentleman said to you?—All he asked me was, did I recollect the night Mr. Tracey came down.

7561. Go on?—That is all.

7562. Did he ask you about the cheques?—He did; I told him myself.

7563. Did he ask you?—No; but I told him myself, before he asked me.

7564. But did he ask you?—I don't think he did; I told it myself.

7565. You don't think he did?—I don't think he did, I forget now; I told him myself, because I could recollect it very well.

7566. You forget when this conversation was that you had with your wife?—Oh, it is, I believe, a couple of months ago, or rather before the election.

7567. But you forget how long before the election?—I do; I did not take any note of it.

7568. When was it you had this talk with her?—When she came from Tracey's house.

7569. Where?—In my own house.

7570. Did she say how many cheques she saw with Mr. Tracey?—She said if I took one of them I might; but I said I would vote where I was pledged.

7571. You were pledged to Mr. Munster?—Yes.

7572. Did you vote for Mr. Munster?—Yes.

7573. Did you send him a "bin"?—Yes.

7574. What did you get?—25*s.*

7575. What did you get altogether?—About 4*l.* or 5*l.*

7576. Was that all you got?—1*l.* 5*s.* I believe, and 4*l.* or 5*l.* was got for feathers.

7577. How much did you get altogether?—About 6*l.* 5*s.*

7578. Did you talk with your wife, since she was examined here the other day?—We were talking.

7579. About

7579. About this case?—No, nothing more; we were talking of course.

7580. Did she tell you what she had sworn here on the table?—No, she did not.

7581. Do you tell his Lordship that?—I do.

7582. Did she tell you that she was examined as a witness?—Oh, she did, of course.

7583. Did she open her lips as to what she had said; on your oath?—No, I don't think she did; she did not tell me what she said.

7584. Why did you tell me a moment ago that you had a talk, and that you forgot?—No; she did not tell me exactly what she said, and I forget exactly what she told me.

7585. You forget?—Indeed I do; for she could not say anything more than what I am saying myself.

7586. Have you seen your wife since you came back from Golden this morning?—Certainly.

7587. Did you go straight up to her when you came to Cashel?—I went just up to clean myself.

7588. Did she tell you that Margaret Hackett had been examined?—She was not there at all.

7589. Have you seen her to-day?—I saw her in here.

7690. Did you see her at all in the street?—I did down about the court-house. Yes.

7591. Did you not talk with her about what you would prove?—Not very—not a word.

7592. "Not very!" what were you going to say, upon your oath?—I was speaking an odd word to her.

7593. About what?—Nothing about what I was going to say; nor she did not ask.

7594. What were you speaking to her about? —Because I had nothing to say but what she had to say herself. *J. Rochford.*

7595. Did she know that you were coming here to be examined?—I believe she did.

7596. Did you tell her?—Of course I did.

7597. Did you say "Margaret, I am going upon the table"?—No.

7598. What?—Nothing more than that she knew I was to be examined.

7599. Did she tell you that Mrs. Hackett had been up contradicting you?—No; but she told me that she had to come to-day through Mrs. Hackett.

7600. What did she mean by that?—I don't know.

7601. Then she did tell you that Mrs. Hackett was here to-day?—She did.

Re-examined by Mr. *Butt*, Q.C.

7602. You were asked about Mr. Scallan, did he speak to you?—Yes.

7603. Did you tell him outside, the same story that you have told now here?—Yes.

7604. Was it taken down on paper by Mr. Scallan?—Yes; I believe it was.

Mr. *Butt*, Q.C.] We now close.

Mr. *Curtis* then spoke to evidence on behalf of the Respondent.

Mr. *Butt*, Q.C., replied on behalf of the Petitioner.

CASHEL ELECTION.

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21 June 1869.

R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION PETITION FOR COVENTRY.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chambers,
1st March 1869.

IN the matter of a Petition presented to the Court of Common Pleas, under the Parliamentary Elections Act, 1868, by Thomas Berry Bishop and others, voters at the last Parliamentary Election for the City of Coventry, against Henry William Eaton and Alexander Staveley Hill, Esquires, who were upon that occasion elected and returned, which Petition alleged amongst other things corrupt practices to have been committed at the election, and prayed that it might be determined that the said election and return of the said Henry William Eaton and the said Alexander Staveley Hill were and are null and void, and that the said Henry William Eaton and the said Alexander Staveley Hill were not duly elected or returned to Parliament :

I, Sir James Shaw Willes, Knight, being one of the Judges for the trial of Election Petitions in England, having heard and determined the said Petition, do certify and report such determination as follows :

1. The said Henry William Eaton, one of the Members whose return is complained of by the Petition, was duly elected and returned.
2. The said Alexander Staveley Hill, the other Member whose return is complained of by the Petition, was duly elected and returned.
3. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.
4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have extensively prevailed at the election.

J. S. WILLES.

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MINUTES OF EVIDENCE

TAKEN before the Honourable Mr. Justice *Willes*, on the TRIAL of the ELECTION PETITION for the CITY of COVENTRY, at the County Hall, Coventry.

Tuesday, 16th February 1869.

BERRY and Another	-	-	-	-	-	-	Petitioners.
EATON and HILL	-	-	-	-	-	-	Respondents.

Mr. *Henry James* and the Honourable *Chandos Leigh* appeared as Counsel in support of the 16 February Petition. 1869.

Mr. *T. H. Kirby* appeared as Agent.

Mr. *Huddleston*, Q.C., Mr. *Gates*, and Mr. *Dugdale* appeared as Counsel for the Respondents.

Mr. *T. Dewes* appeared as Agent.

Mr. *Henry James* was heard to open the case in support of the Allegations of the Petition.

Samuel Smith was called, but did not answer.

Frederick Clark was called, but did not answer.

THEOPHILUS FOX, sworn; Examined by Mr. *Chandos Leigh*.

1. WHO are you?—I am clerk to Messrs. Troughton and Kirby.

2. They are the solicitors to the petitioner?—Yes.

3. Did you serve yourself a subpoena upon Samuel Smith?—Yes, on the 3rd of February.

4. Where?—At Bury, in Lancashire.

5. Did you also serve a subpoena upon Frederick Clark?—

Mr. Justice *Willes* said that the service must be regularly proved.

6. Mr. *Chandos Leigh* (to the Witness).] Did you give anything to Smith when you served him with the subpoena?—I gave him 2s. 6d. himself, and I left 15 s. with the gentleman he was lodging with for the conveyance of him to Coventry.

7. Have you seen him in Coventry since this subpoena was served?—Yes; I met him last night by the eight o'clock train from Leicester.

8. Where?—At the Coventry station; the principal station.

9. When you met him there, did you take him anywhere?—Yes; I took him in a cab to the "Red Lion."

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10. An inn in Coventry?—Yes.

11. Did you stay with him there?—I stayed with him, I think, about a quarter of an hour altogether.

12. Did you leave him with anybody?—I left him in company of Mr. Lingard, of Bury, and a person of the name of Warner.

13. Who is Warner?—He is a Coventry person.

14. Are they supporters and friends of yours?—Yes.

15. Did you go to him again after you left him?—What made me leave him was simply this; I will make a statement of my reasons for leaving him—

Mr. Justice *Willes*.] I think you had better answer the questions you are asked.

16. Mr. *Chandos Leigh*.] Did you go to him again after you left him?—I returned, and when I returned he was gone.

17. When was it that you returned?—About a quarter past nine o'clock.

18. The same evening?—The same evening.

19. You have not traced him since?—No.

20. Did you subpoena Frederick Clark?—Yes.

A

21. When?

T. Fox.

T. Fox.
16 February
1869

21. When?—On the 4th of February 1869, this month.
22. Where?—At Leicester.
23. Where at Leicester?—At the “Cigar-makers’ Arms” public-house, I think it is called.
24. When you subpoenaed him, did you give him anything?—I gave him 5s.
25. Have you seen him since?—I saw him the same afternoon that I served him.
26. But not since then?—No.

Cross-examined by Mr. *Huddleston*.

27. You are clerk to the attorney for the petitioners?—Yes.
28. Do you know a man of the name of Micklewright?—Yes.
29. Who is he?—He is a gentleman that has been getting up the evidence on the part of the petitioners.
30. What is he?—Well, I do not know whether he is a solicitor or a clerk; I cannot say.
31. You have been about with him getting up evidence, have you not?—No.
32. Have you not been with him?—No.
33. On no occasion?—Not to my knowledge.
34. Is he a tall man, with gray whiskers?—Yes.
35. Do you mean to swear that you have not been with him?—Not to my knowledge.
36. You can tell me whether you have been with him or not?—I have not been with him.
37. On no occasion?—No.
38. Did you ever represent him as “Mr. Commissioner Micklewright,” sent down with the judge from London to get information?—No.
39. Did you ever hear him represent himself so?—No, certainly not.
40. Did you hear him represent himself as Mr. Serjeant Ballantine?—No.
41. Who was sent to cross-examine?—No.
42. Never?—No.
43. You have been about a little amongst the witnesses; is Micklewright a stranger to Coventry?—I believe so.
44. Do you know who brought him here?—No.
45. You never saw him before?—Yes; I saw him perhaps about 18 months ago, previous to this affair.
46. Is he often here?—I do not know; he is an entire stranger to me.
47. Do you know a man of the name of Frederick Parnell?—Yes.
48. Did you go to Parnell to ask him to give evidence?—There are two Parnells; which of them?
49. Frederick?—Yes.
50. Did you ask him to go and have a glass of something to drink with you?—Yes.
51. And you took him to the “Shakspeare”?—I took him to some public-house; I do not know the name of it.
52. And you were getting up evidence?—Yes.
53. Did you give him something to drink?—There was a pint of ale, that was all.
54. But who paid for it?—I paid for it.
55. Did you tell him that he could have half-a-sovereign, and that he might as well tell you now as when he came to the court?—I made use of those words, but I never made use of his having half-a-sovereign, or any amount of money. I never mentioned any sum.
56. Did you say he could have half-a-sovereign?—No.

57. Nothing about money at all?—I told him that I might pay him for loss of time if he—
58. If what?—If he gave me any evidence by detaining him.
59. Did you tell him that he would get six months if he did not tell?—No; most distinctly, no.
60. Do you know William Farmer of Nottingham?—Yes.
61. Did you go to him?—Yes; I saw him one day last week.
62. Did you give him something to drink?—Yes.
63. What did you give him to drink?—About two or three glasses of gin, I think.
64. It was not election time when you gave him this gin; you went to get evidence from him, did you?—Yes.
65. How much was it?—Well, I think, altogether it was about four glasses that he and two or three others had each.
66. This was when you were getting up the evidence?—Yes.
67. Did you see him two months ago also?—In the month of November last; no, in December, I beg your pardon.
68. Did you tell him that if he gave evidence, you would not turn your backs upon him?—No; I never made use of such expressions.
69. Did you tell him that 50*l.* would be divided among them, if he gave evidence that would unseat the sitting Member?—No.
70. Did you say nothing at all in the way of money?—No; nothing of the kind.
71. Was a man of the name of Ephraim Elliot present at the time?—Yes.
72. Both Farmer and Elliot were present at the time?—Yes.
73. Do you mean to swear (I may fairly remind you of the occasion I am speaking of) that you did not tell them that there would be 50*l.* to be divided among them if they gave evidence?—No, nor 50 pence.
74. What did you give them drink for?—I was treating them.
75. What for?—To see if I would get any information from them.
76. How long were you treating them?—Perhaps a couple of hours.
77. And you were plying them with gin all the time?—They had four glasses, I think, altogether.
78. At the rate of half-an-hour a glass?—Just so.
79. Four glasses each?—Yes; there was another there.
80. Twelve glasses amongst all of you?—Not amongst the two; that is twelve glasses amongst the three.
81. Then you were trying to get evidence out of them at the rate of a glass of gin every half-hour?—Yes.
82. Is that the way you go about to get evidence?—I don’t very often do it.
83. This is a new practice to you?—Quite.
84. I presume that in ordinary cases, not election cases, you do not condescend to gin-and-water?—Just so.
85. But since the alteration in the practice as to election petitions you use gin-and-water as an inducement?—I never did the thing before.
86. You are rather ashamed of it now I should think?—No, I am not; I have done nothing to be ashamed of.

87. Do

87. Do you know John Whitmore?—Yes.

88. That was another witness?—Yes.

89. Did you give him 8 s.?—Yes; that would be for his railway fare from Nottingham to Coventry; when I gave him the subpoena I gave him 8 s. at the same time.

90. That is what is called a *viaticum*; you do not understand it?—No, I do not.

91. Then I will not explain it to you; but you do understand what gin-and-water you gave to him?—Exactly the same portion as Elliot and Farmer.

92. At the rate of a glass of gin-and-water every half-hour?—Yes.

93. Is that your prescription usually?—I do not know that it is.

94. How many hours were you dosing them with gin-and-water?—The same quantity.

95. Three hours?—No, not three hours.

96. How many hours?—From one to three, I think.

97. How many glasses of gin-and-water did you dose them with?—About four; I don't believe it was more than four a-piece.

Mr. Justice *Willes* suggested that it would be better to reserve the cross-exami-

nation of this witness on these matters until the persons referred to had been themselves examined.

T. Fox.

16 February
1869.

Mr. *Huddleston* said that he wished to show by what means this evidence had been got up.

98. Mr. *Chandos Leigh* (to the *Witness*).] Will you hand in the subpoenas of Smith and Clark?—Yes (*handing in the same*).

99. Mr. Justice *Willes*.] What is Samuel Smith?—He is an elastic weaver.

100. Then he is an artisan, and a skilled artisan?—Yes.

101. Was he the person you subpoenaed at Leicester?—No, at Bury.

102. In Lancashire?—Yes.

103. And you offered him 15 s.?—I left 15 s. with the gentleman that he was lodging with.

104. It was 17 s. 6 d.?—Yes; half-a-crown and 15 s.

105. Did he complain when you saw him here of not having had sufficient to pay his fare?—No.

[The Witness withdrew.]

FREDERICK CLARK, sworn; Examined by Mr. *Henry James*.

106. HAVE you a vote for this city?—Yes.

107. For whom did you vote?—For Mr. Eaton and Mr. Hill.

108. Where have you been living lately?—At Leicester.

109. But where at Leicester; have you been living at a public-house?—Yes.

110. Who keeps that public-house?—Mr. Fielder.

111. Do you know the name of it?—The "Malt Shovel."

112. Have you paid anything where you have been?—For lodging; yes.

113. And for your eating and drinking?—Yes, I kept myself.

114. At the "Malt Shovel"?—Yes.

115. Has anybody given you any money?—Yes.

116. What money have you had within the last month?—In what way; I had 5 s. the other week.

117. From whom was it?—Fox.

118. That was with your subpoena?—Yes.

119. Had you any money besides that?—Yes, I had money besides that.

120. From whom?—I have had some from Mr. Streightley.

121. Did anyone tell you to go to this "Malt Shovel"?—No.

122. Had you ever lived at this public-house before?—No, not till I went to Leicester.

123. Who told you to go there?—I went of myself to live there and get my living.

124. When was that?—I should think two months before the election.

125. Have you lived at the "Malt Shovel" ever since?—Not all the while; I lived at the "Britannia" too.

126. But when did you go to the "Malt Shovel" first?—I went to the "Britannia" first, and I live at the "Malt Shovel" now.

127. Have you been at the "Malt Shovel" since the election?—Yes, I have been at the "Malt Shovel" since the election.

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128. On the Thursday before the election did you receive a piece of paper, a circular, at Leicester?—Eh?

129. Come, Clark, you heard me. On the Thursday before the election did you receive a small piece of paper?—I received a note sometime, I cannot say to a day, before the election; it was a letter.

130. What have you done with that?—I don't know what I have done with it.

131. Have you kept it, or destroyed it?—I have not destroyed it; I have lost it.

132. So you cannot produce it?—Eh? No, I cannot produce it.

133. Do you recollect what was in that letter?—Well, I cannot say word for word; it is a long while since; I cannot say, particularly, what was in it; but I know it was to ask me whether I would come to Coventry to vote.

134. For Mr. Eaton and Mr. Hill?—Yes; it was to ask me whether I would come and vote.

135. Were you told that you were to report yourself in that letter, and to whom?—I was to go to the committee.

136. Where?—In Hales-street.

137. Is that the Bishop-street Ward?—Yes.

138. On the Sunday after that, which would be the Sunday after the election, did you see a man named Parker?—Parker?

139. You know him; you know who I mean, do you not?—Well I know a good many.

140. A good many what?—I have heard of him.

141. Mr. Justice *Willes*.] How many Parkers did you see that day?—Well, I saw a good many before the election; I seed several. I know there was a young man named Denny amongst them.

142. Mr. *Henry James*.] Do you know a man named Henry, or Harry, Parker?—Yes, I have heard that name.

143. Have you not seen that man?—Yes; I have seen him.

144. When did you first see him before the election?—It is a long while ago; I cannot tell you.

A 2

145. Did

F. Clark.

F. Clark. 145. Did you see him on the Sunday before the election?—I think it was with Parker, and a man named Wagstaff and Denny that I see
16 February 1869.

146. When did you see him?—They came to the "Britannia."

147. When was that?—On the Sunday night.

148. You only saw one Parker on that Sunday night, did you?—It was not Parker.

149. Did you not see Parker at all?—Not on the Sunday; I seen him on the Monday.

150. You saw Denny and Wagstaff on the Sunday?—Yes; I remember the two particularly.

151. Where did they ask you to go to?—They asked me to go to a public-house on the Monday.

152. What public-house is that?—I think it is called the "Talbot."

153. At Leicester?—At Leicester.

154. Was that the Monday night of the nomination day at Coventry, the day before the poll?—Yes.

155. Whom did you see at the "Talbot"?—I don't know; I seen a good many there.

156. I know you did; did you see Parker there?—Yes.

157. What Parker was that?—Henry, I think it would be.

158. Does he live at Leicester?—Yes; I think he does.

159. What is he?—A dyer, I think.

160. Whom else did you see?—Well, there was a few; there was Parker and Wagstaff, and Denny and Smith.

161. What is Smith's Christian name?—Sam, I think; I never seed him before, not to know him, till that night.

162. Does he live at Leicester?—Well, I haven't seen him since the election, except a day or two after the election, when I saw him.

163. About how many were there altogether?—I should think there were 30 or 40.

164. Do you know the names of any others; was there a man named Frederick Jones there?—Yes, he was there.

165. Was a man named William Greene there?—Yes, he was there.

166. Was a man named Whitmore there?—I don't know him.

167. Do you not know Whitmore?—I don't know him.

168. Do you know a man named Herbert Farren?—No.

169. You don't know a man named Farren?—No, I don't know Farren.

170. You don't know a man named Ireland?—Yes, I know him.

171. Was he there?—I have knowed him since the election.

172. But was the man that you have known since the election there?—Well, I cannot say positively; but I believe he was there.

173. Was a man named Henry Freeman there?—Yes.

174. Do you know Makepiece?—No, I do not.

175. Do you know a man named George Cleaver?—No.

176. Do you know a man named Cleaver?—No.

177. There were others there besides?—Yes, there was a kitchen full of men.

178. Was there a gentleman there of the

name of Burrarghs, a Leicester gentleman?—"Barrows," I think, is his name.

Mr. Huddleston objected that 300 names had been given in the bill of particulars, many without Christian names and addresses, and without references to the numbers on the register, and that he did not find the name of Frederick Clark amongst them as alleged to be bribed.

Mr. Justice Willes reserved his opinion on these points.

179. *Mr. Henry James.*] Was your name, and the names of the men who were there, read out from a register?—There was some names called over.

180. Who called the names over?—Barrows.

181. Did the men answer to their names who were there?—Some of them.

182. What did you happen to say; they called out your name; did you answer to it?—Yes, I said I was a voter.

183. Were any person or persons made captain of you all?—No.

184. Was Freeman's name mentioned as to do anything to see after you, or anything of that kind?—He was to see as we went right.

185. Freeman was to see that you went right?—Yes.

186. Did Burroughs say anything at all about being satisfied?—I do not know; I was looking after beer; I do not know what he said.

187. How much beer did you look after?—I had a good deal that night.

188. Did the others have beer too?—Oh, yes.

189. Who paid for it?—Well, I paid for some myself, and Smith paid for some, and Parker paid for some, and we all paid for some.

190. How much did you pay for?—I found I was about 1s. 9d. out of pocket when I got home.

191. Had you spent that in beer?—Yes.

192. Upon yourself, or upon the others?—They handed a cap round.

193. Was there any appointment made as to where you were to meet?—Yes, there was an appointment that if we had a mind to go we should go.

194. Was it said where you were to meet the next morning?—Yes.

195. Where was that?—On the Hinckley road.

196. At what time?—From six o'clock to half-past.

197. Was anything said about its not being safe for you?—

Mr. Huddleston objected to this as being a leading question.

Mr. Justice Willes overruled the objection.

198. *Mr. Henry James* (to the Witness).] Was anything said about its not being safe for you to meet in the town?—Yes, they said we had better meet on the road.

199. Was any reason given why?—Well, I did not know of any reason.

200. You have given your statement, and do tell me the truth; was anything said about its not being safe to meet, or to start in the town?—It is a long while, and I have forgotten since then.

201. Surely you do yourself an injustice; was anything

anything said that evening about its not being safe to meet or start in the town?—They said we had better meet on the road; that would be the best.

202. You told me that before; was anything said about its not being safe to meet in the town?—I do not recollect; I do not remember it being said.

203. You say that positively?—I say that positively.

204. Was no reason given why you should start on the Hinckley-road, and not in the town?—No.

205. Did you ask?—Yes.

206. Was anything said at all as to payments for loss of time?—They said we should be made satisfied; at least that was what we reckoned amongst ourselves; one another said if we went for loss of time, we should be made satisfied.

207. Who said (if any one) that you should be made satisfied?—Smith.

208. Samuel Smith?—Yes, I believe that is him; I could not say for positive.

209. Was that said in Parker's presence, in the room where you were?—I heard Parker was there, and he must have heard it.

210. Was Freeman there too?—Yes.

211. And Burroughs?—Not "Burroughs," "Barrows."

212. Was anything said at all about any sum of money, about 2*l.* or anything of the kind?—No.

213. No sum was mentioned?—No.

214. On Tuesday morning did you meet on the Hinckley-road?—Yes.

215. How many of you were there that met?—I could not say to one, but I think there were about three-and-twenty of us.

216. Was there a vehicle, a carriage?—Yes.

217. Was it a van, or what?—It looked like a gentleman's carriage.

218. But you did not, all three-and-twenty, get into it; was it a sort of half omnibus, a half carriage thing?—It was a long one with two seats.

219. However, this carriage or van, whatever it was, broke down, and the driver went and got another?—Yes.

220. Did you, all of you, three-and-twenty gentlemen, walk on to the "Red Cow"?—Yes.

221. Did you have something to drink there?—Yes.

222. Did you pay for anything?—Yes.

223. Did you pay for all you drank?—Well, not all of it; I paid for some.

224. Before you came into Coventry, were you met by any one at the Foleshill-road?—Yes.

225. Mr. Justice *Willes*.] I suppose the Hinckley-road is out of Leicester?—Yes, on the same road; Foleshill is near to Coventry, and Hinckley is close to Leicester.

226. Mr. *Henry James*.] How far out of Leicester were you when you were met in the first instance by the carriage?—I should think just on the outside.

227. What time in the morning was it?—Half-past six o'clock or a quarter to seven.

228. It was dark then?—Quite dark.

229. Were you met on this Foleshill-road by a gentleman from Coventry?—Yes.

230. Did he give you anything?—Yes.

231. What did he give you?—A voting card.

232. Did he give voting cards to the others?—Yes.

233. Have you kept your card or not?—No.

275.

234. Was it a voting card for Eaton and Hill? *F. Clark*.
—Yes.

235. Do you know that gentleman's name?— 16 February
I do not. 1869.

236. He was a stranger to you?—Quite a stranger.

237. Was anything at all said at that time about your being paid?—I do not recollect.

238. About when you got back to Leicester, where you were to be, at Coventry or at Leicester?—I was inside the van, and he was out on the road, and I could not hear what he said; Parker got out and spoke to him.

239. Parker said something to this gentleman?—Yes; he got out of the carriage to this gentleman; they walked on a bit, and then he came back and took out the cards and called the names over, and as he called the names over we answered to them.

240. Did that gentleman, or Parker, or any one say anything about your being paid when you got back to Leicester, and not paid in Coventry?—No; I never heard them say such a thing.

241. Or anything about it?—No.

242. Or receiving anything when you got back to Leicester?—No.

243. Or having anything for loss of time?—No.

244. Nobody on the road?—No.

245. You came in, I believe, to Coventry, and you polled for Mr. Eaton and for Mr. Hill?—Yes.

246. On returning from polling did you meet a person of the name of Kilbey?—No.

247. Did you meet Mr. Kilbey at any time? I seed him once or twice that day, but I did not speak to him.

248. I was speaking of Mr. James Kilbey?—I know him.

249. Did you not speak to him on that day?—Well, I might have spoken to him; I think I did speak to him.

250. You just said that you did not; be careful; he spoke to you?—It is a long while since; I was in beer all day, you see.

251. I do not see at all?—Well, I say, I cannot remember; I had had a good deal of beer, do you see; I was in beer all day.

252. But you are all right to-day, are you not?—Well, no, not particular.

253. The fact of your being in beer yesterday does not make you forget what took place in November?—It is three months ago since that happened.

254. But you do not forget things that occurred six months ago; did you not speak to Kilbey, and did he not speak to you?—He said to me, "Hallo! Clark, are you come?"

255. What else did he say?—He said, "Where are the others?"

256. Now you see you recollect all the others?—Well, you see you came on to me so sudden.

257. Did you tell him that you wanted something to eat?—No.

258. Did he tell you to go anywhere?—No.

259. Not to the "Bull's Head"?—No.

260. Did you go to the "Bull's Head"?—Yes, I was there in the course of the day.

261. What caused you to go there?—I went there because my brother goes there.

262. Did not Kilbey tell you to go there?—No.

A 3

263. Will

F. Clark. 263. Will you swear that?—I will swear it.
 — 264. Did he say to you, "Perhaps you will
 16 February want to see me again?"—?
 1869.

Mr. *Huddleston* objected to this as being a leading question.

Mr. Justice *Willes* overruled the objection.

265. Mr. *Henry James* (to the *Witness*).] Did he not say, "Perhaps you will want to see me again"?—No, I do not think he said anything like it.

266. Did you not reply, "It is all arranged, we shall be settled with at Leicester"?—No.

267. Nothing of that kind?—No.

268. Did you use that expression to him about being settled with at Leicester?—No.

269. You have given your evidence—?—Ah! but I was paid to do that.

270. Did you intentionally state what was untrue at any time?—Well, the facts I stated here was a good deal hearsay.

271. But were they true?—Well, no, some of it was not true.

272. Did you intentionally state that, and sign that paper; is that your signature (*handing a paper to the Witness*)?—

Mr. *Huddleston* objected to this line of examination.

Mr. Justice *Willes* overruled the objection.

273. Mr. *Henry James* (to the *Witness*).] Is that your signature (*handing a paper to the Witness*)?—Yes.

274. Now, having reminded you that you signed this piece of paper, at the time you signed that statement did you sign anything that you knew to be untrue?—Yes.

275. And you knew it to be untrue at the time you stated that?—Yes.

276. Did you state "I replied to Mr. Kilbey: it is all arranged we shall be settled with at Leicester"?—I made that statement.

277. Is that true?—No, it is not true; that is not.

278. But you stated it, and knew it to be untrue at the time you stated it?—Yes, but I had had a good deal to drink.

279. Did you know it to be untrue at the time you stated it?—Well, they wanted me to say "summat," and of course I told them "summat."

280. Did any one suggest this to you?—Yes.

281. Who did?—I don't know.

282. Who was it (if anybody) who suggested those words to you?—I will tell you. I think we went back from voting, and I had parties come after me, and they said they had heard as I did this and the other, and they said if I would go to Coventry and give evidence I should be well paid, and I should be set up in business.

283. Who told you that?—Mr. *Streightley*.

284. Did you go and state what you knew to be untrue?—Yes, and would again if they came bothering me day after day.

285. You stated what was untrue, and you would do it again: how do we know that you are stating what is true now?—How do you know that I am stating what is true now.

286. Yes?—Well—.

287. Are you stating what is true now?—Of course.

288. You state upon your oath that you did

say to Mr. Kilbey that you were to be settled with at Leicester?—I never used those words to Mr. Kilbey to my knowledge.

289. Will you swear that you did not?—I will swear that I did not; not to my recollection.

290. Did he not say, "Very well"?—Kilbey say, "Very well."

291. Yes?—"Very well," what?

292. To what you said to him?—I did not say anything.

293. You said you spoke to him?—I said he spoke to me: he said "Hallo! Clark are you here?" I says "Yes." He says, "How long have you been come?" I says, "I just come." He says, "Where are the t'others?" and I said, "On the road." I said, "Will you come out and have something to drink?" I think I used those words to him.

294. What did he say to that?—He said he did not know; he said I had better go to the "Bull's Head."

295. You forget that you told me just now that he did not tell you to go to the "Bull's Head;" what do you mean by swearing within the last five minutes that he did not tell you to go to the "Bull's Head"?—I did not swear that he did not tell me to go to the "Bull's Head."

296. I think you did?—Well, I am rather confused this morning, and I have been down at Birmingham, and I have had a good deal of beer, and I cannot recollect all that has been said, but what he has got down there against me; they came to me, and they wanted evidence, and they wanted to get out summat, and would pay for doing it, and I told them some that was true and some that was untrue.

297. You need not repeat that painful affair in your life; but why did you tell us just now on your oath that Mr. Kilbey did not tell you to go to the "Bull's Head"?—I said I did not recollect it.

298. Then do you recollect it now?—Yes.

299. For what were you to go to the "Bull's Head"?—Well, I went there to have some beer.

300. Was that after Kilbey told you to go?—Yes.

301. Did you go to the "Bull's Head"?—Yes.

302. Did you have some beer?—Yes.

303. And you had something to eat?—Yes.

304. Do you know the name of the landlady?—I could not say; Norris or Morris, or some such name as that.

305. Did you pay her for what you had?—Yes.

306. How much did you pay?—Well, I had two pints of beer I paid for.

307. Did you pay for what you had to eat?—Yes.

308. How much did you pay?—Ninepence.

309. Out of your own pocket?—Yes.

310. Did you tell Kilbey that?—No.

311. You told Kilbey that you did not pay?—Yes.

312. And that was untrue?—Yes.

313. After you had been at the "Bull's Head," did you meet any of your companions; seven of them?—I met somebody here in the afternoon.

314. Seven of them?—I do not know how many; there might have been seven.

315. Did you tell them to go to the "Bull's Head," or tell them that you had been having something

something to eat and drink at the "Bull's Head"?—No.

316. Did you mention the "Bull's Head" to them?—I said I had been to the "Bull's Head."

317. Did you tell them they could have anything to eat and drink there?—No.

318. You swear that?—I swear that.

319. Did you see Burrowes give 2*l.* to Parker?—No.

320. Any money?—No money whatever.

321. Did you tell this to Mr. Kilbey: "I did not pay anything; Whitmore, Green, Samuel Smith, Henry Coutts, and another was there; I saw Burrowes pay Parker 2*l.*, to be spent on the road": did you make that statement, and sign it?—I might have done so.

322. Is it true?—No.

323. You intentionally stated that which you knew to be untrue?—Yes.

324. Who told you to state that; that you saw Burrowes pay Parker 2*l.* to be spent?—I made it out of my own head.

325. Pure invention, out of your own head?—In pure invention.

326. Did you start back again about eight o'clock?—Between eight and nine.

327. You had some drink on the road?—Yes.

328. Did you see anybody on the road give Parker money, a man who keeps a druggist's and grocer's shop?—No.

329. "We stopped first at the 'Prince William Henry,' where we had two half-gallons of ale; then at the 'Wheatsheaf,' and one said there was a good old Tory opposite, and that we might get something out of him; he came over to us, and gave Parker 2*l.*; he keeps a druggist's and grocer's shop;" is that true?—No.

330. Did you make it up out of your own head?—Yes.

331. You did not reach the "Talbot" at Leicester till about two o'clock in the morning?—About that time.

332. Did Parker ask you to go there the next morning to him?—Wagstaff his name was; he asked me to come up in the morning.

333. Where to?—To the "Talbot."

334. For what purpose?—I suppose to be made right with, as they talked about.

335. Did you go?—Yes, I was there.

336. Were these the persons you met, Samuel Smith, Jones, Ward, Whitmore, Green, and Denny?—No, there were only four of us.

337. Who were they?—Me, Denny, Smith, and Green; those were the four; the others were in work.

338. Did you see Parker there?—Not then.

339. Or Freeman?—No.

340. You say "Not then"; when did you see Parker or Freeman next?—At night.

341. Where did you see them?—At the "Talbot."

342. You went in the morning; did you go away from the "Talbot," or stop there?—I stopped there just about an hour, or an hour and a-half.

343. You then went away?—I went away and had some dinner.

344. Where did you go to have the dinner?—At home.

345. And came back in the evening?—Yes, about seven o'clock.

346. Did anybody then tell you to come?—I do not know; I use the house.

275.

347. You did not come from any message?—*F. Clark.*
No.

348. You met Parker and Freeman there?—*16 February*
Yes; I seed Parker there at night, the night *1869.*
after the polling.

349. You told us you went in the morning, in order, you supposed, to be made right; what did you say to Parker, if anything, about being made right; did you ask him for anything?—No.

350. Did any one in your presence?—No.

351. You had gone in the morning to meet Parker, so as to be made right. When he came in the evening, that was said about being made right?—I never heard any one talk about being made right.

352. Or getting any money?—Or getting any money.

353. You could not find anybody in the morning; what was said to you about being made right that night; what was said by anybody that night; you had gone in the morning to be made right, and to see Mr. Parker: when he came in the evening, what was said about getting your money, or being made right?—They talked about one thing and another; some said they were going to have some money, and some wanted some.

354. Who wanted the money?—Smith wanted some, and Green says he was going to have some of Denny; he said he should have some.

355. Who did they say that to?—To Mr. Parker.

356. You did not mention the subject?—I said if they had any I would have some.

357. To whom did you say that?—To Mr. Parker.

358. What did Mr. Parker say?—He says he had got no money.

359. Was Wagstaff there then?—No, he was not there.

360. Did you see Wagstaff at any time with Mr. Parker during that day, Wednesday?—No.

361. Do you mean to tell me that Mr. Parker said he had got no money?—Yes.

362. Did Mr. Parker say he had drawn the money from Mr. Kilbey for the Bishop-street Ward, 15*s.* for each man in his ward?—Mr. Parker said what?

363. Mr. Parker said he had drawn the money from Kilbey for Bishop-street Ward, 15*s.* for each man in his ward; upon your oath did not Mr. Parker say that?—I never heard him; I had that information from Denny.

364. Denny told you that?—Yes.

365. That Mr. Parker had said so?—Yes.

366. Is this true, that they were not satisfied with 15*s.*?—There was a bit of a bother; some said they should have more.

367. More than what?—Fifteen shillings.

368. To whom?—To Mr. Parker and others amongst themselves.

369. Then 15*s.* was mentioned in Mr. Parker's presence, but they said they would have more than 15*s.*?—Denny said so.

370. To Mr. Parker?—Yes.

371. That they would have more than 15*s.*?—Yes.

372. What caused Denny to say, "We will have more than 15*s.*," who fixed 15*s.* as the sum he was to have?—Mr. Parker.

373. Tell me what Mr. Parker said about that 15*s.*; what did Mr. Parker say about 15*s.*?—He says, Denny says that he says there was 15*s.*, and he wanted 1*l.*

374. What did Mr. Parker say about 15*s.*; never

F. Clark. never mind what Denny said?—I do not understand you.
 16 February 1869. 375. What did Mr. Parker say about the 15 s.?—He did not say anything.
 376. You said Mr. Parker did say something about—

Mr. Justice *Willes.*] He fixed the sum of 15 s.

377. Mr. *James.*] When he fixed the sum of 15 s., what were the words he used?—Denny told me, he says, I have got 15 s. a-piece for t'others and all; there was a bit of a bother; some said I have only had 10 s.; there was one of them only had 10 s.

378. Mr. Justice *Willes.*] Who?—One of them.

379. How much had you?—I never had a halfpenny.

380. Somebody complained of only having 10 s.?—Yes.

381. Mr. *James.*] Who was that?—I think it was Denny,

382. You say Mr. Parker fixed the 15 s.; what did he say when he fixed the 15 s.?—He says that was all he had got.

383. Was that before or after he said he had not any money at all?—Yes; they went then with him and said they should have it; he owned he had got some for four or five.

384. From whom did he say he had got it?—Mr. Kilbey.

385. You know James Kilbey of Bishop-street Ward?—Yes, perfectly well.

386. You say he fixed the 15 s., and said he had got it from Kilbey; what did he fix the 15 s. for?—For the loss of time, I was given to understand.

387. Was that said?—It was for trouble.

388. Did he tell you for how many he had got 15 s.?—Four or five for that ward.

389. How many voters were there in that ward; were there four or five that polled in Bishop-street Ward?—I think there were seven; that is what I heard, there were seven.

390. When he said he had got 15 s. for four or five from Kilbey, did the men ask him to pay it?—Yes.

391. What did he say or do?—He handed it over to some one, and they seemed to be satisfied; four or five of them.

392. To whom did he hand it over?—Wagstaff had the 15 s.

393. Wagstaff was there then?—Yes.

394. Was anything said about Wagstaff having lost a little child?—Yes.

395. And had buried it?—I think he had got it dead in the house.

396. Did he get 15 s. or 1 l.?—He got 1 l.

397. Was anything said before he got the 1 l. about his loss?—Mr. Parker seemed to know him; he said that he had lent him 5 s. out of his own money.

398. But the 15 s. he gave him?—Yes.

399. To whom else was 15 s. given?—Sam Smith, so he says.

400. You were present, and you saw Mr. Parker hand over the money?—I never seed no money.

401. You say they asked Mr. Parker for money, and you said that he handed over the money?—He gave it them; I did not see no money pass.

402. Did you see him put his hand to them?

—Yes; I thought he was making them all right.

403. What caused you to think he was making them all right; was it by what you saw?—Because they left off grumbling.

404. Before they left off grumbling, did he put his hand near to them?—Yes; we were all close together.

405. He put his hand near to them; did you see them look at what they had got in their hands?—No.

406. What did they do with their hands?—They put their hands in their pockets.

407. All of them, one after the other?—Yes.

408. Who put their hands into their pockets; Wagstaff, Smith, and who else?—Denny and Smith.

409. What is Denny's Christian name?—It is either James Denny or James William Denny.

410. He put his hand in his pocket?—Yes.

411. Anybody else; we have Wagstaff, Samuel Smith, and Denny; anybody else?—Yes; there was Green there.

412. Did Green put his hand in his pocket, or did he have anything?—I only seed one make a movement to put his hand in his pocket, and that was Smith.

413. Did Green stop grumbling?—Yes; they stopped grumbling; some said it was not right, for then they had not any at all, and they said, they should have it, and he said, "Well, if you will be quiet, you shall have it."

414. Some stopped grumbling, and some said they had not had it, and were not right, and he said, "Be quiet, and you shall have it"?—Yes.

415. To whom did he say that?—To all of us.

416. Did Frederick Clark put his hand in his pocket?—No.

417. Did he get anything?—No.

418. Will you swear that?—Yes.

419. This is not true, "they were not satisfied with 15 s.; they received 15 s. from Mr. Parker, and they said they could have 1 l. a-piece, and Mr. Parker said 15 s. was all he had"; is that true?—It is true in the way that they left off grumbling.

420. First, is it true that you received 15 s. from Mr. Parker?—That was a falsehood.

421. Made up in your own head?—Yes.

422. Is it true that they said that they could have 1 l. a-piece, and that Mr. Parker said 15 s. was all he had?—Smith said he should have 1 l.

423. What did Mr. Parker say to that?—He said that was all he had got; the others asked why they had not got it, and he said he had nothing to do with them.

424. Were the other men Bishop-street ward-men or not?—Not Bishop-street ward-men.

425. Did Mr. Parker say to whom they ought to go?—He said they must wait.

426. He did not mention any name?—No, he did not mention no name.

427. Did you say, "You have had all the money, and I ought to have mine"?—Yes.

428. To whom did you say that?—To all of them, I thought by what I could see; I thought they was having some, and I thought I ought to have some.

429. The next day did you meet Henry Freeman?—No.

430. Did you meet anyone who said anything about sending a letter to Coventry to see about it?—Mr. Parker.

431. Where did you meet Mr. Parker?—Coming from his work at dinner-time.

What

432. What did you say to Parker; this would bring us to Thursday, would it not, the Thursday after the poll?—Yes.

423. What did Parker say when you met him coming from his dinner?—I says, "How are you going on; do you hear anything?" "No," he says, "I have sent a letter."

434. Did he say to whom?—To the managers.

435. Did he mention the name of anyone?—No, I do not think he did.

436. You think he did not mention the name, but said he would send to the manager?—Yes.

437. On the Friday, did you go anywhere with Denny?—Yes.

438. Where?—I came to Coventry.

439. What for?—I came to fetch some things I had left.

440. Did you happen to call on Kilby?—Denny went.

441. With you?—No, by himself.

442. Did you go with him?—No.

443. Is this not true: "I and Denny went to Coventry, and called on Kilby, and asked him for my money; he replied, 'Daniel, there is enough at Leicester to pay all of you; Mr. Parker has got 40 l.; have you not been paid.'"

444. Mr. Justice *Willes*.] Who is Daniel?—I never heard the name before.

Mr. Justice *Willes*.] That is a mistake for Denny, I suppose.

445. Mr. *James*.] Did this occur: "I and Denny went to Coventry, and called on Kilby, and asked him for my money"?—Yes, that is true.

446. Did you call on Kilby?—I stood out-side.

447. Did you hear what was said?—No.

448. Is this true; did Kilby say, "Denny, there is enough at Leicester to pay all of you; Parker has 40 l.; have you not been paid"?—Denny says, that Kilby says that the money was there.

449. When Denny came out you did not hear what was said; but did Denny tell you something?—He told me —

Mr. *Huddleston*.] No; we cannot have what he told you.

450. Mr. *James*.] He only said something to you; I will not ask you what it was?—He said it would be all right.

451. I must ask you; did you not tell Mr. Kilby, "I said no, I want to be paid, and he said, have you not been paid; I was not satisfied because I had not received the 2 l. promised me by Burrows"?—I never used those words to Kilby.

452. Did he not say, "he durst not pay"?—That is what Denny told me.

453. Do you know Mr. Seymour?—No.

454. Mr. Seymour, the gentleman who is a solicitor; had you any note ever given you to take to Mr. Seymour?—No.

455. Did you know of any note?—No.

456. You never saw it or heard of it?—No.

457. Were you ever told by anyone that you were to go to Mr. Seymour?—Denny said he was going to him.

458. Did you not go with Denny to Mr. Seymour's?—I went as far as the office with him.

459. Did Denny go inside?—Yes.

460. Did you stand outside?—Yes.

461. You did not see Mr. Seymour?—No.

462. Are you sure?—Yes; I see one of the men.

463. One of the clerks?—Yes.

464. Had you any talk with him about it?—Denny did.

465. Denny talked with a clerk at Mr. Seymour's?—Yes.

466. Did you hear what he said?—He went and spoke with him.

467. Did not you go in with him?—No.

468. How did you see the clerk?—I was in the office.

469. Where Denny and the clerk were?—Yes.

470. What did Denny say to the clerk?—He said he wanted to see Mr. Seymour; he says, "Very well, wait a bit"; he waited a bit, and he went in, and I stopped in the other office.

471. Denny went in and you stopped with the clerk?—Yes.

472. Did you have any talk with the clerk?—No.

473. When you came out you could get no money; you got none from Denny?—No.

474. Did you go back to Kilby?—No.

475. Did Denny go with you?—Denny says he went back.

476. You did not accompany Denny, did you?—No.

477. Had you money of your own to pay your railway fare back?—Yes, I had money about me.

478. Did you get 5 s. from anyone that day?—No, I never received a half-penny of no one that day.

479. Is this out of your own head: "I went back to Kilby's about dinner time; I told him I could not go back because I had no money to pay my railway fare, and he then gave me 5 s."?—Denny said that when he came back again.

480. Did you and Denny go to Mr. Baker Atkins?—No.

481. Did Denny leave you and go anywhere?—He was about the town all day.

482. Did you go to the "Queen's Arms"?—Yes.

483. Is that in Coventry?—Yes.

484. Did you see Burrows there?—No.

485. Did you see anyone there who told you to go and see James Mann?—No. I never seed Burrows from that day to this.

486. Did you see anyone at the "Queen's Arms" who told you to go and see James Mann?—I seed several there; there were a good many in the kitchen.

487. You have not answered my question?—I seed several.

488. Did anyone tell you to go and see James Mann?—Not in my hearing. Denny went and spoke to two of them, to Jem Mann I think it was.

489. Who told Denny to go to James Mann?—He went of his own accord. James was in the back place.

490. Did you see Denny go and speak to him?—Yes, he went out of the kitchen into the parlour.

491. Did you hear what was said?—No, I did not.

492. You got no money then?—Yes, I had.

493. Did anyone give you any money then?—No.

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494. Did

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- F. Clark.* 494. Did you go back to Leicester that night?
—No, I went back on Monday.
- 16 February 1869. 495. Did you see Freeman and Parker when you got back to Leicester?—No.
496. You have seen Freeman and Parker since?—Yes, I have been often in their company; he lives in the same house.
497. Did you apply to them for your money to be made all right again?—I wanted to know. I ought to have some as well as the rest.
498. To whom did you say that?—I do not know whether it was Parker or Freeman.
499. What did Parker say?—He said he had got no money and had not heard any more about it.
500. Did you go to the "Talbot" any night, when you saw Green, Denny, Smith, Parker, Wagstaff and others, and did you then say what had taken place with Mr. Kilby?—I do not understand you.
501. Did you at any time, shortly after being at Coventry, go to the "Talbot" and wait till Parker came out of the factory about eight o'clock?—Yes.
502. Did you and others ask Parker for your money?—I did not know there was any money coming till they began to talk, when they said they thought they would be paid for their trouble; they told me on the road back, and going and all, that we should be paid for the trouble.
503. *Mr. Justice Willes.*] You expected to be paid for your trouble, as I understand you?—They talked as if they had been paid for their trouble.
504. I understood you to say just now that you are expecting to be paid for your trouble in consequence of what had passed in the first instance?—After they told me they expected to be paid, of course I thought I should have some.
505. I dare say it is my fault, but I understood you to say that you had been led to expect from the beginning that you would be satisfied, and it was because of that you expected to be paid for your trouble?—Yes, by what they said, that they should be made satisfied, of course I expected.
506. *Mr. James.*] Was it on this occasion, at eight o'clock in the evening, when you waited for Parker coming out of the factory, that you and others asked Parker for your money?—Yes, we stopped till he came; he promised to meet us there.
507. Did you, who had not received the money, ask him for it?—Yes.
508. What did he say?—He said he had got no money at first.
509. What then?—Somebody had got out that Wagstaff had had 1*l.*, and then they told him of it; he owned he had a pound; then he said he had 15*s.* a-piece; he says, "I have only for four or five what is in my ward."
510. You say he owned he had got 15*s.* a-piece?—Yes.
511. Is it true that when you were at Coventry Mr. Kilbey wanted to pay your expenses the first time, the polling day?—No, it is not true.
512. "Mr. Kilbey wanted to pay me when at Coventry my expenses, but I refused to receive it, because of the promise made by Burrows at Leicester;" is that true, or an invention out of your own head?—It is an invention out of my own head.

Cross-examined by *Mr. Huddleston.*

513. Who is this Mr. Streatley?—A hatter in this town.
514. Mr. Streatley keeps a shop?—Yes.
515. Is he one of Mr. Jackson and Mr. Carter's people?—Yes, what we call a Liberal; at least he is very likely to be, that is what we mean; he is a Liberal.
516. Has he been liberal to you?—Yes, he has.
- Mr. Justice Willes.*] Mr. Jackson and Mr. Carter were the previous members.
- Mr. Huddleston.*] The unsuccessful candidates.
- Mr. Justice Willes.*] Which of them stood first?
- Mr. Huddleston.*] Mr. Jackson; Mr. Jackson was Member, and was unseated on petition. Mr. Carter was the Member at the time of the dissolution, therefore he was the senior Member.
- Mr. Justice Willes.*] Who was in with Mr. Carter?
517. *Mr. Huddleston.*] Mr. Carter and Mr. Eaton. (To the *Witness.*) Mr. Streatley is one of Mr. Carter's and Mr. Jackson's strong supporters, is not he?—Yes.
518. He is one of their committee, is not he?—He has something to do with it.
519. He has a good deal to do with it, has not he?—Yes.
520. He is a very active man for them; what is he by business?—He sells hats.
521. How did he come about you?—I suppose he heard the bother; he came to Leicester.
522. And he found you out?—Yes.
523. Did he give you any money?—Yes.
524. How much did he give you?—Five shillings.
525. What for?—He wanted to get summat out of me, he wanted me to tell him summat; I told him I did not know nothing unless they could make it worth my while.
526. What said Mr. Streatley to that?—He says he would make it worth my while.
527. How did he say he would make it worth your while?—He offered to set me up in business.
528. What business?—In my own business.
529. What was your own business?—A gardener and greengrocer.
530. He offered to set you up if you did what?—If I told all I knowed about how I went from Leicester to Coventry to vote.
531. What else did he promise you?—Nothing else.
532. Who took your statement down?—I would not do anything with him and would not tell him anything; he gave me this money, and he asked me if I would think it over, and meet him the next week.
533. After he had promised you to set you up in business he gave you 5*s.*?—He promised me if I would tell what I knowed, what I had to drink, and what money I had, he would set me up in business, and I should be well paid for it when it was over.
534. As he went away you say he gave you 5*s.*?—Yes.
535. To think it over?—To think it over.
536. Did he say what was to be done with the

5 s.?—I do not know what he thought I was to do with the 5 s.; I spent it.

537. Spent it in drink?—Yes.

538. And you thought it over all the time you were drinking?—Yes.

539. Before he gave you the 5 s. you were able to tell him nothing?—Yes.

540. After he gave you the 5 s. you began to tell him something that was true, and something not true?—I told him if he made it worth my while I would see about it.

541. When did he come again?—I did not see him; I promised to meet him next Thursday; but the same night ever since the election, there were three men always over at Leicester, coming round and coming round all manner of corners, pretending they were our party.

542. Who were the three men?—One named Pollard.

543. Who else?—One called Biggs.

544. Who else?—Mr. Streetley's shopman at Leicester.

545. Mr. Streetley's shopman at Leicester, and the other two men came after you?—They came after me night after night, when I was in the public-house where I was; they would stand liquors or beer, and sweep me down, and tell me what a good thing it would be; they would come and treat me.

546. What to?—Liquors; they paid beer for me.

547. What else?—Anything I was a mind to drink.

548. Plying you with liquors?—And pumping me; when they got the beer they pumped me.

549. When they pumped you, truth and untruth came out together?—I mixed up a tale out of my own head.

550. Did you do that to humbug them?—Yes, I saw they were trying to humbug me, and I thought I would humbug them.

551. Did you get any more money from them?—Yes, I had more money.

552. What more money had you from them?—Since the election they came after me night after night to this very day that I saw Mr. Streetley, and he told me what he would do, and I would not give him a decided answer, not for a bit, till he came with 5 s.; then I promised to meet him next week.

553. You say they gave you more money, besides drink; what was that?—This was the same night that these three came after me and got me in beer, quite intoxicated; and they said if I would go (I did not want to go, and I did not know what I was doing) they lugged me off by the midnight train to Rugby.

554. Were you drunk?—Yes; I do not remember going to the train.

555. You found yourself at Rugby in the middle of the night?—Yes.

556. Who was with you?—Smith.

557. Who took you there?—Those three men.

558. Mr. Streetley's shopman, and Pollard, and Biggs?—Yes.

559. What did they do when they got you to Rugby, that was the middle of the night; did they pump you again?—There was only one of them went with me.

560. Who?—Smith; he is a man as they have had to get up evidence on the case, and he works at offices in Leicester.

561. Was he the one that brought you to

Rugby?—Yes; and found me lodgings there next morning.

562. In Rugby?—He paid for my lodgings there.

563. How long did you stay in Rugby?—It was the midnight train, and we got up by about eight in the morning.

564. You were at Rugby at eight in the morning?—We stopped at Rugby all night; we slept at a public-house, and got up at eight in the morning.

565. What did they do then?—They gave me some more drink.

566. How many were with you?—Only this man Smith.

567. He gave you some more drink at Rugby; what did he do then?—I said I should not go; I am not going to tell unless I have something. He says, "Come then, if you tell all you know, you must tell them summat, I will buy you a lot of rabbits to take back to Leicester with you."

568. He said "You must tell them summat;" what did you understand by that?—I was to tell them all I knowed, I suppose.

569. Were you to tell them the truth; did he tell you to tell them the truth or untruth; to make up some story?—What I had heard; I told him one thing and another; they wanted summat.

570. When the man said, "You must tell us summat," did he say that you were to tell him the truth, or make up some story?—I said I would go.

571. Did he say, "You cannot have the rabbits unless you tell us summat, whether it is true or untrue"; did he say so?—Yes.

572. Did he say "You must tell them something, if true or untrue"?—He said I must tell them something; he thought I was going to tell them the truth.

573. Did he say, "What you say you must stick to"?—Yes.

574. Where did they take you to from Rugby?—To Coventry.

575. Were you drunk at Rugby?—I was not what you may call sober; I had been drinking all night.

576. What did they give you to steady your nerves before you left Rugby?—I had some liquors in some coffee.

577. What were the liquors?—Whisky.

578. What time did they get you to Coventry?—About 9 or 10.

579. What did they do with you when they got you to Coventry?—They took me to Mr. Kerby's office.

580. The solicitor's?—Yes; he lives in Little Park-street.

581. What did they do with you when they got you there?—They wanted me to tell what I knew about the affair.

582. Did they promise you anything?—Mr. Streetley promised me, and he promised me if I would tell, he would pay for four dozen rabbits for me.

583. Who said that?—Smith.

584. You went with that; was it under the influence of the four dozen rabbits, the 5 s., and the promise to set you up in business, that you made this statement?—Yes.

585. You have told us that part was true, and part was untrue?—That is the fact.

586. It would be very difficult to say what was true, and what was untrue?—There was

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some of it true, and some of it was downright falsehood and hearsay.

587. Where did you go to from Mr. Kerby's office; was that the time that you signed your statement?—Yes.

588. Did they give you any money then?—No, I had some beer.

589. At Kerby's office?—Yes.

590. Did they ply you with beer while you were giving your testimony?—I had some beer and bread and cheese.

591. Who took down your evidence at Mr. Kerby's office?—Mr. Kerby.

592. Was it he that gave you the beer?—He sent for it.

593. And you had the beer in his office?—Yes.

594. My learned friend says, I forget the bread and cheese; where did the bread and cheese come from, out of Mr. Kerby's larder?—I do not know; I seed it in there.

595. Do you mean that they keep bread and cheese in an attorney's office?—I never was in one before.

596. Did they send for the bread and cheese?—Yes, they sent for it.

597. Were you drinking beer when you gave your evidence?—Yes.

598. Did you see Fox there?—Yes.

599. Was it Fox went out for the beer?—I could not say; it might have been him.

600. Were they pumping you there, to use your own expression?—Yes.

601. How long were they pumping you at Mr. Kirby's office?—I should think I was there two hours.

602. Was anybody present, except yourself and Mr. Kirby and Fox?—Yes; Mr. Streetley was there.

603. The person who had promised you the place, and had given you 5 s.?—Yes.

604. Was Streetley present when you made your statement?—Yes.

605. What became of you after you left Mr. Kirby's office?—I thought I was going to have the rabbits, but I found they would not give them me.

606. You expected to get your four dozen rabbits?—Yes.

607. And you did not?—No.

608. They were not liberal to you then; they had your statement written down, then?—Yes.

609. What did they do with you then?—They told me to go to Mr. Streetley, and see him at his shop.

610. Did you go to Mr. Streetley at his shop?—Yes.

611. What took place there?—He told me to stop a bit, and do all I could for them.

612. To stop a bit and what?—To do all I could for them, and help them in the way of getting up evidence, and he gave me 5 s.

613. That is another 5 s.?—Yes.

614. What else?—That was Friday, the market day. I stopped in the town and spent my money; and towards night I thought there would be some money coming from the same quarter, so I went up to his house.

615. You spent your money in drinking?—Yes.

616. Then you thought there would be some more coming, so you went up to Mr. Streetley's house?—Yes.

617. What took place there?—I told him I

had learned who the carriage belonged to they wanted to know; I said I thought it was Twiss's.

618. How long did you stay at Streetley's that night?—It might be a quarter of an hour.

619. Did you get anything more?—Five shillings.

620. Five shillings more?—Yes.

621. That was 15 s.?—Yes.

622. When you took them up the bit of information about who you thought the carriage belonged to, they gave you another 5 s. for that?—Yes.

623. What did you do with that 5 s.?—Spent it.

624. In drink?—Yes; at least I had to live upon it.

625. That was Friday night?—Yes.

626. What became of you on the Saturday?—I was going about all day messing about; I was walking about, doing nothing, in fact.

627. At Coventry?—Yes; and I never went anigh till Sunday night.

628. On Sunday night you went to Mr. Streetley?—Yes.

629. What did you get from him then?—He gave me 1 s. then.

630. That was on the Sunday night?—Yes.

631. Did you stay in Coventry then?—I stayed till Monday.

632. Did you go back to Leicester?—He says, I might stop, and he would see to me; I should not want for anything; I might stop.

633. Who said that?—Mr. Streetley; and I stopped till Monday.

634. Did you go back to Leicester on Monday?—This here young man, one of the t'others, young Pollard, said I was to go back to Leicester.

635. Who paid your expenses back to Leicester?—Young Pollard.

636. What did he give you for that?—He paid my railway fare, 2 s. 2½ d.; he went and got the tickets.

637. Did he give you any money?—No.

638. Did anybody else give you any money on Monday?—No.

639. Did they give you the rabbits?—No, I never had the rabbits.

640. They did not give you the four dozen rabbits?—No.

641. When did you next see anything of the lot?—I was in Leicester; they came almost every day, and wanted to know everything, and all about it.

642. Did they give you any money?—No.

643. Did they give you any drink?—Yes, I had plenty of drink.

644. Every day?—Almost every night.

645. From those three people, Pollard, Bigge, and Smith: when did you have any more money from them?—I did not have any more money off them, not till I had my subpoena. I had 5 s. with that.

646. Is that all the money that you have had from them?—I had 16 s. off Mr. Streetley altogether.

647. Five shillings with your subpoena?—Yes.

Mr. Justice Willes.] That would be from the petitioner.

648. Mr. Huddleston.] Who gave you the 5 s. for the subpoena?—Fox or Cox.

Mr. Justice Willes.] I ask for a business reason. I will tell you presently why I ask that question.

649. Mr.

649. Mr. *Huddleston*.] Some of this, you say, Denny told you, did he?—Yes.

650. And some you invented?—Yes.

651. And some was true?—And some was true.

Re-examined by Mr. *James*.

652. Is that which you have told us to-day, upon your oath, true?—Yes.

653. All that you have said to-day is true; that is so, is it?—Yes.

654. Mr. Justice *Willes*.] Has anybody given you anything for your expenses in coming here beyond the 5 s.?—No, nobody whatever. I came on Sunday night.

655. Were you at work at Leicester when that talk was about coming over to Coventry, and voting, and being satisfied?—Yes.

656. You were at work at Leicester?—Yes.

657. Have you a family?—No.

658. Had you left Coventry then?—Yes, I had been away about six weeks, or two months, before.

659. You had gone to work at Leicester?—Yes, I had a pony and cart.

660. Had you a place to live in in Coventry, if you came over?—Yes, I was living with my brother.

661. Was that your place, or your brother's?—My brother's.

662. I did not quite understand you how long after the election it was that you were spoken to about telling them summat?—It was Thursday week; Mr. Streetley was the first that came to me at Leicester, and he asked me what I knewed about it.

663. When was that?—That was the Thursday week after the election.

664. About a fortnight after the election?—Yes, the 26th of November.

665. The election, I think, was on Tuesday?—The 17th.

666. On the 26th of November, you were spoken to?—Yes.

667. You did come over here to vote?—Yes.

668. And you did vote?—Yes.

669. You came over here expecting to be satisfied afterwards?—I did not hear anything of it till they got talking about it on the road.

670. Were you coming over out of pure generosity, not expecting to be paid for your trouble?—I should have come over if I had walked, because I wanted to fetch some scales and weights.

671. I am not sure I understood you right; I want to know what day it was you had that talk, that you should be made satisfied; that was before the election, as I understand?—That was on the road they were talking about it; it was when we were coming on the road with the carriage.

672. Was Mr. Parker with you, coming along the road with the carriage?—Yes, we were all there, about 23 of us.

673. Mr. Parker was with you coming along?—That was when they began to talk; they said that they had always been paid for out voting, and it should be made right; I did not think it would, but I thought, if they had any, I ought to have some.

674. Mr. Parker was by, and you think he must have heard the talk about your being made satisfied?—Yes, he was in the room; he must have heard it, I should think.

Mr. Justice *Willes*.] The reason I asked about the 5 s. is this, because it is sufficient for conduct money but not sufficient for his expenses here; he was here yesterday and he must be here to-day; that is two days, and I could not send a warrant for him or the other man, on the amounts tendered to them.

Mr. *James*.] Will you ask him, my Lord, what room he meant?

Mr. Justice *Willes*.] I happen to know where he says the room was; he must have his expenses; I do not know whether you want to ask him any further questions, because if so, the petitioners must pay him fairly such sum as is reasonable for his expenses in remaining in Coventry; it is not safe for either of you to let him go just at this moment. (To the *Witness*.) What I have been saying is not against you, but in your favour; it is necessary that you should remain, certainly, till this part of the case is over; but it is not reasonable that you should remain at your own expense, and I have been stating to the lawyers for the petitioners that they must give you each day a reasonable sum for your expenses to stay here: you must not leave Coventry without express leave from me; you must get up into the box and ask me leave to go; if you go without my leave, you will be subject to be imprisoned.

SAMUEL SMITH, sworn; Examined by Mr. *James*.

675. You are a voter for this borough, I believe?—No.

676. For this city?—No.

677. Have you a vote?—No.

678. Never?—Yes, previous to the last election I had always.

679. Did you vote at the last election?—Yes.

680. You had a vote?—Previous to the last election I had.

681. For whom did you vote?—For Mr. Eaton and Mr. Hill.

682. You have given your statement in evidence to Mr. Kirby the petitioner's solicitor?—Yes, I was drunk at the time.

683. Where did you sleep last night?—Where

did I sleep? I don't know exactly; not in Coventry.

684. Will you swear that?—I swear so.

685. That you don't know where you slept?—I will swear I don't know.

Mr. Justice *Willes*.] Allow me to say one word to you, and I say it really without any feeling of anger against you; you are not in the same condition of life as myself, and therefore I cannot and ought not to form a prejudice against you from your manner; but I have been for many years trying not to say words without a meaning to them; and if your manner, during the short time

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you have been in the box, is intended to injure the petitioner or to help the respondents, it has precisely the contrary effect, and you had much better apply your mind simply and straightforwardly and truthfully, as is your duty, to answer the questions put to you, for if you do not you will necessarily raise a prejudice against those whom you are anxious to serve.

686. Mr. *Henry James* (to the *Witness*).] Where did you sleep last night?—I don't know; not in Coventry.

687. Where was it?—I couldn't say where it was.

688. Did you walk there?—No; I went in a cab.

689. Who took you?—I don't know; he was quite a stranger to me.

690. What direction did you go?—I should think it was in a London direction.

691. At what time did you come into Coventry this morning?—I came straight here.

692. At what time?—It was about a hour ago, I should say; about one o'clock.

693. Where did you go to?—I came straight here; direct here.

694. By yourself?—Yes, alone.

695. You came straight from the house where you slept?—Of course, I came straight from the house where I slept.

696. Where was that house?—I could not say, I think it was somewhere in Sowe.

697. Have you lived in Coventry for many years?—I have been away from it for many years.

698. What is the name of the village?—I couldn't swear whether it was Sowe or not.

699. Was it a public-house?—No, a private house.

700. What made you go there?—Because the cabman had orders to take me.

701. And you don't know who gave the orders to the cabman?—I don't know whether I do or whether I do not.

702. If you do know, who was it?—I do not know him by name, he was a stranger to me; he had a sort of overcoat or muffler on. I didn't know him and shouldn't recognise him if I was to see him.

703. Did you ask him why you should go to a strange house?—I had a place where I could have stayed at if I had wanted, the "Red Lion," but I didn't choose to stay there. I chose to go away and I did so.

704. Did this stranger meet you in the street?—I went and applied at a Conservative house for a Conservative.

705. What was the name of the Conservative house that you applied at?—Well, at the first house, I don't know the sign of the house.

706. Who keeps it?—I don't know.

707. How do you know that it was a Conservative house?—The Liberals had been keeping me out of Coventry since the election, and I said that I should come and make myself known to them and not deceive them.

708. To whom did you send that message?—To several people.

709. Tell me one?—I don't know; Mr. Hill was one.

710. The gentleman who is the sitting Member?—No.

711. Who is Mr. Hill?—He is a painter and glazier of this city.

712. To whom else did you write?—I forget

now. I will tell you one whom I did write to. I will give you a straightforward answer; Mr. Hill, a painter and glazier of this city.

713. Who else?—I didn't say anyone else.

714. With the exception of Mr. Hill, do you forget the name of the person to whom you wrote?—No, I sent him word I should do no injury to the cause, and I will give a straightforward answer.

715. At the time of the last election where were you living?—I think it was Leicester, either Leicester or Derby.

716. Mr. Justice *Willes*.] Are you not sure?—I am not sure. I have been knocking about the country for a length of time, some years; about seven years I have been knocking about.

717. Mr. *Henry James*.] Will you swear upon your oath that you are not certain whether you lived at Leicester or Derby?—I will swear that I am not certain.

718. That is your solemn word upon your oath?—Upon my oath. I am not certain, but I almost think it was Leicester.

719. Were you living at 4, King Richard-road, Leicester?—No.

720. Where were you living?—No. 4, King Richard-road.

721. That is what I said?—I thought you said "14."

722. Were you living there at that time?—I think I was.

723. Have you any doubt that you were at 4, King Richard-road, Leicester?—I did live there some time, but I might have lived there at the time this election was on.

724. What are you by business?—A weaver or anything.

725. You are a weaver?—I have been weaving last.

726. Are you a freeman of this city?—Yes.

727. I believe Leicester is more than seven miles from this city?—It is about 27 miles, I believe, or 26½ I believe, to the best of my recollection.

728. About a week before the last election for the city of Coventry did you see a man named Henry Parker?—Yes, he was used to work for me; I know him quite well, and a particular friend of mine he is.

729. On the Saturday morning before the election did you learn from him that there would be a meeting at the "Talbot"?—Yes, I believe that Mr. Parker told me that there was going to be a meeting along of the election at the "Talbot."

730. When?—On the Saturday night.

731. Did you go there?—Oh, yes, most decidedly.

732. Whom did you see there?—I saw many people.

733. Give me the names of those whom you know?—Sidney Parker, James Freeman, and a lot more; there were about 20 of us.

734. I want the names of those whom you knew?—I did not know many of their names.

735. Will you give me the names of those you do know?—First of all Mr. Cleaver, Mr. Jones, Mr. Smith (that is myself) and Mr. Higham and several others; I cannot tell you all the names.

736. Do you know Frederick Clark; have you been in court whilst the last witness was examined?—No.

737. Do you know a man named Wagstaff?—Yes.

738. Was

738. Was he there?—He was there about five minutes, that is all; he just looked in and wished us “good evening,” and went off.

739. You have mentioned Frederick Jones; was William Greene there?—I don’t know him.

740. Was there a man there who went by the name of “Greene”?—Yes, I don’t know him; he was a stranger to me.

741. John Whitmore?—Yes, he was a stranger.

742. James Ireland?—Yes.

743. Cleaver you have mentioned?—Yes.

744. Henry Parker, Henry Freeman, Samuel Bunny?—I cannot swear he was there; I don’t believe he was there.

745. Herbert Farren?—You must mean Mr. Farren, he was there.

746. Do you happen to know his Christian name?—I will not swear to it, but I think it was “Herbert.” I always called him Mr. Farren.

747. Did you write anything on a piece of paper that night?—No.

748. Did you write anything for the purpose of being telegraphed?—No.

749. Did Freeman say anything about his writing for a Post Office Order for the railway tickets, as he did not like mentioning that in a telegram?—Not to my knowledge.

750. Have you ever said that he did?—Well, I am not aware of it.

751. Is that your signature (*handing a paper to the Witness*)?—It looks something like it; it looks a great deal like it.

752. What do you think?—I have not read it.

753. But you can read your signature?—I believe that is my name.

754. Will you swear that it is your handwriting?—I could not swear it was.

755. What do you think?—I couldn’t swear it was my writing; I do not think it is my writing, but my name is Samuel Smith.

756. Mr. Justice *Willes*.] Just look at it. It is a very good handwriting, and you need not be ashamed of it?—It is a great deal like it. There is a letter left out in this. I always put my name in full; this is not Smith. I always put my name in full; that is “S-m-i-h;” I always put a “t” to my name.

757. Mr. *Henry James*.] On your oath, do you believe that to be your signature or not?—I always put a “t” in Smith.

758. That is not an answer to my question. Upon your oath, do you believe that to be your signature or not?—Well, I don’t think it is.

759. That is your belief?—That is my firm opinion; it is not my writing, because I always write “Smith” in full. Upon my oath, I do not believe I wrote that.

760. Upon your oath, did you not sign those words in the presence of Mr. Kirby and the manager of your master’s works at Leicester?—No; I don’t believe I did for a moment.

761. Then you think it is a forgery?—I think it is a forgery.

762. Did you make a statement to Mr. Kirby?—Well, I had been out lushing and drinking all day—

763. You shall say all that afterwards. Did you make a statement to Mr. Kirby?—Yes, I did, and I was drunk.

764. Was what you said taken down?—I believe it was, to the best of my knowledge.

765. Who were present at the time it was

taken down?—Mr. Kirby, and the manager where I work.

766. What is his name?—Wagstaff.

767. Is Mr. Wagstaff the manager?—Mr. Padmore is the manager.

768. Was he present?—No, he was not.

769. Were you yourself present when your statement was taken down?—Who was it? I forget now who it was, but I know it was somebody there.

770. You stated it was the manager of your employer’s works; what is the name of the manager of your employer’s works?—Richard Padmore; he was not there.

771. Who was the person that was there?—He was the foreman, Mr. Benjamin Bark.

772. Was he present?—Yes; he went with me and persuaded me to go.

773. Did you sign a paper in their presence?—Well, I would not swear that I did.

774. What is your belief?—I believe I did not.

775. To the best of your belief, you did not?—Yes.

776. Upon your oath, did you not sign that paper in the presence of Mr. Kirby and that person you have mentioned, Mr. Benjamin Bark?—I don’t think I could have signed it in that way; there is a letter left out.

777. That is not the question; did you or did you not sign this paper in the presence of Mr. Kirby and the manager, Mr. Benjamin Bark?—I believe I signed some paper; they made a pretence of reading it over to me, but it was no use for I was “inoculated.”

778. Why did you tell me then before that you did not sign the paper?—I do not believe I did.

779. Then why did you tell me that you did?—Well, I have a many beliefs.

780. Mr. Justice *Willes*.] How many?—Well, of course, it is a question for me. If he had asked me in a straightforward way, “Did you sign the paper?” I should have answered the question.

781. Suppose I ask you straightforwardly, Did you sign the paper?—I did sign a paper; but I do not know whether it was that paper, but you will understand that I was tolerably drunk at the time; I was out lushing, and I have signed a many papers since then.

782. Mr. *Henry James*.] There was a third person present?—Mr. Bark, Mr. Kirby, and me; that was the third person.

783. Upon your oath, was that the paper?—I would not attempt to swear that that was the paper; I would not swear it was or was not; I did not take any notice of it; it is a matter of indifference to me whether it is the paper or not.

784. Did you not at that interview tell those gentlemen that Freeman would write for a Post Office order for the railway tickets, as he did not like the idea of mentioning that in a telegram?—No.

785. Will you swear it?—I told him a many things.

786. Did you tell him that or not?—I might have done so; but is a man answerable for what he does when he is drunk; I might have told him so.

787. Was it true?—No; if I did so it was not true.

788. Assuming that you did so, do you swear that it is untrue?—I swear that it is untrue.

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789. Do you recollect saying it?—I do not.

790. But if you said it, it was untrue?—If I said it, it was untrue.

791. Did you know it to be untrue at the time you said it?—I had been kept like a gentleman in Lancashire for a length of time.

792. Did you state what you knew to be untrue in the hopes of getting something for it?—Yes.

793. Intentionally?—Yes.

794. For the purpose of misleading those gentlemen?—Yes.

795. That was your intention at the time?—Yes, as far as I was able to carry it out; I wish I could have done it a little better.

796. What for?—For the sake of getting more coin.

797. You wish you could have told more untruths?—Yes.

798. Was there anything said upon that occasion when you met Parker at the “Talbot” about your being made all right?—What do you mean by “all right?”

799. Never mind. Was there anything said about your being made all right?—Not in my hearing.

800. Will you swear that you never heard it?—I will swear that I never heard it; I might have heard it, but I do not think I heard it; I cannot recollect having heard it now.

801. Mr. Justice *Willes*.] Is it true that you do not understand what “all right means,” or that you might have heard the words “all right;” or do you swear that you did not hear the words “all right?”—I might have heard it and not recollect.

I shall not repeat my exhortation; it is thrown away upon you. You are determined to do all the harm you can to your friends.

802. Mr. *Henry James* (to the *Witness*).] Was there anything at all said upon that occasion about your being made all right?—Not to my knowledge.

803. Will you swear that?—I will swear that.

804. Have you ever said there was?—No.

805. Did you not tell Mr. Kirby; and was it not taken down that “there was a great talk about our being made right. I understood that the fare was to be paid and loss of time”?—No; I have no recollection of it. I might have told him so; but I have no recollection of having done so.

806. If you did so, was it true or untrue?—Untrue.

807. Was it arranged that you were to go again at eight o'clock on the Monday night?—Yes.

808. Was it told you by Freeman and Parker that they could not promise a sovereign, but that you should be all satisfied?—There was a general talk about whether we should be paid for our loss of time and expenses, and all that. We were wondering among ourselves whether we would be paid for it or not.

809. Was Parker in the room where you were talking?—He was in and out.

810. You were talking about it amongst yourselves?—Yes; to be paid for loss of time. Of course, it is a matter of expense to come over from there, and loss of work.

811. Did you attend there again on the Monday night at eight o'clock?—Yes; I did.

812. About how many persons were there on the Monday night?—Forty or fifty.

813. Was a copy of the register produced by any one?—Yes.

814. By whom?—I do not know who it was produced by; it was on the table when I went in.

815. Were your names called out from it?—No.

816. Were your names ticked off?—There was a list of who was on the register in Coventry on the table, and we gave our names in. Those who intended to vote gave their names in; we got a list of names.

817. You have not seen Frederick Clark to know him?—I do not know Frederick Clark.

818. Was a man named Burroughs there?—I think he was; I would not swear.

819. Was a man named Denny there?—Yes; but he is not a voter.

820. I know he is not; but you will see what became of him; was he there?—He was there, I believe, that Monday night; he was not there on the Saturday night, I am certain; I think he was there on the Monday night.

821. You say that you gave your names in; was it arranged that you should go over in a carriage next morning?—Oh, yes; it was arranged that we should have a conveyance to take us by road.

822. Where were you to meet?—We were to meet under what you call the “Crow Trees” at Leicester.

823. Is that in the Hinckley-road?—No, it is at the bottom of the Coventry-road.

824. Is that on the same road that leads to Hinckley?—Yes; you have to go to Hinckley to get to Coventry.

825. On the Monday night was there a discussion about the money you were to receive for your expenses and loss of time?—Yes, some of them spoke of a lot of money, and some of them spoke of a trifle.

826. Did not some say 1*l.*, others 30*s.*, and others 2*l.*?—Yes, and some five and some ten.

827. Was Parker present at that time?—Yes, he was there.

828. When this was said, what did Parker say?—Parker kept his mouth closed, and never said a word; I never heard him speak a word while I was there.

829. You never heard Parker nor Farren say a word about this?—Not that night; I seen them both there, because one sat on one side of the fireplace and the other on the other side, and I never heard them say a word about it. That is all I know about it, and a little more though.

830. What is the “little more”?—Well, I got drunk.

831. The next morning did you go to this meeting-place in the Hinckley-road?—Yes, I went with them in the conveyance. There was a gentleman lent it them, they said; I believe he was a gentleman; he was just like a gentleman, the footman was, and behaved in a very gentlemanly way; but I got a glass of brandy and water for him, and he would not have it, and so I think he was a gentleman.

832. Did Freeman give you any money?—No.

833. Is this true: “Freeman came to me and gave me 2*s.* 6*d.*, and told me to pay for drink at the first house we stopped at”?—That is not true.

834. Did

834. Did you state that to Mr. Kirby?—I might have done; but if I did, I do not know what I was doing, or it might have been to get some money out of him. I will take my oath he did not give me anything.

835. When you got near to Coventry, were you met near the new church at Foleshill by anyone?—Yes.

836. By whom?—Mr. Arthur Seager.

837. Did he give you anything?—Yes, he gave me a voting card, and I went and voted.

838. Did he give the others voting cards?—Yes.

839. You went and voted for Mr. Eaton and Mr. Hill?—Yes.

840. After having voted, did you see a man named Thomas Eavs?—Yes; I went to his house and had a glass of brandy, and paid for it.

841. And you went, I believe, to the "Newdegate Arms"?—Yes.

842. Which is kept by Thomas Eavs?—Yes.

843. Did you see some of the Coventry voters who had been there?—No.

844. None?—No, not one, nor half a one. There had not been one there when I went there.

845. But about half-past four, did you see Herbert Farren and Wagstaff and Ireland there?—I did not; they never was there. Mr. Farren and me went together there, and the others were not there.

846. "I went again about half-past four, and had some more. Herbert Farren, George Wagstaff, James Ireland, and some other persons were there, taking refreshments. I did not pay for anything." Is that true or not?—I will take my oath that they never went to the "Newdegate Arms."

847. Is that true or not?—No, it is not true. If you look again, you will see it is not true.

848. "I went again about half-past four and had some more. Herbert Farren, George Wagstaff, James Ireland, and some other persons were there, taking refreshments. I did not pay for anything?"—You do not say where that is. That is not the "Newdegate Arms."

849. Where is this?—Not the "Newdegate Arms," because I have never been in there with them.

850. Where is this?—I have no idea where it is. They never went there with me.

851. Where did you see these four persons?—I never saw them at all.

852. Where was it, if not the "Newdegate Arms"?—It might have been at Leicester. I have seen them at Leicester many times.

853. Did you know that it was the "Newdegate Arms" that I was referring to?—You said it was the "Newdegate Arms," and I said it was not there; I did not see them there.

854. Allow me to make my confession that you are right. "He took me to Podbury's, in Market-street, and told me to have what was wanted. I had a glass of ale and some beef and potatoes. No other person was there." Is that true?—No.

855. Did you go to Podbury's?—No.

856. Did you say that which I have read to you?—No.

857. Did you say to Mr. Kirby that Herbert Farren, George Wagstaff, Ireland, and some other persons, were anywhere?—Not to my knowledge I did not; I was drunk at the time.

858. We have your signature for that which

275.

shows how drunk you were. I believe you left about five o'clock in the evening?—Left where?

859. Coventry?—No; I did not leave so early as that, because I was knocking about late.

860. What time was it when you left?—About ten o'clock, I should think.

861. And at what time did you get to Leicester?—I do not know; I never saw the time.

862. Upon the Wednesday, did you go to the "Talbot"?—Yes.

863. What time of the day was that?—I think it was dinner time.

864. About one o'clock?—Between one o'clock and two o'clock we had our dinner.

865. Was Henry Parker there?—Yes, I think he was, to the best of my knowledge; I believe he was there.

866. Cleaver?—No; Cleaver was at work; he was not there.

867. Samuel Bunny?—I think he was there.

868. George Wagstaff?—He was not there.

869. Will you swear that?—Yes.

870. William Green?—Green was there.

871. James Denny?—James Denny was there.

872. And Clark?—Yes, I believe he was.

873. What did you mean by telling me that you didn't know Clark, and now you swear that he was there?—I couldn't think of him, but he is a little hump-backed chap; I never spoke to him in my life.

874. Do you know a man who went by the name of Frederick Clark?—No, I do not; he goes by the name of "Humpy Clark," not "Frederick Clark"; I never heard the name before.

875. Mr. Justice *Willes*.] Mr. Clark or Clark?—"Humpy" Clark; he has got a hump on his back, and they call him "Humpy."

876. Mr. *Henry James*.] Did any of the persons present ask at all how they were going to be paid?—No, there was a talk about whether we should have anything for our loss of time.

877. Who mentioned that subject?—We all did.

878. Did you go there for the purpose of getting it?—Yes.

879. What caused you to go there for the purpose of getting it?—Because we had met there on the Saturday night and the Monday night.

880. How did you happen to be all there together at one o'clock on the Wednesday?—Because we were all at work till one; we went to make inquiries to see if there was to be any money allowed to us for loss of time.

881. To make inquiries from whom?—Anybody that came, expecting to see some one from Coventry, some alderman or something.

882. What made you expect to see an alderman from Coventry?—I expected they would come and pay them.

883. Was any alderman's name mentioned?—No.

884. What makes you fix upon an alderman?—Some big gentleman, some body high in the world.

885. What made you expect some big gentleman high in the world?—Well, we didn't think that they would trust it to a pauper.

886. Had anything ever been mentioned by any one about a gentleman high in the world?—I never heard it mentioned.

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887. But you fixed upon an alderman?—Yes; that is the height of my ambition.

888. Was it you that happened to inquire for Mr. Henry Freeman?—I saw him there.

889. Did you go and search for him, and fetch him?—No.

890. Mr. Justice *Willes.*] Where did you see Freeman?—At the “Talbot” in Leicester.

891. Mr. *Henry James.*] Parker was there?—Yes, Parker was there; there was a lot of us; we were all there.

892. You had gone there to see whether you could get your money for loss of time; did you try to get it?—I wanted to know if I was going to be paid; they said we should have something sometime, but we do not know when.

893. From whom did you make the inquiry?—From the men that sat next.

894. Did you make that inquiry from Parker?—From Parker, and Freeman, and Bunny, and Cleaver, and a lot more.

895. Mr. Justice *Willes.*] This was after the election?—On the Wednesday.

896. Mr. *Henry James.*] You tell me you did make the inquiry from Parker?—No, I didn’t inquire from Parker more than anybody else.

897. But you did make it from Parker, Freeman, and two others?—Not from two others, Cleaver and Bunny; Parker, Cleaver, Freeman, and Bunny.

898. When you asked Parker for it, what did he say?—He said he had got no money, and he didn’t know anything about it; he said it would be all right sometime, but it didn’t come all right.

899. We have had an account of this conversation before; is this true: “Parker then said, he had got the money for all that voted in Bishop-street ward,” is that true?—Not to my knowledge, nor he never said it to me.

900. Will you swear he didn’t say it?—I will swear he did not to me.

901. Might he have said that in your hearing?—No.

902. Not to anyone in your hearing?—Not to anyone in my hearing.

903. Do you swear that?—I swear it.

904. “I asked him for money; he said he had got 15s. for each of us in that ward.” On your oath was that said?—No.

905. Not to anyone?—No.

906. To Mr. Kirby, in the presence of the manager whom you have mentioned, did you not say these words: “Parker said he had got the money for all who voted in Bishop-street Ward. I asked him for mine; he said he had got 15s. for each of us in that ward”?—I don’t think I did.

907. Will you swear that you did not say so, and sign it?—I don’t think I did.

908. Will you swear that you did not?—Yes.

Mr. *James* applied that Parker and Denny might be ordered out of Court.

Witness.] I have not seen Parker or Denny these three months since the election; they have been kept out of the way; they have been keeping me out of the road; I have never had any chance of seeing either of them.

909. Mr. *Huddleston.*] Who have been keeping you out of the road?—The Radicals.

910. Mr. Justice *Willes.*] Are you quite sure of that?—Yes, I have witnesses to prove it. They have sent me 25s. a week.

911. Mr. *Henry James.*] Did you not state that if you remained at Leicester your wages were 25s. a week?—No.

912. How much were they?—A guinea.

913. Is this true: did he pay Clark, Cleaver, and yourself 15s. each?—He did not pay me. I do not know whether he paid them.

914. Did you vote in the Bishop-street Ward?—I voted in Hales-street.

915. Is that the Bishop-street Ward?—Yes, it is the Bishop-street Ward.

916. Is this true, that Parker paid Clark and Cleaver and you 15s. each?—He did not pay me; I don’t know what he paid them.

917. Did you see him give any money to anyone?—No; he never had any money; he was always as poor as death.

918. That was before the election?—And he is now; he was the last time I saw him, whenever that was; a week after the election.

919. Did you say it was shabby?—Say what was shabby.

920. Did you say that night or that day, at the “Talbot,” that it was shabby?—Well, I might have done; but I think it was shabby. I think they ought to have paid our expenses for the loss of time, because working people cannot afford to lose their time and come away from one town to another to vote.

921. What do you mean by “shabby”?—They ought to have allowed us something, I think, for the loss of time. I caught a very severe cold and teeth-ache from riding in an open conveyance at night.

922. Did you say to Mr. Kirby, on the occasion when you made your statement, “he paid Clark, Cleaver, and myself, 15s. each. I said it was shabby, it would not satisfy me; I expected a sovereign. He said if that did not satisfy us he would write to Mr. Hutt, senior, who had told him to do so, and he would send an extra 5s. for us each”?—I might have said some of it; I will not swear, but if I did it was untrue; I might have said that and a lot more, but if I did it was untrue. I did make a statement to Mr. Kirby, but I was under the influence of liquor at the time.

923. But this looks pretty coherent?—I did not write that, you will understand.

924. But you might have, you say?—I didn’t write it.

925. Did you or did you not, to the best of your recollection and belief, say it?—Well I have some faint recollection of telling some tales for the purpose of getting sent out of the way for a week or two.

926. Which tales you knew were untrue?—Decidedly.

927. “Parker said we should be sure to have it; I certainly should not have gone up to vote at the loss of a day’s labour, unless I understood that this would be paid for.” Did you say that to Mr. Kirby?—I might have said it, but I would have walked my legs off to come to them, but I should have expected some money.

928. By whom did you expect to be paid for your loss of time?—I should expect the Conservative party to pay me.

929. How long did you remain in Leicester after the election?—I think I went away the last

last week before the election to Bury, to Mr. Streightley's, the manager's father.

930. At that time had you seen Parker?—I never saw an individual I knew till Mr. Fox, Mr. Kirby's clerk, came and served me with a subpoena.

931. Before you left?—Yes, I saw him there.

932. How many times did you apply to Parker for your money?—Every time I saw him I dunned him for it, both him and Freeman.

933. For how much?—I did not care how much, but I could not get hold of anything; they would not loose.

934. When did you give the information to Mr. Kirby?—On Saturday night. They came over at about one or two o'clock.

935. And in the presence of your master's manager you made a statement?—They promised to give me plenty of work if I would make a statement.

936. Had you been at work that morning?—Yes; oh, yes.

937. Had you been at work then whilst you were drunk?—This was at night after dark.

938. Had you been at work in the afternoon?—No, I had been drinking all the afternoon.

939. Who gave you the drink that you say made you drunk?—Our manager paid for some and I paid for some.

940. You have been at Bury since?—Yes.

941. How much did you receive a week?—Twenty-five shillings a week, and a little more perhaps; that is what has been sent me.

942. Did you not state that that was what you could earn if you remained at your work?—I could earn more if I was to work.

943. You have been in communication with different persons on the Conservative side?—Yes I have; I wrote as soon as I got there.

Cross-examined by Mr. *Huddleston*.

944. Who was the person who you say came to you to ask you to give evidence, and got you to make a statement and say you were drunk?—They were applying to me every hour in the day where I worked, my master and the foreman.

945. Who was your master?—Mr. Archibald Turner, at Leicester.

946. What was he?—He was a red hot Radical.

947. What did this red hot Radical come to you about?—He wanted to know how we had been going on, and he was at me ding-dong from morning till night, first one and then another.

948. Who were the other persons?—The master's brother; they call him the manager and the foreman.

949. Is he a red hot Radical too?—Yes, they are all alike there; I did not have a minute's rest with them.

950. Did they give you any money?—They made a promise that I should have something handsome when it was all over.

951. Did they give you any drink?—Well if a glass of ale would be any drink I might have had that, but that would be about the extent. They would not part; they would not give us any more.

952. Where did you give your statement to Mr. Kirby?—At Mr. George Streightley's establishment in Leicester.

953. Then how did they make you drunk before you made that statement?—Why I went to

a public-house opposite to where I work; me and the foreman went there and got drinking, and he persuaded me up.

954. Who persuaded you?—The foreman.

955. Mr. Streightley's foreman?—No, where I worked at; and I personated a man there, as they told me at the time; I don't believe I had, but they threatened to have a warrant out against me, and I should have lost my work and been thrown out of my employment.

956. What were you to do if you were not to have a warrant against you?—I was to be kept well and live in clover.

957. Who told you that?—The Liberals.

958. About those Liberals; they said they would have you up and prosecute you for personation if you did not do what?—If I did not acknowledge I had done something desperate.

959. And if you did acknowledge that you had done something desperate you were to live in clover?—Yes; they were to pay for it, and I was to live in clover.

960. And that was the inducement for you to make a statement which you say is not true?—Most decidedly, and nothing else.

961. Now where was the clover that they took you to live in?—In Bury, in Lancashire.

962. Were you ever at Bury before?—Never in my life before.

963. What took you to Bury?—They took me there.

964. Who?—The Liberals.

965. The dark blues?—The dark blues.

966. Just give me the name of those dark deeds, dark blues I mean?—Yes, Mr. Zachariah Binley; he was a farmer; he used to be a chemist in Coventry.

967. Is he a dark blue?—He is a thorough going dark blue.

968. Is he a red hot Radical?—A thorough going red hot Radical; he came over to Leicester on the Sunday night; he had been running after me all day and I did not get home till late at night, and he was there waiting for me, and he said, "It's all right Smith, come along with me; I will see you all right. We will allow you plenty of money and more than you can get if you will go and keep out of the road."

969. And where did they take you to keep out of the road?—To this place, Bury, in Lancashire.

970. Who took you there?—Why, Mr. Streightley's manager.

971. What became of Zachariah?—He went to bed; I went off by train.

972. Zachariah went to bed; did Mr. Streightley's manager go with you?—Yes, he took me to Bury, in Lancashire, to his father's.

973. Mr. Streightley seems to be everywhere; he is at Leicester, and he is at Bury; what is he at Bury?—He is nothing there; only a post office order used to come every week with his name on.

974. Where did they take you to at Bury?—At Mr. Streightley's manager's father's; he is in business there as a hat manufacturer.

975. Did you do any work there?—Oh, no.

976. When did they take you to Bury to live in clover?—Directly the election was over, and they only brought me back last night. It would be about the latter end of November.

977. Who brought you back last night?—Mr. Lingard, from Bury.

978. Is that Mr. Streightley's manager's father?

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ther?—Yes; he is in business there. They sent two letters and a telegram, that he was to be sure and see me safe here.

979. Have you been living in what you call "clover" ever since?—Yes, ever since that.

980. And had a post office order?—Yes, every week.

981. From whom?—From Mr. Streightley.

982. Were you doing no work?—No work whatever.

983. And what was the post office order for?—Twenty-five shillings, and more when I wanted it.

984. Where did you live at Bury?—I lived at this hat shop; a large shop in the principal street of Bury.

985. At this Mr. Streightley's manager's father's?—Yes.

986. And you had your food besides?—Yes; oh, yes; and a nice comfortable place it was too.

987. You had your food, and lived in the house, and had 25 s. a-week?—Yes.

988. All the time you were there?—Yes.

989. Mr. Justice *Willes*.] How long were you at Bury?—I think it is about eleven weeks; close on three months.

990. When did you leave it?—Yesterday morning at 20 minutes to 10 o'clock. I went to Manchester, and I booked from Manchester to Nuneaton at 25 minutes to 11; I could not get on to Nuneaton in time, so I booked again by the London and North Western line from Leicester to Coventry.

991. Nuneaton is a long way from Leicester?—It is 18 miles.

992. Then you went to Leicester?—I stopped at Leicester.

993. What time did you get there?—At four o'clock.

994. At what time did you leave Leicester?—At half-past six o'clock.

995. Where did you get to next?—To Coventry. I was to be changed carriage at Nuneaton, and then there was a gentleman waiting at the station, and eight or ten roughs to see me safe.

996. At what station?—At the Coventry station.

997. From Leicester?—Yes.

998. At what hour did you get to Coventry?—At eight o'clock.

999. At eight o'clock in the evening?—Yes. Then I went to Mr. Hatton's at the "Red Lion."

1000. What time did you get there?—I should think five or ten minutes past eight o'clock.

1001. How long did you stay at the "Red Lion"?—Till I could get out; about five minutes; I slipped out as soon as I could get a chance.

1002. Where did you go then?—I went in and seed a man with a large overcoat, as I didn't know.

1003. As you came out of the "Red Lion"?—Yes.

1004. What sort of an overcoat had he on?—A large black overcoat.

1005. Where did you go to next?—He put me into a cab, and sent me off to a place to sleep.

1006. How far from the "Red Lion" was the cab?—Well, it was about five minutes' walk, I should say; about a quarter of a mile.

1007. Did the man tell you his name?—I did not inquire his name; I knew it was all right; I think his name was Johnson; I would not swear that it was Johnson.

1008. What is he?—He told me that there was a bed provided for me.

1009. You have your wits about you, and you are not drunk now, and I warn you as a sober man to mind my words, and to answer my questions, both in respect of yourself and of everybody else who has anything to do with this transaction. What is the man that put you in the cab?—A weaver, I believe.

1010. Give me his name?—It is either Jackson, Williams, or Williamson.

1011. Was that the man with the great coat on?—Yes.

1012. Were you drunk when you got into the cab?—Yes, I was drunk when I arrived in Coventry.

1013. Where did you get drunk?—I called at Leicester and Derby, and had a glass or two there, and I had a pint of rum to start with.

1014. Where did you get drunk?—On the road, coming along.

1015. What places on the road?—I brought a pint of rum with me from Manchester, and I had several glasses before I started in the morning. I think that is enough to make anybody drunk.

1016. You were drunk when you got into the cab?—I was.

1017. When did the man tell you his name was Jackson, or Williams, or Williamson?—I knew him by sight.

1018. And you said just now you did not know him?—I don't know him thoroughly, but I know him by sight; I don't know him, but I believe his name is either Jackson, Williams, or Williamson. I have some slight knowledge of him, but I don't know the man.

1019. You got into the cab; where did the cab go to?—It went to a private house up the London-road.

1020. How far from where you got into it?—I should think about two miles, as far as I could guess.

1021. What sized house?—It was about a two-storey house, a very small house; I daresay three shillings or four shillings a week the rent would be.

1022. Could you find it again if taken there by a policeman?—Yes, I could take a policeman to it.

1023. Whose house was it?—I don't know the man's name. I knew him by sight, but I don't know what his name is.

1024. What is he?—A weaver, I believe; I am not certain whether he might be a watchmaker; I don't know what he is.

1025. What is his name?—I don't know what his name is, but I know where he lives.

1026. Did he tell you his name?—I did not ask him.

1027. Did he tell you his name?—No, he did not.

1028. What did you do when you got to that house?—I went to bed.

1029. At what hour was that?—I think it would be about nine o'clock.

1030. How long did you stay in bed?—Till about eight or nine o'clock this morning.

1031. When you got up what did you do?—I went to Mr. Kirkpatrick's, at the "Pitt's Head."

1032. What is he?—A licensed victualler.

1033. What is his house?—The "Pitt's Head."

1034. At what hour did you get there?—I have

have not seen a clock this morning, so I could not say what o'clock it was.

1035. How long did you stay there?—I might have stayed there half-an-hour, or perhaps an hour, and then I was wanted here, and so I came here.

1036. At what time of the day did you arrive here?—I had been here about a couple of hours, I think, before I showed up here.

1037. Why were you not here at 10 o'clock?—They told me that the counsellors would be opening the case, and all that, and I should not be required.

1038. Why were you not here at past 11

o'clock, when the counsel had done the opening of the case?—It might be half-past 11 or 12 o'clock when I came. I made the best of my way here.

1039. Are you willing now to go with a policeman and point out the house where you slept?—Yes.

Mr. Justice *Willes* directed Serjeant Sheasby to accompany the witness to ascertain particulars regarding the house where he had slept.

[The Witness withdrew.

JAMES DENNY, sworn; Examined by Mr. *Henry James*.

1040. WERE you a voter for the last election for this city?—No, not a voter.

1041. Were you at the last election?—In Coventry.

1042. Were you a voter at the last election?—I did vote.

1043. In what name did you vote?—William Denny.

1044. And what is your name?—James Denny.

1045. Have you a brother of the name of William Denny?—Yes.

1046. Where was your brother?—In Liverpool.

1047. Did you intentionally vote in his name and personate him?—I wrote a letter to him, and he said he could not come, and he said I might vote for him.

1048. Did you give your name in at the polling booth as "William Denny"?—Yes.

1049. For whom did you vote?—For Mr. Hill and Eaton.

1050. At the time of the last election where were you residing?—In Leicester.

1051. What were you by business?—A scarf weaver.

1052. Were you in Coventry on the nomination day?—Yes.

1053. On the Monday?—Yes.

1054. Did you see Mr. James Kilbey?—No.

1055. Not at all?—I do not know him.

1056. Do you know Mr. Kilbey?—No, I do not know him.

1057. I mean a baker in Bishop's-street?—I know his shop, but I do not know the gentleman.

1058. Did you see him at all?—I did not.

1059. Were you at the "Talbot" on Monday night?—Yes.

1060. Who were present?—Oh, there were 30 or 40, I daresay.

1061. Were those Coventry voters?—Most of them.

1062. Was Parker there?—Yes, he might be.

1063. You know whether he was or not?—I could not say that he was.

1064. But you know Henry Parker?—I do know Henry Parker.

1065. What is he?—He is a weaver.

1066. How long have you known him?—Ever since the election.

1067. Not before?—Not before.

1068. When did you make his acquaintance?—On the Sunday night before the election.

275.

1069. Where did you see Parker on the Sunday night before the election?—I met him in High-street, Leicester.

1070. What did he say to you?—He said, "How do you do?" I said, "How do you do, Mr. Parker."

1071. Then you knew him before?—No, another man was with him, and said he was Mr. Parker.

1072. Who told you to come to the "Talbot" on the Monday?—Parker says, "Will you come down;" and I said, "Yes, I will come."

1073. Was Parker there?—I cannot tell.

1074. What is your belief as to whether he was there?—I did not see Parker there that I know of.

1075. But you did know Parker?—I know him, but I did not know he was there.

1076. What is your belief?—I could not tell whether he was there or not.

1077. Was Freeman there?—Yes, Mr. Freeman was there.

1078. Was a man named Frederick Clark there?—Yes, he was.

1079. Was a man named Samuel Smith there?—Yes.

1080. The man who has just gone out of the box?—I have not seen him since the polling-day; I do not know whether he has been in the box or not.

1081. For what purpose did you go there?—I went to see how many voters there were coming to Coventry.

1082. Was any list read out?—No.

1083. Were your names called out?—No.

1084. You did not answer to your name?—No.

1085. Nor hear anyone?—No, I did not.

1086. In your presence was anything at all said about your being paid for your loss of time, and having that made good to you, and that it should be all right?—No.

1087. You swear that?—I swear that, upon my oath.

1088. You never heard any general talk about that in the presence of Clark and Samuel Smith?—I did not.

1089. You never heard one word of that said?—No, I did not.

1090. By anyone?—No.

1091. Was there anything said about your being made satisfied?—Not in my hearing.

1092. Were there any persons talking together in a low tone?—No, it was all one amongst another, drinking and joking.

1093. And not a word was said about being made

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made satisfied for the loss of time?—Not in my hearing.

1094. You have told us that you voted in your brother's name?—Yes, I did.

1095. Whom did you see after you had voted; did you see Mr. Kilbey?—No, I told you before that I did not know Mr. Kilbey.

1096. On the next day, or at any time after that, did you come over to Coventry with Clark?—Yes.

1097. What for?—To see the county election.

1098. Was that the only object of your visit?—Yes; I did not go to work that week.

1099. Did you go anywhere in company with Clark?—I went to Kilbey.

1100. Who did you see?—I bought a penny loaf and some bread and cheese; I did not go to see Mr. Kilbey.

1101. Upon your oath, coming over from Leicester, did you go to Kilbey's only for the purpose of buying that loaf?—Yes, and then we had a pint of ale and some bread and cheese.

1102. Did you ask to see Kilbey?—I did not; I never saw the man in my life.

1103. Did you see anybody at Kilbey's?—Only a shopman.

1104. You represent that you went to Kilbey's by accident?—No accident.

1105. You went for the purpose of only getting a loaf?—Yes, I never knew the man in my life.

1106. Did you tell Clark that you could not get any money?—No.

1107. Did you tell Clark that Kilbey had told you that 40 *l.* had been sent to Parker, at Leicester, and you ought to be paid for that?—I did not.

1108. Did you go to Mr. Seymour's office?—Yes.

1109. Had you any note with you?—No.

1110. Any paper?—Oh, no.

1111. No writing?—No.

1112. Why did you go to Mr. Seymour's office?—I went with Clark.

1113. But what did you go for?—I had no business with Mr. Seymour; it was Clark that went.

1114. But who went in and saw Mr. Seymour?—Clark.

1115. Where were you?—I was outside, in the clerk's room.

1116. Did Frederick Clark tell you that he wanted to see Mr. Seymour?—Yes, he did.

1117. Did you know that Mr. Seymour was an attorney?—Yes.

1118. Did you know that he was agent for Eaton and Hill?—I do not know anything at all about agents; I knowd he was an attorney.

1119. And that he was on the same side with the Conservatives?—Yes, I am aware of that.

1120. What did Clark say to you; did he say "I am going to Mr. Seymour's"?—Yes, he said that.

1121. Did you ask him what for?—Yes, I did.

1122. What did he say?—"To see if I cannot have some money."

1123. What for?—For his vote, I suppose.

1124. Was that after you had been at Kilbey's?—Yes, after I had had the penny loaf.

1125. You keep putting that down my throat; did you and Clark go direct from Kilbey's to Seymour's?—Yes, after having the bread and cheese.

1126. Where was it that Clark said he would

go to Seymour's?—Coming along Butcher's row.

1127. You had come over with Clark?—Yes, that morning.

1128. And you had to come over on the voting day with him?—Yes.

1129. Then you went to Mr. Seymour's?—Yes.

1130. Do you state upon your oath that Clark went in?—Yes.

1131. And saw Mr. Seymour?—Yes.

Mr. *Henry James* stated that Mr. Seymour was an agent of the sitting Members for election expenses.

1132. Mr. *Henry James* (to the *Witness*).] How long was Clark in at Mr. Seymour's?—I think about ten minutes.

1133. Did you stop out in the clerk's office?—Yes.

1134. Were there any clerks in the office?—One.

1135. Did you speak to him?—Yes, I said, "How do you do?" He was a school-mate of mine.

1136. Then he would know whether it was Clark or you that went in and saw Mr. Seymour?—Yes.

1137. When Clark came out what did he say to you?—He told me he had not got any money.

1138. Did he tell you that he had asked Mr. Seymour for some?—Yes.

1139. Where did you go to next?—We walked about for half-an-hour.

1140. Did you tell Clark that Kilbey had given you 5 *s.*?—No.

1141. You never said so to him?—I never said so to him.

1142. How long have you known Clark?—Twelve years we were playfellows together.

1143. Did you tell Clark to try and get you some money from Mr. Seymour?—No.

1144. Why should Clark have it and you not?—I did not want any money.

1145. When did you go back to Coventry?—I was in Coventry then.

1146. I beg your pardon; to Leicester?—On the Sunday night.

1147. Between the election and the Friday, had you been to the "Talbot" again?—Yes.

1148. When was that?—On the Wednesday after the election.

1149. At what time?—From 12 o'clock to two o'clock I was there.

1150. Was Samuel Smith there?—Yes.

1151. Was Parker there?—Yes.

1152. Was Frederick Clark there?—Yes, he was.

1153. Who else?—Four or five. There might be six or seven, or eight or nine.

1154. Of the voters who had gone to Coventry on the Tuesday?—Most of them; some other voters.

1155. Was Cleaver there?—Not in my presence.

1156. George Wagstaff was?—Not that I know of.

1157. You do not know him?—I know the man, and worked on the next loom to him, but I do not know that he was there.

1158. Do you know that he lost a child?—Ido.

1159. Was anything said about money on that occasion?—No.

1160. On your oath?—On my oath.

1161. Did

1161. Did Parker say he had not money to pay it?—I never heard him.

1162. You were there between 12 o'clock and two o'clock?—Yes.

1163. And not one word was said?—Not that I heard.

1164. Did Parker say anything about the Bishop-street ward voters?—Not in my hearing.

1165. And you mean to say that in your presence, and that of Frederick Clark and Samuel Smith, not one word was said about your being paid or you being satisfied?—Not in my hearing.

1166. I presume you are well aware that Parker gave you no money?—I will swear that no man gave me no money.

1167. Henry Parker has given you no sum of 15 s., or any sum at all?—No sum at all.

1168. You had never a farthing from Parker in your life?—No money from anyone in my life, except the 5 s. on the subpoena.

1169. And you saw Henry Parker give no money to any man?—I never saw him.

1170. Did you see him shut his hand in any one else's, and did you see them putting their hands in their pockets?—No.

1171. Was anything said about Wagstaff having lost his child?—They said it was a bad job he had lost his child.

1172. And nothing was said about 15 s. to you nor in your hearing?—Not in my hearing.

1173. And was never uttered by you?—Never uttered by me.

Cross-examined by Mr. *Huddleston*.

1174. Has Mr. Streightley been to you?—Yes.

1175. Where do you live?—At Leicester.

1176. What has Mr. Streightley been to you about?—He has been to persuade me to come to see Mr. Kirby at Coventry several times.

1177. Did he give you anything to drink?—No.

1178. Did he give you any money?—No.

1179. Did you get any money from him?—No.

1180. He saw you at Leicester?—Yes; he sent for me to his shop.

1181. Did you see a man of the name of Bulling?—Not to my knowledge; there was his shopman came, and I did not know what his name was.

1182. You say that this suggestion about money being offered to any of them is positively untrue?—Yes.

Re-examined by Mr. *Henry James*.

1183. You say you were at Coventry on the nomination day?—Yes.

1184. Did you come back with anyone?—I came back by the train at night.

1185. Did you see one of Mr. Eaton's sons there that night?—I saw him at the Coventry station; I never saw him afterwards.

1186. You never saw him at the Leicester station?—No, I did not.

1187. Nor in Leicester?—Nor in Leicester.

1188. Mr. Justice *Willes*.] I cannot quite make out how you got over from Leicester to Coventry on the polling-day?—We came over in a van.

1189. Was Parker in the van?—Yes, he was.

1190. And Clark?—Yes.

275.

1191. What made you come over?—I told you I came over on purpose to vote for my brother, and I went down to my mother's, and a card was left for my brother; I sent him word he was on the register, and he said he could not come, and that I might vote for him..

1192. Where was he living?—At Liverpool.

1193. Had he left Coventry?—He has not voted ever since he has been a freeman.

1194. When did he become a freeman?—Some years ago; maybe eight years ago.

1195. Has he lived in Liverpool ever since?—He has lived in Liverpool ever since.

1196. Is he upon the register although he has lived at Liverpool for seven years?—He is.

1197. What business had he to vote?—He never had voted at Coventry.

1198. How came you to allow yourself to commit the double fraud of representing as a voter a man who had no vote?—I did not know that I was doing any harm; he sent to me to say he could not come over, and said I might vote for him.

1199. Can you read?—I cannot.

1200. Nor write?—No.

1201. Do you think it no harm to tell a lie?—Well, I think it is harm to tell a lie.

1202. Were not you telling a lie when you went up to the poll and represented yourself to be your brother?—Had there been an objection to me I should not have polled.

1203. But people who do not know that they are speaking to a false man cannot object. You say you came over from Leicester to oblige your brother; what were your expenses of coming over and returning?—There was no expense, only what attached to myself.

1204. That is not the question. What did it cost you to come over from Leicester to Coventry and to return?—It might cost three or four shillings, or four or five shillings.

1205. Were you at work at the time?—Yes.

1206. Did you lose your day's work?—Not that day; we were all knocked off in Leicester, being election day.

1207. Did they allow you to go?—That day we all gave over before the election in Leicester.

1208. Did your master allow you to go?—Yes; he gave us a whole day's holiday.

1209. Who is your master?—Mr. Barrington.

1210. What is his business?—A worsted scarf manufacturer.

1211. He let his men go that day?—Yes, he did.

1212. But did he let everybody go, voters or non-voters?—He let them all.

1213. Were you a voter for Leicester?—No.

1214. Did he let all the men go?—Yes; all had a day's holiday throughout the place.

1215. You spent three or four shillings?—Yes, four or five shillings.

1216. Who repaid it to you?—Nobody.

1217. Did your brother pay it to you?—No.

1218. Did you spend four or five shillings for no object except to tell the lie that you were your brother, and the additional lie that your brother had a vote?—Well, that was because I came here to vote.

1219. And you never expect to get the money repaid?—No.

1220. You would not take it if it were offered you?—No.

1221. Your principles are such that you would

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 1223. Nor said you did?—Nor said I did.
 1224. *Mr. Justice Willes.]* Did you get into this vehicle on the Hinckley road?—Yes.
 1225. Who told you that it was to be there?—There were two or three told me; that was at

the meeting on the night; I came away before the meeting was over.

1226. Was that at the “Talbot”?—Yes.

1227. Was Parker by at the time?—Yes, Parker might be.

1228. But was he?—Yes, he was at the “Talbot.”

1229. It was dark when you got into it?—Yes, it was just getting the break of day; they were just putting the lamps out at half-past six.

[The Witness withdrew.]

Henry Parker was called, but did not appear.

THEOPHILUS FOX, recalled; further Examined by *Mr. Henry James.*

T. Fox. 1230. Did you serve Henry Parker with a copy of the subpoena which you hold in your hand?—Yes.
 1231. When was that?—On the 5th of February.
 1232. Where?—At Leicester.
 1233. What did you give him?—Five shillings.
 1234. When did you see him last?—I saw him this morning.
 1235. Where did you see him?—At the “Golden Cross.”
 1236. Did you request the witnesses there to attend at the court?—Yes.
 1237. What did they say?—The majority refused to attend, but they said when they were called for they would answer. They would not attend.
 1238. How long is it since you were at the “Golden Cross”?—It was at 11 o'clock; and then I certainly saw them at the “White Horse,” and I asked them how they came to change their place.

1239. Had you sent anybody to the “Golden Cross” to look after him?—No; I requested all of them to come into the room this morning, but they refused.

1240. Did you serve that notice of what they would subject themselves to if they refused?—After I requested them to come, they said they should not be outside. They said they should be in the “White Horse.” They first told me the “White Horse,” and they afterwards went to the “Golden Cross.” They refused to come with me; they would not come with me. They are adverse witnesses.

1241. If I were an attorney's clerk (which in many respects would be a more pleasing position to me than my present position), I should have done much more than you did to get those witnesses here; and you must go and do it now.

[The Witness withdrew.]

SAMUEL LORD, sworn; Examined by *Mr. Chandos Leigh.*

S. Lord. 1242. ARE you a Freeman of Coventry?—Yes.
 1243. Where do you live?—In Birmingham.
 1244. Where in Birmingham?—In Preston-street.
 1245. Did you vote at the last election for Coventry?—Yes.
 1246. For whom did you vote?—For Mr. Eaton and Hill.
 1247. Were you living at Birmingham at the time?—Yes.
 1248. Before you went to vote for Eaton and Hill, did you receive any circular about your vote?—Well I did receive a kind of circular; it was merely a voting card.
 1249. Have you the card here?—No, I have not; I thought there was no necessity.
 1250. What have you done with it?—I have thrown it away; but it was only to solicit my vote.
 1251. Was any name signed to the card?—Well, I don't remember that there was any name whatsoever attached to the card.
 1252. Do you remember the name of Plummer?—

Mr. Huddleston objected to the question.

Mr. Justice Willes over-ruled the objection.

1253. *Mr. Chandos Leigh (to the Witness).]* Do you remember the name of Plummer on the card? I almost think there was the name of Plummer attached to the card.

1254. How long before the election was that?—It was only a day or two before.

1255. After receiving that card, did you go anywhere in Birmingham to a public-house?—Well, I never went anywhere at all to any public-house till the Monday night.

1256. Do you know a place called “Spital's”?—Yes; I went to “Spital's” on Monday night.

1257. Is “Spital's” a public-house?—It is.

1258. Then you went on Monday to “Spital's,” a public-house in Birmingham?—Yes.

1259. By whom is the house kept?—I believe it is kept by Spital.

1260. It is a public-house in Birmingham, kept by Spital; who did you see when you got to the public-house?—Well, I see Mr. Gwynn and Mr. Barnacle.

1261. Is Mr. Gwynn a Coventry voter?—Yes, I believe he is; I don't know; I expect he is.

1262. Did you see any other man that you knew to be a Coventry voter there?—No, I did not see anyone else.

1263. Do you know a man called Rose?—He came in after.

1264. But

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1264. But was Rose there while you were there?—Yes; he came in after.

1265. Then there were Rose, and Gwynn, and yourself there?—Yes.

1266. Do you know a man called Barnacle?—Yes; he was there; this Barnacle was there when I got there.

1267. Did you speak to Barnacle at Spital's?—Yes, I think I did speak to him.

1268. What did you say to Barnacle?—I asked Barnacle, I think, how he was going on; and I asked him where a man named Suddens was; I says, "Where is Mr. Suddens?"

1269. Is that a man called "Jemmy Suddens"?—Yes.

1270. Did Barnacle say anything to you upon that?—No more than that he is not here.

1271. Did you hear Barnacle say, "Cannot I do as well"?—

Mr. Huddleston objected to this line of examination.

Mr. Justice Willes over-ruled the objection.

1272. Mr. Chandos Leigh (to the Witness).—Did not Barnacle say these words, "Shall not I do as well"?—Yes, he said something to that effect.

1273. Was there any talk there about the Coventry election?—I do not think there was any talk at all in the place.

1274. But you say you met Barnacle there, and you met Rose there, and that you met another man there called Gwynn?—Yes.

1275. Did you have any talk at Spital's about going to Coventry the next day?—I had no talk much.

1276. Did you hear it mentioned that the Coventry election would be going on the next day?—Yes. I heard that the Coventry election would be going on, because I received a card, as I stated.

1277. Did you and Rose and Gwynn agree to go with Barnacle to Coventry the next day?—No, we did not agree to go with Barnacle the next day. We agreed that we would meet at Spital's, and all go together.

1278. On the following morning?—Yes.

1279. Was a man named Makepeace there?—Yes.

1280. Is he William Makepeace, a voter for Coventry?—I don't know that; I cannot say.

1281. Did you go there the following morning?—Yes, I went there the following morning.

1282. Whom did you meet there?—I met Barnacle there.

1283. Did you meet Makepeace there?—Makepeace was just going out as I got in.

1284. Rose?—He was not there.

1285. Gwynn?—No, he was not there.

1286. Did you go to Coventry?—Yes, I went to Coventry.

1287. How did you go?—I went by rail.

1288. Who went with you?—Me and Rose and Gwynn and Makepeace.

1289. Did Barnacle go with you?—No.

1290. Who paid your fare to Coventry?—Well, Barnacle gave me 1s. 6½d. to go with. He said he was rather short, he could not afford any more.

1291. Was that all he said, that he was rather short?—Yes, he said he was very short.

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1292. Where did he say that?—He said that when he gave it me.

1293. Where was it that he gave you the 1s. 6½d.?—In the street.

1294. At the station?—Walking down Queen-street towards the station.

1295. Did you see him give anything to Makepeace, or to Rose, or to Gwynn?—No.

1296. That 1s. 6½d. is all you saw given?—That is all I saw given.

1297. Did you pay for your ticket out of that 1s. 6½d.?—Yes, that was just what it was taken for. I came third class.

1298. You came third class, and it cost you 1s. 6½d.?—Yes.

1299. When you took your ticket with that 1s. 6½d., had you any money of your own?—Well, I had no money at all, or else I should not have taken it. I had no money to come to vote, and I wanted to come on very particular business, or else I should not have taken it.

1300. When you got to Coventry where did you go to?—Well, we went as far as St. John's Church, and then we went to the committee rooms.

1301. What committee-rooms?—In Bond-street.

1302. Eaton and Hill's committee-rooms in Bond-street?—Yes.

1303. Did you see anybody there that you knew?—Well, I don't remember seeing anybody there I knew.

1304. Did you get any polling cards?—Yes.

1305. Did Makepeace and Gwynn and the other man, Rose, get polling cards there as well?—Me and Mr. Rose got voting cards before Gwynn and Makepeace went there.

1306. Who gave you the polling cards?—That I cannot tell; it was a young man in the committee-rooms. I could not tell you who he was.

1307. Did you go and vote?—Yes, we went and voted there.

1308. Where did you go after you had voted?—We went back to the committee-room.

1309. Did you go anywhere after you had been to the committee-room?—We walked about a bit.

1310. Do you know a man called Jackson?—Yes, I have heard speak of his name. That is all I know of him.

1311. Did you see Jackson in the committee-room?—We see a gentleman as they said his name was Jackson.

1312. In the committee-room?—Yes, in the committee-room.

1313. Did you go anywhere with Jackson?—No, I don't know as I went anywhere with him.

1314. Did you go to the "Newdegate Arms" at all?—Yes, we went to the "Newdegate Arms."

1315. Did you go with Jackson to the "Newdegate Arms"?—I went with Jackson to the "Newdegate Arms" after we had voted.

1316. You say, that after you had voted you went to the committee-rooms and saw Jackson there, and then you went with Jackson to the "Newdegate Arms"?—Yes.

1317. Did you get anything after you had been to the "Newdegate Arms"?—Yes.

1318. What?—I had a glass of liquor to drink with him, and a cigar

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1319. Did

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1319. Did you get anything besides drink?—He gave me 10s., and told me to get a bit of summat, to eat, and to get back to Birmingham as soon as I could, for he said he could not give me any more; he said there was no money allowed on electioneering on these occasions. "I don't suppose you will get anything; it is out of my own pocket."

1320 *Mr. Justice Willes.* What was the meaning of its being never allowed?—Of course that is best known to himself.

1321. You said something about that?—He said, "There is nothing allowed on this occasion."

1322. *Mr. Chandos Leigh.* Where was it that he gave you the 10s.?—It was at the "Newdegate Arms."

1323. Is that kept by Thomas Eves?—I believe it is.

1324. Is it the Tory house?—Well, it is always reckoned as such.

1325. Do you know Jackson's Christian name?—No, I didn't know that it was Jackson, any more than I heard somebody say that.

1326. You told us that his name was Jackson just now, and that you received 10s. from Jackson?—I said I did not know any more than that his name was Jackson.

1327. Had you known him before?—I did not know him before.

1328. Have you ever seen him since?—I have never seen him since.

1329. Did you see him for the first time in Eaton and Hill's committee-rooms?—Yes; that is the first time I seen him to my knowledge.

1330. What was Jackson doing in the committee rooms when you first saw him after polling?—Well, I do not know that I noticed him doing anything in particular, any more than looking out after the people at the election. I guess that was what he was doing.

1331. Had he any book before him?—No, I never saw no book.

1332. What was he about?—He seemed to be the same as the other people.

1333. Looking up voters?—He seemed to be walking about and looking at the booths.

1334. He took care of you?—No, he didn't take care of me.

1335. Did he take you to the "Newdegate Arms" and give you ale and 10s.?—We didn't have ale at all. I had a glass of brandy.

Cross-Examined by *Mr. Huddleston.*

1336. How long have you been a voter in Coventry?—Well, I have been a voter now for about eight years.

1337. I believe you have always voted on the Conservative side?—Yes; always.

1338. You are a True Blue—a right True Blue?—Yes, I have always voted for the Tory party.

JAMES WALSGROVE ROSE, sworn; Examined by *Mr. Chandos Leigh.*

J. W. Rose.

1362. Are you a Watchmaker living at Birmingham?—Yes.

1363. And you are a freeman of Coventry?—Yes.

1364. Did you vote at the last election?—Yes.

1365. For whom did you vote?—For Eaton and Hill.

1339. What are you by trade?—A watch-maker.

1340. And had you gone over to get work at Birmingham?—I had not gone over to get work at Birmingham; I have got work there for two or three years now.

1341. I suppose you have friends in Coventry?—Well, I have friends in Coventry.

1342. I wanted to know this; I think you say that you wanted to come?—Yes; I did want to come, of course, I should want to come on an occasion like that.

1343. You felt an interest in the cause?—Yes.

1344. When you came over to Coventry you say you went to the committee-room?—Yes.

1345. You say you had not known this man Jackson before?—No.

1346. But somebody told you his name was Jackson?—Somebody told me his name was Jackson.

1347. He was a person, I think you said, going about like others?—Yes.

1348. Were there a good many people in the committee-room?—Yes, there was a good many.

1349. People running in and out?—Yes.

1350. Some people coming for their cards, and some people coming back?—Yes.

1351. A good deal of what there is always at the election time?—Yes, about the same.

1352. And then Jackson, or the person that you call Jackson, took you to the "Newdegate Arms"?—Yes.

1353. Where is the "Newdegate Arms"?—In Hill-street.

1354. I suppose there were a good many people there when you went in?—Yes, there was a goodish many in.

1355. I think you said that you had a glass of drink and a cigar, and that you got some bread and cheese to eat?—I never got any bread nor cheese.

1356. But he gave you 10s., and told you there was nothing allowed on this occasion?—Something to that effect; I think that was the word.

1357. And I think you said that he said that this came out of his own pocket?—Yes, he did.

1358. Then I suppose you paid your own fare back?—Yes, I paid my own fare back.

1359. Did you go back that night?—No, I stopped for a couple of days, because I had to go and see my friends; my father and mother.

1360. *Mr. Justice Willes.* At what time of the day was the 10s. given to you?—Well, it was towards the afternoon; I think towards two o'clock, it might be, in the day.

1361. At what time in the day did you vote?—Well, I voted about 11 o'clock in the morning.

[The Witness withdrew.]

1366. Did you go to the "Spitals" public-house on the evening before the polling day?—Yes.

1367. Did you see Gwynn, and Barnacle, and Lord there?—Yes, they were there when I got there.

1368. Was there any talk about the election?—Yes, there was a little talk certainly.

1369. What

1369. What was said about the election?—When I got in the place Mr. Barnacle said to me, “Are you going over to vote”? and I said, “I do not know, I am sure”; “Well,” he says, “you had better go with us; it will be all right.”

1370. Did he, when he said it would be all right, say anything else?—He asked me if I would have anything to drink, and I had a glass of ale.

1371. Was anything said about being satisfied when Barnacle said it would be all right?—Well, he said we should be satisfied.

1372. Who said you should be satisfied?—Mr. Barnacle. He told us it would be all right if we went with him when we got there.

1373. That is what Mr. Barnacle said?—He said if we went with him we should be satisfied.

1374. Did any of you say anything to that, did you say what would satisfy you?—No.

1375. Did you go with him the next day?—No, I did not.

1376. Did you go to Coventry at all?—Yes.

1377. With whom did you go?—There was Mr. Lord, Mr. Gwynn, Mr. Makepeace, and myself.

1378. Did you go by train?—Yes.

1379. Who paid for your ticket?—I paid for it myself.

1380. Did you take a single or return ticket?—A single ticket.

1381. Was Barnacle there at the station?—No; I was to meet him in the morning, but the train started earlier than I could make it possible to get there, so I did not trouble to go.

1382. Did you see Barnacle at the train when you started?—He was there.

1383. Did you see Barnacle that morning at all?—Not in Birmingham.

1384. Where did you see him?—In Coventry.

1385. Did you come by a different train from him, or in the same train?—That I cannot say.

1386. Where did you see him in Coventry?—In the town, something like Hertford-street.

1387. Did anybody meet you at the station at Coventry?—No, there was not anybody met us there.

1388. When you got to Coventry what did you do?—Me and Mr. Lord came down the Warwick road together.

1389. Did you go to the committee-rooms?—Yes, we went to the committee-rooms.

1390. Did you get your polling cards there?—Yes.

1391. You and Lord?—Yes.

1392. Did you go and vote then?—We went and voted then.

1393. Did you see Barnacle again before you voted?—Yes, it was before we voted that we saw him.

1394. Where did you see him?—I think it was against the “King’s Head.”

1395. Is the “King’s Head” the head quarters of the central committee for the Tory party here?—We did not go there at all.

1396. Did you see Barnacle in the “King’s Head” yard or in the street?—I think it was in the “King’s Head” yard where we saw him.

1397. Did you go into the “King’s Head” yard at all yourself?—Yes.

1398. Did you go into the committee-rooms at the “King’s Head” yard?—No.

1399. You did not go into the committee-room the “King’s Head” yard?—It was in Bond-street we went in.

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1400. Did you see Barnacle before you polled?—Yes. *J. W. Rose.*

1401. Was it in the Bond-street committee-room?—We did not see Barnacle in the committee-room.

1402. Where did you see Barnacle?—In the “King’s Head” yard.

1403. Is the “King’s Head” the head quarters of the Tory party?—We did not go to the “King’s Head.”

1404. But do you not know from your own knowledge, that the “King’s Head” is the head quarters of the Tory party at the elections?—I have always understood it is their head-quarters.

1405. Did you see him anywhere else except at the “King’s Head” yard?—I do not think I did on that day.

1406. And who gave you your polling cards in the committee-rooms?—Mr. Suddens, I think, was there.

1407. Is that a Mr. James Suddens?—Yes; I believe his name is James.

1408. Who else was there?—There were several gentlemen there.

1409. Did anybody else give you polling cards?—Mr. Foster was there.

1410. Is that Mr. James Foster?—I do not know his Christian name.

1411. Can you tell us anybody else who you saw in the committee-rooms when you got your polling cards, besides Mr. Suddens and Mr. Foster?—Several gentlemen.

1412. Anybody you knew?—A man named Jackson, at least we were told his name was Jackson.

1413. What were they doing besides giving you the polling cards?—We got the polling cards of course.

1414. But what were those three gentlemen doing besides giving polling cards; did you see them giving polling cards to anyone else besides?—No, I do not think they gave anyone else polling cards.

1415. What did you see Mr. Jackson doing?—He was in the room standing.

1416. And Mr. Foster?—He was to take us to vote when we had got the polling cards.

1417. Did he take you to vote?—Yes, he and Mr. Suddens took us to vote, and Mr. Suddens voted at the same time as we did.

1418. Did you leave Jackson in the committee-room when you went with Foster and Suddens to vote?—Yes.

1419. Where is that committee-room; is that the committee-room in Bond-street?—Yes.

1420. After you had polled, did you go back to the committee-room?—Yes, we went back to the committee-room.

1421. Did you see Jackson there?—Yes.

1422. You had left Jackson there when you went to poll, and you saw him again there after you came back?—Yes.

1423. Did he speak to you?—Yes he spoke to us, and I was introduced to him by Mr.—

1424. Did you go with him to the “Newdegate Arms”; who introduced you to Jackson?—I think it was Mr. Suddens who introduced me to Mr. Jackson.

1425. Did he introduce you by name to Mr. Jackson?—No; he said, “This is Mr. Rose, and this is Mr. Lord”; but he was talking to Mr. Jackson then.

1426. Who was talking to Mr. Jackson then?—Mr. Suddens.

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1427. How

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1427. How did you know it was Mr. Jackson?
—I had been told by Mr. Suddens.

1428. Did he say what his Christian name was?
—No, I did not hear his Christian name mentioned.

1429. And then, if I understand you, he turned round and said, "This is Mr. Rose, and this is Mr. Lord"?—Yes.

1430. After you had been introduced to Mr. Jackson, where did you go to?—We came downstairs, out of the committee-room.

1431. Did you go anywhere with Jackson?—Yes, we went to the public, the "Newdegate Arms."

1432. Did you have anything to drink at the "Newdegate Arms"?—Yes, we had something to drink.

1433. Did you pay for it?—No.

1434. Who paid for it?—Mr. Jackson paid for it.

1435. After Jackson had paid for something to drink, did he give you anything else?—Yes.

1436. What did he give you?—Ten shillings.

1437. Where were you when he gave you 10s.?—I was just inside the "Newdegate Arms," just inside the passage.

1438. Then he did not give you 10s. in the room, but in the passage?—In the passage.

1439. Was Lord there at the same time?—We were all together in the place; he was not far from me.

1440. You and Lord and Jackson?—Yes.

1441. Did Jackson say anything when he gave you this 10s.?—He asked me if we would have any refreshments, as we had come. He said, "I am sorry there is nothing allowed on these occasions, but put this in your pocket; take this, and get yourself something."

1442. You told us he had given you something to drink before that, and paid for it himself?—Yes, this was after.

1443. After he had given you the 10s.?—We had voted then.

1444. But you told us that before he gave you the 10s. he had given you something to drink, and had paid for it himself?—This was at the time.

1445. Did you get something to drink, and pay for it out of the 10s.?—Yes, we got something to drink, and paid for it.

Cross-examined by Mr. *Huddleston*.

1446. What was it you had to drink at the "Newdegate Arms"?—I think we had a drop of brandy each.

1447. At what time did you get over from Birmingham?—I think we started by the quarter-past —.

1448. That is not the question; I am asking you what time did you get over from Birmingham?—I think about a quarter-past nine in the morning.

1449. And I suppose soon after that you voted?—It was not such a great time after we came into the town that we voted.

1450. You went to get your polling-cards, I suppose, in order that you might know your number on the register?—Yes.

1451. At what time were you at the "Newdegate Arms"?—I should think it was about dinner time, between one and two o'clock, so far as my recollection serves me.

1452. With Lord?—Yes.

1453. You did not know Jackson before then?—I could not say that I did know him.

1454. What did you do with your 10s. which you say you got?—Of course a part of it paid our expenses back home, and with part of it we went to get refreshments.

1455. Did Lord and you keep together all the rest of the day?—Yes, we kept together all the rest of the day.

1456. Who found you out at Birmingham?—There was no one found me out at Birmingham; but I knew perfectly well I had a vote —.

1457. Who subpoenaed you to come here to give evidence in this matter; had you seen Mr. Streightley?—No.

1458. Did anybody come over to Birmingham to take your evidence?—Yes, several people came to us.

1459. Was your evidence written down?—Not that I am aware of.

1460. By nobody?—No.

1461. At no time by Mr. Kirby's clerk?—There was a little said.

1462. But when was that little said?—It would be some time ago now.

1463. But here at Coventry or at Birmingham?—Several people came to see us at Birmingham, but we did not know who they were.

1464. From Mr. Kirby?—We did not know who they were; we did not see them; we were not allowed to see them.

1465. Did you see Fox, Mr. Kirby's clerk?—Mr. Fox was the person that served the subpoena.

1466. When was the subpoena served?—Yesterday week.

1467. Had you made a statement to anybody before that?—I had made a little statement.

1468. To whom?—Mr. Fox was one.

1469. Not the big statement that you have made to-day?—No.

1470. A different statement from what you have made to-day?—It was not very different.

1471. It was not quite as good a statement?—I could not say.

1472. But will you tell me whether it was a different statement from what you have made here to-day?—I do not think it was.

1473. It was not the same?—It was nearly the same.

1474. I thought you said it was a little statement?—Well, it was little.

1475. Therefore it was not so big as it is to-day; that is so, is it not?—I do not suppose I had so much.

1476. Was it so big a statement as that you have made to-day?—Possibly it might have been.

1477. Did Mr. Fox give you anything to drink?—No.

1478. Nothing?—No.

1479. Did not you have anything to drink in Fox's presence?—I think we had a little to drink.

1480. Where?—It was in a public-house in Catherine-street.

1481. What public-house?—I cannot remember the name now. Newton, I think, is the name of the man that keeps it.

1482. Was Lord with you?—Yes.

1483. What was it that you had to drink?—I think it was some ale.

1484. Who paid for it?—I paid for one lot.

1485. How

1485. How much did you pay for?—Three glasses, I think.

1486. How many lots were there?—About two lots, I believe.

1487. Who paid for the other lot?—I do not know whether Mr. Lord paid for it, or Mr. Fox; I paid for one lot.

1488. Fox had come over to take your evidence; why did you pay for it?—We did not want anything to drink at all.

1489. How long were you in the public-house with Fox?—About 10 minutes, perhaps; not longer.

1490. How much did you pay yourself?—About sixpence.

1491. What did Fox pay?—I suppose he paid the same.

1492. Did he?—I could not swear he did.

1493. Do you believe he did?—Yes, I believe he did.

1494. Did you see Mr. Streightley?—No.

1495. Was anybody with Mr. Fox when he came over?—Yes; there was another man with him, but I do not know his name.

1496. Was it a tall man with grey whiskers?—No.

1497. Did he pay for anything to drink?—No.

Re-examined by Mr. *Chandos Leigh*.

J. W. Rose.

1498. When this statement was made about which Mr. Huddleston has asked you, was a man called Lord examined at the same time, and did he make a statement at the same time?—Yes.

1499. Is that “J. W. Rose” your handwriting (*handing a paper to the Witness*)?—Yes.

1500. Mr. Justice *Willes*.] Why did you come from Birmingham to vote?—I did not have a voting card sent to me at Birmingham; I have got a home in Coventry, and they did not think it necessary to send a voting card to me.

1501. But why did you think it necessary to come and vote here, as you are not residing here?—I was not at the time the election took place, but I had been previously.

1502. You had ceased to reside long before?—Yes.

1503. Why did you come here to vote?—I had a vote; I had a correspondence with my father, and I had a card sent me soliciting my vote, but he did not think it was worth while to send me the card.

1504. Did you come intending to be at your own expenses?—No, of course we heard that the railway fare—

1505. Was it what Barnacle said to you that produced that impression?—Yes.

[The Witness withdrew.

WILLIAM GWYNN, sworn; Examined by Mr. *Chandos Leigh*.

1506. ARE you a voter for Coventry?—Yes.

1507. Did you vote at the last election?—Yes.

1508. For whom?—For Mr. Eaton and Mr. Hill.

1509. Where do you live?—At Coventry, but my work is in Birmingham. My house and family are in Coventry.

1510. Have you a residence in Coventry?—Yes.

1511. Had you at the last election?—Yes.

1512. Did you go to the “Spitals” public-house on the evening before the polling day at the last election?—Yes, I think I was in there; I have business in the town, and I do sometimes call in there.

1513. Did you see Lord and Rose and Makepeace there?—I saw Lord, but I did not see Rose.

1514. Did you see Makepeace?—I think he came in, but he did not stop long.

1515. Did you see a man named Barnacle there?—There was a Barnacle, but I did not know him; but I was told he was Mr. Barnacle.

1516. Did you see a man called Suddens there?—No.

1517. Was there any talk while you were there about the election?—It was all talk about the election.

1518. What was said about the election?—I cannot tell you anything particular that was said about it.

1519. Was anything said about being all right, or being satisfied?—I never heard those words made us of.

1520. Was anything said about your expenses being paid if you went to vote?—No.

1521. Were these words said, “You had better go with us, it will be all right”?—I never heard anything of the sort.

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1522. Did you hear the words, “You will be satisfied,” used?—No, nor anything of the sort.

1523. Did you hear anything about the payment of expenses?—Not anything.

1524. Did you yourself say anything about your expenses being paid?—No.

1525. Did you go the next day to the station?—I went the next morning to the station.

1526. With whom did you go?—I went by myself.

1527. Did you see Barnacle there?—No.

1528. Did you go to Coventry?—Yes.

1529. Who paid?—I paid myself.

1530. Had you a single or return ticket?—Had a single ticket.

1531. What did you pay?—One shilling and sixpence, I think.

1532. Did you go third class?—Yes.

1533. Did you go with the last two witnesses, Lord and Rose?—Yes.

1534. In the same carriage?—Yes; they were on the platform when I got there.

1535. Had you any other money besides the 1s. 6½d.?—Yes.

1536. What had you?—I am sure I could not tell you what I had in my pocket; I never counted.

1537. Try and remember what money you had in your pocket besides the 1s. 6½d.?—I am sure I could not tell you.

1538. Had you any gold?—No.

1539. Had you any silver?—Yes.

1540. Tell us about how much you had when you paid the 1s. 6½d. for your ticket to Coventry?—I cannot tell you so fine as that.

1541. Was it 10s.?—I do not think it was.

1542. Was it 5s.?—I do not think it was.

1543. Was it 3s.?—I could not tell you.

1544. But out of that money did you pay the 1s. 6½d.

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W. Gwynn.

W. Gwynn. 1 s. 6 $\frac{1}{2}$ d. to go to Coventry with a single ticket?—Yes.

16 February 1869. 1545. When you got to Coventry, did anyone meet you at the station?—I am sure I forget whether they did or not; perhaps I can explain it if you will allow me; on the Sunday previous to the election I had the misfortune to bury my wife, and consequently I was obliged to come to Coventry, whether it was an election or not. It brought me here, and I was obliged to come, whether the election was there or not.

1546. Did you go to Coventry and poll?—I did.

1547. After that did you get any money at all?—No.

1548. Did you see a man called Eves?—No, I do not think I saw any of the Eveses.

1549. Do you know Thomas Eves, the landlord of the "Newdegate Arms"?—Yes; but I don't know whether I saw him that day.

1550. How long did you stay in Coventry?—I came back the next morning.

1551. Where did you sleep that night?—At my own house.

1552. Who paid for your ticket back?—I paid for it myself.

1553. Out of the money that you had?—Yes.

1554. Out of the 1 s. 6 $\frac{1}{2}$ d.?—I had more money

than 1 s. 6 $\frac{1}{2}$ d., but I cannot tell you what money I had in my pocket.

1555. Did you receive any money from Tom Eves?—No.

1556. Or from James Eves?—No.

1557. Or from any of the witnesses?—No.

1558. Or from anyone else?—No.

1559. Did you ever receive 18 s. from anybody?—No.

1560. Do you know Rose and Lord?—I do.

Mr. Justice *Willes* intimated that he thought the examination had proceeded far enough on these points.

Cross-examined by Mr. *Huddleston*.

1561. Is there any pretence for saying that Barnacle said to the last witness, in your presence, that he would be satisfied if he came over and voted, or anything of that sort?—I could not tell you.

1562. You did not hear anything of the sort?—No.

1563. Were you in the room at the time?—I do not know. I was in too much trouble to attend to anybody's conversation.

1564. You never heard anything of that sort said?—No, I did not.

[The Witness withdrew.]

THOMAS HAMMERTON, sworn; Examined by Mr. *Henry James*.

T. Hammerton. 1565. ARE you on the register of voters for this city?—Yes.

1566. At the last election for whom did you vote?—For Messrs. Eaton and Hill.

1567. Where were you residing at that time?—At Dudley, in Worcestershire.

1568. What are you by business?—A paper-hanger generally, and in a general work.

1569. On the Friday before the polling-day, did you receive a circular letter from the chairman of Mr. Eaton's and Mr. Hill's committee?—Yes.

1570. Were you on the Bishop-street ward?—Yes.

1571. Who was the person from whom you received the circular?—I received it from the post-office.

1572. Who signed it?—The chairman of the Bishop-street ward.

1573. Do you know the name?—There was no name.

1574. Did you return that to the committee-rooms here, accompanied by a letter?—I did.

1575. On the Monday did you receive a reply?—I did.

1576. What became of that letter?—I preserved it for some time, but not hearing anything further about this petition, I burnt it.

1577. From whom did that letter purport to come?—The same party as before.

1578. Was it in print?—It was in print.

1579. What was in it?—Requesting my vote and interest for Messrs. Eaton and Hill.

1580. Requesting you to go where?—To Coventry.

1581. Was any place mentioned for you to go to?—Yes, the "Stag," in Bishop-street.

1582. Was that in print or in writing?—In writing.

1583. Was anything else upon it?—It enclosed a card.

1584. But did it say anything about what you were to do when you got to the "Stag," or anything of that kind?—No.

1585. The circular letter was asking for a vote, but I believe there was a mistake in your name?—Yes; it was directed "Stephen Hammerton," instead of "Thomas."

1586. And when you wrote back you got a corrected card sent to you?—I did.

1587. Then you were directed to go to the "Stag"?—Yes.

1588. Did you receive a telegram from Mr. Edward Rice?—I did.

1589. Have you kept that?—I had it until about a week ago.

1590. In consequence of that telegram, did you come to Coventry?—Yes, I did.

1591. On what day was that?—On the Monday night; the nomination.

1592. I believe you arrived at about 10 o'clock at night?—I did.

1593. Did you see Mr. Rice?—I met him on Burge's.

1594. Is that a place?—It is a street.

1595. Did you go with Mr. Rice to the "Stag"?—I went by myself after speaking to him; he told me to go up there; he came there afterwards.

1596. Did he tell you what you could have?—He told me to get any refreshments I required; it was all right.

1597. Did he say anything to you about Mr. Kilbey?—He told me Mr. Kilbey would see me.

1598. Did he tell you who Mr. Kilbey was?—I knew him personally; he said, "You will be well done by now, for Mr. Kilbey is our head man."

1599. Did you have what you required to eat and drink at the "Stag"?—I did.

1600. While you were there, did Mr. Kilbey come

come into the room?—About half-an-hour afterwards.

1601. Did he ask you if you had any refreshments?—Yes.

1602. What did you say?—I said, "Yes."

1603. What did he say to that?—He said, "It was all right; I would have what I required."

1604. The next morning, I suppose, you had your breakfast?—Yes.

1605. And the next morning, did you poll for Mr. Eaton and Mr. Hill?—Yes.

1606. Did you go back to the "Stag"?—I did.

1607. Was there drinking going on there then?—Yes, the usual drinking at election times.

1608. Did you drink?—I had a little beer.

1609. Did you pay for it?—No.

1610. Did you remain at the "Stag" the whole of the day?—I did, till half-past eight o'clock on Wednesday morning.

1611. Did you apply to Mr. Rice, and also to the landlord of the "Stag," James Hopkins, to pay you for loss of time?—I mentioned it to Mr. Rice, and they told me to see Mr. Kilbey.

1612. Did you go to Mr. Kilbey?—I did on the Wednesday morning.

1613. What did you say to him?—I said, I was bound to leave my employment; and he said, "What will satisfy you?" and I said, "The ordinary charges or expenses;" and he said, "Will a sovereign satisfy you?" and I said, "Yes;" and he gave it to me, and I went away.

1614. Mr. Justice *Willes*.] Was this Kilbey?—Yes.

1615. Mr. *Henry James*.] Did you tell him at that time what refreshment you had had to get?—I did.

1616. What did he say?—That it was "all right."

1617. During the time that you were at the "Stag," did you pay for anything at all?—Occasionally, when friends or acquaintance came in I wished to pay; but when I asked the landlady to fill the jug, I offered to pay on several occasions, but she said, "No, I might pay for a jug or two for my friends, but not for myself."

1618. What is your fare from Dudley to Coventry?—Second class, 3 s. 6 d.

1619. Did you take a return ticket?—I took two singles.

1620. So that you paid 7 s. for your railway fare?—Yes.

1621. Were you put to any other expense besides that?—Sixpence for an omnibus.

1622. What do you earn in a day?—I had 5 s. now, and 5 s. then.

1623. Did you pay two omnibuses?—No, I walked back.

1624. Mr. Justice *Willes*.] Do I correctly understand that your own personal expenses at the "Stag" were paid for you, and that you had a sovereign given to you?—Yes.

1625. Have you a house in Coventry?—Just previous to then I had. I was not residing in Coventry at the time of the election. I had removed.

Cross-examined by Mr. *Huddleston*.

1626. What are you?—I cannot describe exactly what I am; but I work just one thing; 275.

and as one trade falls back I fall back, and take up with another.

1627. What are you?—Well, I generally follow paper-hanging and bill-posting.

1628. Were you a witness on the petition against Mr. Jackson?—I was subpoenaed as one; but that is quite irrelevant to the case.

1629. It is a little about the paper-hanging that I want; did you hand a document in there, professing to be signed by 12 persons who had voted for Mr. Jackson, and who said that their expenses had been paid for Birmingham?—From Birmingham you mean?

1630. Did you admit that those signatures were forged?—No, never.

1631. Were they true signatures?—As far as I knew the parties. I must explain that if parties come and personate another party, and say, "I am so-and-so," I cannot go against that.

1632. Then, did parties come and personate the names of voters, and did you put their names down on the list. No; seven or eight of them wrote it themselves.

1633. And the others?—The others personated them of course.

1634. And you handed it in to the committee to show that those were persons who came from Birmingham to vote for Mr. Jackson?—Yes.

1635. Did the chairman say you ought to be committed?—What chairman?

1636. Of the committee?—I never saw him.

1637. Were you ever in the committee-room?—Yes, once.

1638. Did they send you out immediately afterwards?—No.

1639. Did you keep out of the way at first at the committee-room?—No.

1640. Did you tell Mr. Chew's clerks that all the signatures were forged?—No, I did not.

1641. Did you not hear that the chairman had stated that if you came in to give evidence you would be committed, and did you not go into the lobby?—Certainly not. I never heard that once.

Mr. *Henry James* objected to the question.

Mr. Justice *Willes* overruled the objection.

1642. Mr. *Huddleston* (to the *Witness*).] What did you go up to prove?—The parties had been bribed by Mr. Jackson's party.

1643. Then you were on the other side then?—It does not matter which side I was on.

1644. You went up to London to prove that parties were bribed by Mr. Jackson?—Yes.

1645. You had a list of 12?—I had a list of 32.

1646. Did you have a list of 12 persons who you said admitted that they had received money from Mr. Jackson?—No.

1647. Had you a list?—Yes.

1648. Of how many?—Of 31 or 32.

1649. Were there signatures to it?—To about 12 or 14; I saw all the others.

1650. How many were there that you did not see sign it?—I saw all those 12 sign, or those that personated them.

1651. Then you saw all the 12 sign, or those that personated them?—I said before that there were some three or four that I found out afterwards did personate others.

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Hammerton.
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1652. Why were you not called as a witness?—I did not know; I was there the whole day.

1653. Did somebody say that you had better go into the lobby, or else you will be committed?—No; no one said so to me.

1654. Did you stay in the lobby all day?—No.

1655. On the Saturday?—On the Thursday; I was in bed till half-past 12, and Mr. Barr, the attorney, sent a man to me and he said, "You will not be required;" and I says, "Look at my leg, I am not fit to go across;" and he says, "You had better go to the hospital with it;" and I did go to the hospital with it, and I had it cut in two or three places.

1656. Just let me know something about you; do you live at Dudley Port?—Yes, I have a shop there; I live in Wolverhampton-street now.

1657. Did you receive a letter, signed by the chairman of Jackson and Carter's committee in December last, requesting information respecting your expenses at the previous election?—I do not recollect.

1658. You knew it was a nice little bit of Radical impudence, was it not?—You may call it what you like.

1659. Did you receive, on the 9th of September 1868, a letter signed by the chairman of Jackson and Carter's committee, dated "Castle," requesting information of who paid your expenses and loss of time in coming to the poll?—I cannot recollect.

1660. Well, if you did receive it, was not it a nice little bit of Radical impudence?—I cannot tell what you may call it.

1661. What do you call it?—If I had received such a letter as you suppose, I should have called it a proper inquiry, and not a bit of impudence.

1662. Did you reply that you came at your own expense, and would do so again, as long as a Conservative was in the field against them?—I did come at my own expenses before.

1663. Did you reply to that effect?—I cannot say I am sure.

1664. Tell me whether that (*handing a paper to the Witness*) is your handwriting?—Yes; I believe it is.

1665. Listen to this: It is addressed to William Lynes, Esq., Barr's Hill, Coventry, "10th December,—Dear Sir, I humbly hope you will excuse my freedom in writing to you; my daughter wrote to me yesterday stating that the Radical demagogues intend to lodge a petition against the return of our respected Members. I hasten to inform you that there is one Joseph Cooper acting in our ward, and he was always a Dark Blue before; and I am informed he came over on purpose to obtain evidence against us, and I know he is capable of doing and swearing anything. The said J. Cooper was in Birmingham last March, and followed me and the witnesses about, abusing me and endeavouring to persuade them not to go at the instigation of Stephen Knapp. I hope you will see Mr. Kilbey respecting this, as I come into Dudley every day or so. Every communication will find me at 52, Wolverhampton-street, Dudley. I beg to remain your humble servant, *Thomas Hammer-ton*.—I have just had a letter signed by the chairman of Messrs. Jackson and Carter's committee, dated 'Castle,' the 5th December, requesting information who paid my expenses and loss of time in coming up to the poll; a nice little bit

of Radical impudence; I shall reply that I came at my own, and will do so again, as long as a Conservative is in the field against them." That is your letter, is it?—I believe it is.

1666. Have you any doubt about it?—No.

1667. Just look at that (*handing another paper to the Witness*), and tell me whether that is your signature?—I believe it is.

1668. Have any doubt about it?—No; I have no doubt about that at all.

1669. Did you get a dinner, and wine and cigars, out of the Liberals?—Yes, I had.

1670. For your evidence?—I should like another of the same sort to that.

1671. Did you threaten to kick them out of Dudley?—Yes.

1672. That is the reason they brought you here, I suppose?—I should like them sent to their own places.

1673. How many visits did you have from the "illiberals" of Coventry?—A couple.

1674. Were there not three?—There were two visits, but three on the last occasion; but they finally began to find that out; I found that out by their conversation, and that is the reason why I threatened to kick them out of the place.

1675. How many hours were you with them at the "Bush Hotel"?—Two or three hours, I daresay; that was to find out what their intention was.

1676. Did you tell them that you had paid your own expenses?—Yes; I had money of my own to come with, but I was not going to tell them the plain truth.

1677. You did not tell them the plain truth?—No, because I found, as I told you before, that they were not authorised to inquire; they ought to be told lies when they come on the decoy.

1678. Did you tell them lies as you thought they ought to have been treated that way?—Of course I did.

1679. Now just tell how many lies did you tell them; you are the gentleman that it was not safe to trust till to-morrow morning?—Indeed!

1680. How many lies did you tell?—Do you think I carry a pen and ink and a sheet of paper with me to put them down.

1681. How many lies did you tell them, within a few hundreds?—None at all.

1682. I thought you told me you did?—One or two; I should do it again if they came again, or you either.

1683. When they come there on decoy you tell them lies?—Yes.

1684. Mr. Justice *Willes*.] You had better not practice that in court, because you will find it rather a dangerous game?—I am here to speak the truth, and I am bound to do it.

1685. Mr. *Huddleston*.] Were you on the decoy when you were in London?—Certainly not.

1686. You, of course, are not a decoy now?—No, certainly not; I came here to give to his Lordship what I received for my expenses, and what more do you require?

1687. What were the lies you told them?—Just what I told you before.

1688. What was that?—That I paid my own expenses with my own money, because it was money that I worked for.

1689. Then it was not a lie?—No, it was not from any party here; I did not receive it until after the election was over.

1690. Did

1690. Did you not tell him that you never had any money at all?—No, I did not.

1691. Did you not tell him that you never had any money?—In a general conversation I could not tell whether I did so or not.

1692. Do you not believe that you did say so; you know they came “on the decoy”?—No, I do not; I cannot remember it.

1693. Will you swear that you did not?—I could not swear that I did or did not.

1694. You told us that you told them lies because they came on the decoy; how was it you changed your mind afterwards and told them the truth; was that after the dinner and cigars?—I did not see them afterwards.

1695. Then, how came you to come here?—Now?

1696. Yes?—Because a gentleman came down there and served me with a subpoena.

1697. What did he give you with the subpoena?—Three shillings and sixpence.

1698. He promised you more, of course?—No.

1699. You expected more?—No.

1700. And you come here in the pure interests of truth?—I came here to speak the truth.

1701. You come here in the pure interests of truth, although they are people who have Radical impudence and are illiberals; is that so?—You say so, apparently.

1702. You say so, and that they are a damned party. “I have had three visits from the illiberals of Coventry and one from Birmingham respecting my coming up at the last election; I was three hours with them at the “Bush Hotel,” and dined with them and took my grog, &c., and in answer to their queries I told them boldly that I had paid all my expenses; and if I had not, their damned party should not know for 1,000 *l*. I take this liberty to satisfy you and your party that I am firm, as I had heard they had boasted I was coming up; but no go; I think I tricked them nicely to get a good dinner and wine and cigars, &c., and then threatened to kick them out of Dudley. If our worthy Members are unseated, I hope we shall have two others, and will come up and serve them.” (I should think nobody would like you to come up and serve them.) “Please tell William Lynes, Esq., the case, and having disposed of this, your obedient servant, *Thomas Hammerton*.” One was a close neighbour of yours; one of the people whom you say would be damned is a close neighbour of yours, and probably he will be hereafter.—

Re-examined by Mr. *Henry James*.

1703. To whom was that last letter written?—To Mr. Kilbey.

1704. That is the gentleman who gave you the pound?—Yes, it was partly written for the purpose of deceiving him.

1705. It was in March 1868 that the inquiry took place in London?—In March 1868.

1706. Were you employed then by the Conservatives to get up evidence?—Yes.

1707. Did they pay you for that?—No.

1708. Did you obtain evidence?—I did.

1709. Did you obtain the signatures of persons to a document representing that they had been paid for coming from Birmingham to Coventry?—Yes.

1710. Do you know of any one person whatever, whose name was improperly put to that document?—Afterwards I found out that a person named Merry had very much the appearance of Thomas Yardley, and had personated him in my presence, I knowing Yardley only from boyhood.

1711. Did you know at the time that this person was not Yardley?—I did not; I believed him to be Yardley.

1712. And you believed that document to be genuine?—I did.

1713. And you went up to London, and that document was handed in?—Yes.

1714. Upon your oath, is what you have stated to-day about Kilbey having given you a sovereign, true?—It is perfectly true, and moreover, he was in the room behind this, this afternoon, and I told him that I had come here to speak the truth, and I should speak nothing but the truth.

1715. Mr. Justice *Willes*.] You seem to have strong patriotic feelings which led you to vote for one party?—Yes, I voted for one party for a considerable time.

1716. You have strong patriotic feelings which induced you to do so, is that so?—I believe it is generally, but sometimes allies will behave in such a way to you that you sometimes get a little disgusted with them, breaking their word, and such like. They get the work done, and then they treat us scurvily, as I have been treated on different occasions.

1717. By whom?—Different parties that employ me.

1718. On what side?—On the Conservative side more than the other, but both sides act badly towards the working bees.

1719. Is that the reason you threw a quantity of dust in their eyes in these letters?—It is partly a concoction, in order to deceive a certain party.

1720. You seem to have voted for them at the election, but you have read two letters throwing a quantity of dust in their eyes, if your evidence be true; how do you account for that?—I had made up my mind to perform certain things, and always do as far as I can, and I determined to concoct a letter and send it up to a party or two. In March, when Mr. Jackson was returned, I voted for him, because some parties of the opposition had ordered me to leave the committee-room. They was drunk and disorderly, and I spoke to the chairman to put them out, and he would not do it; so I went away and saw two or three persons on the opposite side, and I went and voted for Mr. Jackson from personal pique, and not from interest.

[The Witness withdrew.

Mr. *Huddleston* applied for further particulars as to the witnesses to be called.

Mr. *Henry James* stated that he would give further particulars, on the condition that the names were kept secret until tomorrow.

*T.
Hammerton.*
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Serjeant WILLIAM SHEASBY, Sworn; and Examined.

- Serjeant
W. Sheasby.
16 February
1869.
1721. Mr. Justice *Willes*.] Did you go with the witness, Samuel Smith?—Yes.
1722. Did he point out a house?—Yes, he did.
1723. What house is that?—John Oughton's, the "Rose and Woodbine" public-house.
1724. Do you know anything of him?—I do not.
1725. Is it within the borough?—It is out of the borough; it is two miles from here.
1726. Out of the Parliamentary borough?—Yes, it is a mile out of the borough.
1727. How far does the Parliamentary borough extend?—It is out of the municipal boundary, but it is in the Parliamentary boundary.
1728. The person that has that house, I suppose, would have a vote?—Yes.
1729. Did you make any inquiries as to the

man in the great coat?—Yes, I asked the landlord if the witness Smith slept there last night; he said, "Yes, he did," he came in between 9 and 10 o'clock. I asked him another question; I said, "Was he drunk or sober"? He said he had been drinking, but he was not to say drunk.

1730. Did you make any inquiries about the man in the big greatcoat?—I asked him if there was anyone else came with them. He said, "No, I never saw anyone with him; he came into the kitchen by himself." He said he heard a vehicle, but no one else came into the house.

Mr. *Henry James* stated that the number on the register of John Oughton was 7,800, and that he voted for Messrs. Eaton and Hill.

[The Witness withdrew.

HENRY PARKER, Sworn; Examined by Mr. *Chandos Leigh*.

- H. Parker.
—
1731. Do you live at Leicester?—Yes.
1732. For whom did you vote at the last election?—Mr. Eaton and Mr. Hill.
1733. Mr. Justice *Willes*.] The Court was kept waiting for a considerable time to examine you. If you had been here as you ought to have been, you would have been examined and got away long before; but in consequence of your staying away, you come at this late period of the evening, when the light is failing, and when your examination cannot be concluded; the result is that you must remain in Coventry, and you must attend punctually, at five minutes before ten o'clock to-morrow morning, in this court. How

much do you get to come here?—Nothing at all.

1734-5. How much did you get with your subpoena?—Five shillings.

That is something; a great many 5s. would make a large fortune.

Mr. Justice *Willes* directed that a reasonable sum should be paid to the Witness for his expenses.

To the Witness :—

[Adjourned to To-morrow, at Ten o'clock.

Wednesday, 17th February 1869.

HENRY PARKER, called again; Examined by Mr. James.

1736. WHEN did you come to Coventry?—
I came on the polling-day.

1737. Just now, for the purpose of this petition?—On Saturday night.

1738. Where have you been living?—In Leicester.

1739. I mean since you have been in Coventry?—At my sister's, at Crossley.

1740. Have you seen Mr. Dews?—No.

1741. Have you been to Mr. Dews' office?—No.

1742. Nor anyone from Mr. Dews?—No.

1743. No clerk?—No.

1744. Has your evidence been taken down by anyone?—No.

1745. Have you made no statement to anyone since you have been here?—No.

1746. No statement at all?—Yes.

1747. To either side?—Yes.

1748. Do you mean that you have or have not?—No, I have not.

1749. How long had you been living at Leicester before the last election?—About four months.

1750. You had ceased to reside in Coventry?—Yes.

1751. Had you ever voted before?—Yes, at the Coventry election.

1752. As a Conservative?—Yes, several times.

1753. And you were known to be a Conservative?—Yes.

1754. Do you know a person of the name of Burrows?—Yes.

1755. What is he?—I saw him on the nomination night; I never saw him in my life before.

1756. Did you receive any communication from anyone at Coventry shortly before the election?—No.

1757. No letter?—No letter.

1758. No telegram?—No telegram.

1759. And no one came to speak to you?—No one came to speak to me.

1760. Did you see Freeman?—Yes, I have seen Henry Freeman.

1761. Was that before the election?—After the election.

1762. Never before?—Never before.

1763. Will you swear that?—Yes.

1764. Never before the polling day at Coventry had you seen Henry Freeman?—Never before the polling day had I seen Henry Freeman.

1765. You will swear that you had never seen him?—Yes.

1766. When did you first see him?—On the polling day.

275.

1767. Where?—At Leicester.

1768. That would be in the morning?—Yes.

1769. That, you say, is the first time you saw him in your life, to your knowledge?—Yes.

1770. Do you know Frederick Clark?—I saw on the polling day, and I believe I saw him on the Sunday night that the election was on the Tuesday.

1771. Did you tell him there was to be a meeting at the "Talbot Inn"?—Yes, I believe I did.

1772. When did you tell him that?—On the Sunday night.

1773. What caused you to tell it him?—We were going down to get two or three voters. I only knew him; he told me knew Denny; he told me he knew the voters.

1774. Who told you there was to be a meeting at the "Talbot Inn," or who fixed upon the "Talbot Inn"?—I do not remember anyone telling me.

1775. Was it you that fixed upon it?—No.

1776. How came you to tell Clark that there would be a meeting at the "Talbot Inn"?—I heard so.

1777. From whom?—I cannot remember from anybody.

1778. You say you heard so; from whom did you hear it?—I do not remember.

1779. Was it somebody at Leicester?—Yes, it was somebody at Leicester.

1780. A man or a woman?—It was a man.

1781. Where was the man when he told you?—At the "Talbot."

1782. Had you known the man before or was he a stranger?—I did not know the man before.

1783. Have you known him since?—No.

1784. Have you never seen him since?—Not to my knowledge.

1785. Was he a perfect stranger to you?—Yes.

1786. Did not you ask him who he was?—No.

1787. What do you mean by saying you recollect who it was, if you never knew who it was?—I did not know him.

1788. You have not forgotten him, then?—No.

1789. He was a stranger to you, so you have not forgotten him?—Yes, I have forgotten him; at least, I never knew the man's name.

1790. Or knew him by sight before?—No, I never knew him by sight before.

E 2

1791. When

H. Parker.

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1869.

H. Parker. 1791. When the stranger told you something about the "Talbot Inn," what did he say to you?—That there was going to be a meeting there.

1792. For what purpose?—On the election.

1793. For Mr. Eaton's and Mr. Hill's voters?—Yes.

1794. Did he tell you to do anything?—No.

1795. Did you ask him whether you should do anything?—No.

1796. But there was to be a meeting; what made you tell other people to come to the meeting?—Because I was interested in the cause. I was a Conservative in heart, and always took great interest in it; at least I voted several times, and I have always been a strong Conservative. I would almost sacrifice my life for the cause at any time. I never had any pay in my life for anything of the kind.

1797. That was the reason?—Yes.

1798. To whom did you make the communication; whom did you tell to come to the "Talbot Inn"?—I told Clark to come.

1799. Anyone else?—No.

1800. Smith?—No.

1801. Neither Smith?—No.

1802. Nor Denny?—No.

1803. Nor Wagstaff?—No.

1804. Clark was the only person you told to come?—Yes; the parties that worked in the shop at Turner's all agreed to vote for the Conservative cause.

1805. Did you go to the "Talbot" on Monday evening?—Yes.

1806. How many were there?—I should think there was a score.

1807. Was Burrows there?—Yes.

1808. Were any names called out from a register?—Yes.

1809. Who did that?—Burrows.

1810. What is Burrows?—I do not know what he is.

1811. Is he a working man?—I have seen him once; I could not tell what sort of a man he is; he seemed like a stout man.

1812. Is he a working man or a tradesman?—He is a tradesman.

1813. Keeps a shop?—No, I think not; I did hear say that he was manager over an elastic factory.

1814. Can you tell me over whose elastic factory?—I cannot.

1815. When the register was read over; was any arrangement made about voters coming over to Coventry?—We were to meet in the morning.

1816. Where?—On the Hinckley-road.

1817. Did anybody who was there say anything at all about the men being satisfied?—No; not that I know of.

1818. Be careful; was anything said about the men being satisfied, or made satisfied?—No.

1819. Not a word?—Not a word.

1820. That you swear?—Yes.

1821. Or anything like the term that it should be made all right?—No; there was nothing mentioned.

1822. By anyone?—By anyone.

1823. You were there for some time?—I went home early?—I was away a little after eight o'clock.

1824. How long did you stop there altogether?—I should think an hour and a quarter.

1825. Upon your oath, during that hour and

a quarter, were not those words, or words to that effect about the men being satisfied or made all right, used?—No, it was not.

1826. Do you mean to say that no one made inquiry about it?—No one made any inquiry in my hearing; not to my knowledge.

1827. Could you have forgotten it?—No, I should not have forgotten it.

1828. It would have made an impression upon you?—Perhaps it would.

1829. You swear positively, after what we have heard, that not a word of that kind was said?—I will.

1830. You have been at Coventry at previous elections?—Yes.

1831. You came to Coventry the next day?—Yes.

1832. Who did you see; when you came to Coventry did Arthur Seager meet you at Foleshill?—No.

1833. Did you get voting cards from the men at a short distance from Coventry?—I met a man; I took my own voting card.

1834. Who was that man?—I do not know.

1835. Do you know Arthur Seager?—No.

1836. Then why do you tell me it was not he?—I did not.

1837. I asked you whether Arthur Seager met you, and you said no?—I said I did not know the man.

1838. Your first answer was, "No it was not Seager;" do you know him?—I do not know the man.

1839. Should you know the man if you saw him?—Perhaps I might; that is the only time I saw him in my life.

1840. He was a stranger?—Quite a stranger.

1841. Was he a working man, or had he got a black coat on?—He had got a black coat on.

1842. Did he give you and others voting cards?—Yes.

1843. To poll you?—Yes.

1844. Did you have any conversation with him?—I walked with him a little way along, but I cannot remember what we said.

1845. He was a stranger to you; what did you then talk to him about?—I cannot remember talking of anything particularly; he said we were a majority; that was what he said.

1846. Was anything said then about the men being made all right?—No.

1847. Or being satisfied?—No.

1848. Not a word?—Not a word.

1849. That you could not have forgotten, you know, if it was said. You came to Coventry; where did you go to?—To my sister's, at Newfield.

1850. You polled?—Yes.

1851. After you voted, where did you go to?—I came home; we went and had a pint of ale. I went to the "Bull's Head," and had a pint or two of ale.

1852. Who did you see; did you see Kilby that day?—No.

1853. Do you know him?—I have seen the man since he has been pointed out to me.

1854. You never spoke to Mr. Kilby in your life?—Yes.

1855. When, you say, he was pointed out to you?—Not at the election time: they have said, "That is Mr. Kilby," when I have been passing.

1856. What was the use of a person saying, "That is Mr. Kilby," if you knew him?—I never exchanged

exchanged a hundred words with him in my life.

1857. Do you swear you never spoke to Mr. Kilby?—Yes, I have spoken to Mr. Kilby.

1858. You know him well enough?—No.

1859. Did not you know him when you spoke to him?—Yes.

1860. If you know him when you speak to him, what do you want people to point him out for?—That was before-time.

1861. When was that, that he was pointed out to you?—Six months ago, it might be.

1862. Before the election?—Yes.

1863. Have you seen him since that time that he was pointed out to you?—No.

1864. When had you that conversation with him?—Before that.

1865. If you had that conversation with him before that, for what purpose was he pointed out to you?—I went to him when he was pointed out to me, and I had a few words with him.

1866. What about?—I cannot remember.

1867. A sacrifice of your memory as well as your life you are making now. What did you talk to Mr. Kilby about?—I did not talk to Mr. Kilby particularly about anything, no matter particularly; it would be six months.

1868. Six months ago he was pointed out to you as Mr. Kilby; what did you talk to Mr. Kilby about?—Nothing particular as I know of; I cannot remember.

1869. Why did you go and speak to Mr. Kilby?—I cannot remember the words that were spoken.

1870. Give me the subject?—We had no subject at all.

1871. Give me the object if you prefer it. Why did you go to Mr. Kilby, and what did you say to him?—I do not remember anything passing, not a word. I cannot remember the words.

1872. You spoke to him and talked to him upon something, what was that something?—I cannot remember it.

1873. Upon your oath you say you do not recollect why you spoke to him, or upon what you spoke?—I do.

1874. You have forgotten it?—I have forgotten it.

1875. You had not known him before?—No.

1876. You went and spoke to this person a perfect stranger?—He was pointed out to me; they said, "He is Mr. Kilby."

1877. He is a baker, why did you speak to a baker?—I had nothing particular to speak to him about.

1878. Why did you go and speak to him?—I do not know the reason why I went.

1879. A person was pointed out to you in the street who was a perfect stranger to you. Why did you go and speak to that person?—I do not know, I do not remember.

1880. Had you ever any business with him before?—No.

1881. Did you know anything about him?—No.

1882. Then why did you go and speak to this stranger?—I do not remember.

1883. Is it your habit if a person is pointed out to you in the street, to go and speak to him?—Nothing particular; there was no words on account of electioneering.

1884. You recollect it was not about electioneering, do you?—No; I recollect there was nothing passed of that kind, but I do not recollect what it was on.

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1885. You do recollect that?—Yes.

1886. Your memory is improving a little; you do not recollect what it was you said?—I am not likely to recollect, it is six months ago.

1887. How do you recollect it was not on electioneering, if you do not recollect the words?—I know these words was not mentioned.

1888. If you can recollect what was not said, you also may be able to recollect a little of what was said?—No, that is all I can remember. I do not remember anything more, I only know there was nothing of that kind.

1889. Can you recollect whether it was about business?—I cannot remember.

1890. Was it about politics?—I cannot remember anything about it.

1891. That you say positively upon your oath?—Yes.

1892. How many times have you spoken to Mr. Kilby?—I have never spoken to him before or since.

1893. You have only seen him probably once?—Yes.

1894. And only spoke to him once?—Yes.

1895. Where did you speak to him?—Somewhere about the Cross, in the street.

1896. How long were you speaking to him?—About five minutes.

1897. And alone?—No, there were two or three more.

1898. Who were they?—I cannot remember.

1899. Who were they?—I cannot remember.

1900. Were they the people who pointed him out to you?—No.

1901. Who was it that pointed him out?—I do not know.

1902. Was it a stranger who pointed him out?—Yes.

1903. A stranger pointed him out to you; had you ever seen the stranger before?—No.

1904. So the stranger came up to you and said, "That is Mr. Kilby"?—Yes, as he was passing by, and said, "That is Mr. Kilby," as I was going by.

1905. The stranger passing by said, "That is Mr. Kilby," and then you went and spoke to him about something you do not recollect?—Yes.

1906. What sort of man was the stranger?—I cannot remember what sort of a man. He was just passing by; he said, "That is Mr. Kilby." I went over to him. I did not know the man. He was going by.

1907. One stranger points out to you another stranger, and you go and speak for five minutes to the second stranger without knowing what it is about?—Yes; it is a long while since; I cannot remember.

1908. What sort of looking man was the stranger who pointed him out to you?—I cannot remember.

1909. You have never seen that stranger since?—No.

1910. Did you see either of the Mr. Eaves's on the polling day?—No.

1911. How long did you stop in Coventry?—I went back at night.

1912. With the same man you had come with?—Yes.

1913. And you got home late to Leicester?—Yes.

1914. Did you go to the "Talbot" the next day?—Yes.

1915. What for?—I went and had a pint of ale there.

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1916. Was

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1916. Was that the only object?—Yes.
1917. Was any appointment made with any man to come there?—No.
1918. What time of day were you there?—About one.
1919. Who were there at the time you were there?—I do not remember who were there.
1920. Was Frederick Clark there?—I do not remember.
1921. Will you swear that upon your oath?—Yes.
1922. Was Smith there?—I cannot remember.
1923. Was Denny there?—I do not remember seeing him there.
1924. Was George Wagstaff there?—I do not remember.
1925. Or a man of the name of Cleaver?—No, I have never seen him there.
1926. Give me the name of one person who was there, one of the Coventry voters?—I cannot remember seeing anybody there.
1927. That you swear?—Yes.
1928. You have forgotten every one?—Yes.
1929. That is not six months ago?—No.
1930. And you do not recollect one person who was present?—No.
1931. Not one?—No.
1932. Do you recollect what you talked about?—No.
1933. Not a word?—Not a word.
1934. The whole scene as to who was present?—I did not exchange any words with any one.
1935. You did not speak?—I went and had a pint of ale, and came out; I had nothing to do with the affair.
1936. You did not speak whilst you were there?—I must have spoken; I cannot remember who I did speak to.
1937. You say you had nothing to do with the affair; what affair?—Election affairs.
1938. You had come over and voted?—Yes.
1939. You had something to do with that affair; what did you mean by saying you had nothing to do with the affair?—I had nothing to do with the affair any more than voting.
1940. Had anybody anything to do with the affair?—Not to my knowledge.
1941. What do you mean by the word “affair”?—Taking an interest in it.
1942. You did, even to the sacrifice of your life?—I took an interest in it so far, I was willing to support them as far as I could.
1943. You had something to do with the affair in that sense; when you used just now the word “affair,” did not you mean the satisfying of those men?—No.
1944. Upon your oath, was anything said at that time about men getting their money?—No.
1945. Did not you tell them you had no money for them?—No.
1946. Did not you tell them you could not pay them anything?—No, I never mentioned nothing; it was nothing to do with me.
1947. Did George Wagstaff have any money from you?—No.
1948. Not a farthing?—Not a farthing.
1949. Did you lend him 5s. after his child died?—No.
1950. Did Frederick Clark ask you for any money?—No, I do not remember that he ever did.
1951. Will you swear he did not?—Yes.
1952. Could you have forgotten that; you have forgotten the conversation in the street with

Mr. Kilby, and you have forgotten who were present at this meeting; will you now swear that that was not asked from you?—Yes.
1953. Your memory is quite good?—I will swear it was not asked from me.
1954. Is your memory quite good upon that subject?—I can remember that that was not asked of me.
1955. Not by Clark?—Yes.
1956. Clark was not there, was he?—I do not know; I do not remember him being there.
1957. You have sworn positively that Clark did not ask you. Was Clark there or not?—No, I did not see him there.
1958. Is that the reason you swear he did not ask you?—Yes.
1959. Did Samuel Smith ask you for any money?—No.
1960. Nor Cleaver?—No.
1961. Did you say you had got the money for the Bishop-street Ward then?—No, I never said anything of the kind.
1962. Was no complaint made that they had not been paid or satisfied?—No.
1963. From first to last you never had any suggestion made to you that they should be paid for their loss of time?—No.
1964. By anyone?—No.
1965. That you swear, with all its consequences?—I will.
1966. Did Denny never apply to you for any money?—No.
1967. There was never a suggestion made to you that the men were complaining, by anybody, till you came here?—No, they never complained to me.
1968. You never heard that they were complaining from anyone?—No.
1969. The first time you heard of it was when?—I never heard of it at all.
1970. You had never heard of it till you came into the box?—Yes, I had.
1971. When did you first hear that they were complaining?—I never heard at all.
1972. Till you came into the box?—No.
1973. Why did you tell me you had heard of it; you said, “Yes, I had heard of it.” You tell us, till I had put these questions to you, you never heard of it at all?—I have never received a farthing, or paid a farthing away. I know nothing at all about the matter; upon my oath, I know no more about this job than nothing at all.
1974. Mr. Justice Willes.] How did you come over?—I came over by a cab, by a vehicle.
1975. Mr. James.] Do you persist in saying that until I had put these questions to you, you never heard that the men were complaining that they could not get paid?—Yes.
1976. This takes you by surprise?—I never heard of it till you told me.
1977. You have been in Coventry all day yesterday, and all last night, do you mean to say you never heard it alleged that you paid these men?—Yes.
1978. You never heard of it till I put these questions to you?—I heard it outside that they accused me.
1979. When did you hear that; when you were here yesterday?—I never heard of it before the election.
1980. Did you hear of it after the election?—No, not till we came here; not till I came here yesterday.
1981. Have

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1981. Have you been over to Coventry since the election?—I came once or twice.

1982. When was that?—About a fortnight ago; I came to see my mother; she was very ill.

1983. Did you see anyone else?—I have seen several; I have seen several of my friends; I went to all of them.

1984. Did you see anybody about election matters?—No.

1985. Did you go to Mr. Dews's office?—No.

1986. Did you see either of the Eaves's?—No.

1987. Did you see neither of the Eaves's?—No.

1988. Have you seen no one at all since the election about this matter?—No.

1989. Did you speak to Samuel Smith yesterday as he left the box?—No, he passed me by just as he left the box.

1990. Did he speak to you?—No.

1991. Will you swear that?—Yes.

1992. Did he not use these words to you in the presence of two telegraph clerks; "Do not you split"?—On my oath he never did.

1993. Did he not use these words to you; "Do not you split"?—He never did; he never spoke a word to me.

1994. Also did he not say to you as he passed outside, "Stick to them, Harry, we shall do them"?—He did not.

1995. What do you work at at Leicester?—Elastic weaving.

1996. In a factory?—Yes.

1997. How are you paid, by the piece or by wages?—By the piece.

1998. Did you go back to your employment after the election at Coventry?—Yes.

1999. When did you go back to your work again?—I went on the Wednesday afternoon.

2000. To work?—Yes.

2001. How long did you stop on?—Something like a week.

2002. For three weeks after the election did you work more than half a day at your work?—Yes.

2003. For the fortnight next after the election did you work more than one-half day?—I was turned off my work in the week after the election, and I believe I had about two or three half days after the election; after the Wednesday.

2004. How did you support yourself after that?—By my children and wife.

2005. You did not work?—No, I had no work to do; my wife and children got the amount of 1 l. in the week, and I was obliged to sell an engine for a little money. I think it was the amount of 3 l. 5 s. to support us, with the children, and what they got as well.

2006. You have had no money from Coventry?—No.

2007. Not a farthing?—No. (*The Witness referred to a paper which was handed to Mr. Huddleston*).

Cross-examined by Mr. Huddleston.

2008. You were working for a Mr. Turner?—Yes.

2009. We heard him described yesterday as a red-hot Radical?—Yes.

2010. After you voted for the Conservatives of Coventry, he turned you about your business?—Yes; he said he would not have me about his ground any more; he knew I spoke my mind in a general way at Coventry, and knew I was a

man very true to the cause, and he did not like me. I spoke my mind to the foreman and several of them, and he turned me off at a minute's notice; he told me that he would not have it.

2011. Was that the reason you were obliged to sell your machine, to support your wife and family?—Yes.

2012. This is the machine you sold (*referring to the paper*)?—Yes.

2013. That is dated the 31st of December?—Yes.

2014. You say you went back the same day?—The day after.

2015. Was that in the same vehicle?—I went back in the same vehicle.

2016. I think you said you never paid any money, or received any money, or anything of the sort?—Yes; I never did.

2017. Mr. Justice *Willes*.] How many men came over in the vehicle?—I think 22.

2018. Were those men living at Leicester?—Yes.

2019. What did they come over for?—To vote.

2020. Were they all of a side?—Yes.

2021. Every one?—Yes.

2022. How many men went back in the vehicle?—I cannot tell you; some of them stopped at Coventry; there might be a matter of 18.

2023. Who were the men who did not go back?—I cannot remember the men who did not go back; I know there were two or three who did not come back.

2024. Cannot you remember the name of anyone who did not go back in the vehicle?—Only Whitmore.

2025. Who is he?—One of the voters.

2026. What is he?—An elastic weaver.

2027. Where does he live?—His home is in Coventry; I do not know where he lodges.

2028. Where does Kilby live?—I do not know.

2029. Were you ever at his house?—No.

2030. Where was it you spoke to him?—Up the Cross.

2031. How came you to speak to him?—I had got nothing to speak to him. A man says, "There is Kilby." I went over to him. I cannot remember what passed; I cannot remember any conversation.

2032. Had you seen him before?—Not to my knowledge.

2033. Did you know his name when you saw him?—Yes, I knew his name when I saw him.

2034. Did you know his name before the person said "That is Mr. Kilby"?—I had heard of him.

2035. Heard of him as being what?—Nothing particular; only I knew he was a baker.

2036. How came you to go and speak to him?—I had no particular business; I do not know how I went over to him. We spoke, and had five minutes' conversation. It is about six months ago; I cannot remember what it was.

2037. How long was it before the election?—About three months; I should think three or four months.

2038. It seems odd; I wish you would explain it, if you can?—I cannot remember; it had nothing at all to do with the election.

2039. Do you go up to speak to every baker?—It happened accidentally, as I was coming by.

2040. You do not listen to the question: do you

H. Parker. you go up and speak to every baker whom you do not know, but whose name happens to be mentioned in your presence?—No, it happened so I did; but I do not know what was the cause of it; I cannot remember.

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2041. Where does Kilby live?—I do not know.

2042. You are sure you do not know now?—Yes.

2043. Nor where he is to be found?—No.

2044. You have no idea?—No idea.

Mr. JAMES INCE, sworn; Examined by Mr. *James*.

Mr. *J. Ince.* 2045. WHAT are you in connection with the telegraph office?—Telegraph clerk; clerk in charge at Coventry.

2046. Do you produce any telegram to London from Mr. Seymour; first give any from Mr. Seymour, whether to Leicester or London?—I have one or two from Mr. Seymour, but I have instructions from our secretary not to let those papers leave my hands.

Mr. *James.*] You must address yourself to his Lordship.

Witness (addressing his Lordship).] I have instructions not to let these papers leave my hands, and to answer no questions, unless I am authorised by you.

Mr. Justice *Willes.*] The secretary has no such power; the only people who can refuse to answer questions are attorneys, and, of course, counsel, who would stand on the same footing for a stronger reason. I do not enter into any question whether another class is or is not privileged. I do not choose to introduce matter that is doubtful; but with the exception, perhaps, of people in Government offices as to matters of State, and counsel and attorneys, I do not know of any class that is privileged. On another class a question might arise. I do not mention it here; but it is quite clear that telegraph companies are not privileged.

Witness.] Then I am authorised by you to hand these papers to counsel?

Mr. Justice *Willes.*] From what you have stated has passed with the secretary, it is quite clear that his attention has been called to the subject, and he has sent you to represent him, and I must address you exactly as I would address the secretary. If you had come here without having seen the secretary, I might have said send the secretary, and I would not have put the responsibility upon you; but as the secretary told you you were not to produce them unless the Court required it, I do not think I compromise you at all by saying to you, as I would have said to the secretary, you are bound by law to produce them. If you did not produce them, in point of fact, everybody connected with the telegraph company who could lay his hand on the papers would be subject to be brought here, and to be punished for not producing them.

2047. Mr. *James.*] Will you produce a telegram from Seymour to Burrowes, if you have one?—

2048. Mr. *Huddleston.*] Have you brought Mr. Kirby's telegrams too?

Mr. *James.*] You can subpoena him, and ask him that question if you like hereafter.

Witness.] I cannot let them leave my hands.

Mr. Justice *Willes.*] That will involve a great deal of walking about. You will first have to walk to Mr. James, then you will have to walk to Mr. Huddleston, and then to me. It has been expressly ruled, as I understand from the reports, by Mr. Justice Keogh in the Dublin case, with the approbation of the profession, that telegrams are not privileged.

Mr. *Huddleston.*] I make no objection to that, my Lord.

Mr. *James.*] This is a telegram signed by Arthur Seymour, Coventry.

Mr. *Huddleston.*] Will you let me see it first (it was handed to Mr. *Huddleston*)?

2049. Mr. *James.*] "Arthur Seymour, Coventry, to Burrowes, Abbey Mills, Leicester. Friend coming by the 3.50 train from here." This is Arthur Seymour, who is the returned agent of the sitting Member. That is dated "November the 16th," the nomination day. (To the *Witness*.) Have you any others from Seymour?—There is another here (handing it to Mr. *James*).

2050. Mr. *James.*] This is another from the same to the same: "Arthur Seymour, Coventry, to Burrowes, Abbey Mills, Leicester." The date I read to be November the 16th, though it looks something like the 14th. "We are sending over to-day a friend; will call upon you in the afternoon." (To the *Witness*.) Have you any telegrams received at your office; first from Freeman, of Leicester, to Eaves, of Coventry?—There is one here.

Mr. *James* (handing it to Mr. *Huddleston*).] Do you object to that?

Mr. *Huddleston.*] It is not signed.

Mr. *James.*] Freeman, of Leicester, to Eaves, "Newdigate Arms," New-street, Coventry.

Mr. *Huddleston.*] It is not signed by anybody at all; it is in the hands of any person connected with the other party to play a trick of that sort.

Mr. Justice *Willes.*] The only question at present is, whether it is to be admitted as part of the evidence; as I understand, Freeman was one of the persons spoken to by one of the witnesses as having been at the Hinckley-road.

Mr. *Huddleston* was heard in support of his objection to the telegram being put in, it having no signature.

Mr. Justice *Willes* ruled that it might be admitted as one of the circumstances of the case.

Mr. *James.*] It is dated the 14th of November

venber 1869, from Freeman, of Leicester, to Eaves, "Newdigate Arms," New-street, Coventry: "Twenty-five or more coming; send a register by last train to-night, in care of guard; I will meet him."

Mr. Justice *Willes*.] This is the Saturday?

2051. Mr. *James*.] Yes. (To the *Witness*.) Have you a telegram from a person of the name of Hooper, London—I do not know the date—to Hedger, Coventry?—Yes

2052. Will you tell me the date of that?—November the 17th (*handing the same to the learned Counsel*).

Mr. *James*.] This is from H. E. Hooper, 17, Warwick-street, Regent-street, to Hedger, Broad-gate, Coventry.

Mr. *Huddleston* objected to the reception of this as evidence, the name of Hooper never having been mentioned, and the name of Hedger only having been mentioned in the opening speech of Mr. *James*.

Mr. Justice *Willes*.] This relates to the London men, I suppose?

Mr. *James*.] Yes.

Mr. Justice *Willes*.] We had better have that presently; it is not admissible at present.

2053. Mr. *James* (to the *Witness*).] Have you one from Leicester addressed to Mr. Clare, Coventry?—Yes (*handing the same to the learned Counsel*).

2054. Mr. *James*.] I find that refers to a private business matter. (To the *Witness*.) Have you a telegram from a person of the name of Woodward to Mr. Eaves, of the "Newdigate Arms"?—That is a private matter also (*handing it to Mr. James*).

Mr. *James*.] I see this is addressed to a lady.

Mr. *James* proposed to ask the witness questions with reference to the conversation he had overheard between Parker and Samuel Smith, in contradiction of Parker's evidence this morning.

Mr. *Huddleston* objected to such questions being put to the witness.

Mr. Justice *Willes* held that the questions might be put, stating that the rule was that where you have an adverse witness you may cross-examine him, and where you may cross-examine you may contradict.

2055. Mr. *Henry James* (to the *Witness*).] Were you present here, in court, yesterday?—I was in the ante-room, waiting to be called in.

2056. Did you hear anything said by that man, Samuel Smith, to the witness, Henry Parker?—Yes; I heard him say, "Do not you split."

2057. Who said "Do not split"?—The witness that just left the witness-box, to Parker.

2058. What else did he say, if anything?—I didn't hear anything else; there was something else said. There was myself and the other telegraph clerk there waiting in the ante-room; and the clerk, Mr. Dalgleish, I believe, was there.

2059. Are you quite sure that you heard those words then?—I am quite sure that I heard him say "Do not split."

Cross-examined by Mr. *Huddleston*.

2060. Have you a telegram there from Mr. Kirby, to some people at Leicester?—No.

2061. Nor Fox?—No.

2062. Have you brought all the telegrams?—No; I have only brought a few that were specially called for and specified.

2063. You have only brought those that you were directed to bring?—Yes.

2064. By whom?—I was subpoenaed by Mr. Kirby, and I sent the subpoena to my superintendent.

2065. I don't find any fault with you; did Mr. Kirby direct you what telegrams you were to bring?—He directed to the secretary.

2066. And therefore you have only got those?—I have only got those.

2067. And therefore you have not all the telegrams that came?—Oh no.

2068. My learned friend says there were thousands; is that so?—There were only 11 telegrams.

2069. Where was it that you were standing yesterday?—In the ante-room here, close to here; the room between here and the witness-room. I was expecting to be called in every moment, but unfortunately I had left a minute or two, and another witness was called in, and I was waiting there expecting to be called in.

2070. Do you know Parker?—I have heard his name called, and he had been in once or twice, that was all.

2071. But as the man passed by he said something?—As he passed by I became an unwilling witness to what he said.

2072. Then he passed on?—Then he passed on.

2073. It was done almost as quickly as I am speaking to you now?—Oh yes, just as he was passing.

Re-examined by Mr. *Henry James*.

2074. Are you quite sure he said that?—Yes, I am quite sure he said, "Do not split"; I believe he said something else, but I did not hear it all; I would like to have the telegrams.

2075. They are in safer custody than your own.

Mr. Justice *Willes* said that documents given in evidence would remain in the custody of the officer of the court until the trial closed.

[The Witness withdrew.

EBENEZER SMITH, sworn; Examined by Mr. *H. James*.

2076. ARE you a Clerk at one of the telegraph offices here?—Yes.

2077. Do you produce any telegram addressed to a man of the name of Hammerton, at Dudley?—
275.

—Yes; our company have a very strong objection to producing them.

2078. Mr. Justice *Willes*.] I will hear anything that you have to say in addition to what
F the

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the other witness has said?—They have a very strong objection to producing them, as they are considered strictly confidential.

2079. You were not told not to produce them if the judge bade you, I suppose?—Oh, no.

2080. If you were I should have required the secretary, and if he made that objection I should have required all the directors to come here in turn, and I should have been obliged to deal with all the superiors at the end if they did not produce them; but as you represent the company, I must tell you that the law obliges you to produce them?—

2081. *Mr. Henry James.*] This is a telegram of November 16th, 1868, signed James Kilby, from Eaton's Committee, Hales-street, Coventry, to Mr. Thomas Hammerton, 21, Cross-street, Gads-lane, Dudley: "Come by the first train to 'Stag,' Bishop's-street." (To the *Witness*.) Were you present here yesterday?—I was.

2082. Were you in company with Mr. Ince, the last witness, in the room outside, as Samuel Smith, the witness, left the box?—Yes.

2083. Did you hear him say anything to Henry Parker?—I heard him say, "Don't you split."

2084. Did you hear anything else said?—There was not time, as Henry Parker was about going into the witness-box.

2085. Smith went out, and Parker came in?—Yes, just as I passed, he came in.

Cross-examined by *Mr. Huddleston*.

2086. As they were going one passed the other?—Yes.

Re-examined by *Mr. Henry James*.

2087. These appear to be duplicates?—Yes.

[The *Witness* withdrew.]

JOHN WILES, sworn; Examined by *Mr. Henry James*.

J. Wiles.

2088. ARE you on the register of voters for this city?—Yes.

2089. Did you vote at the last election?—Yes.

2090. For whom?—For Mr. Eaton and Mr. Hill.

2091. Where were you at the time of the election?—In London.

2092. Were you at work there in employment?—Yes.

2093. How long had you left Coventry?—It might be six or seven months.

2094. You were permanently residing in London, then?—Yes, my wife and family were in Coventry.

2095. Did you have any communication from anyone before the election about coming to Coventry?—No, I had a letter from my wife.

2096. You had a communication from your wife? Yes.

2097. Was it in consequence of that, that you came?—Not on that business; I was sending my "misses" post-office orders from London, and never received any answer back again, and I thought there was something wrong.

2098. Is your "misses" your wife?—Yes.

2099. You had a letter from her?—Yes.

2100. Then that was all right; did you have any communication from anyone else except your wife?—No.

2101. Nor saw anybody in London?—No.

2102. Did you have a circular or card?—No.

2103. You came to Coventry, and you voted?—Yes.

2104. After voting, did you receive any money from anyone?—No.

2105. Do you know a man of the name of Moore?—Yes.

2106. Have you seen him?—I see him the day after the election.

2107. Who is he?—I see Moore the day after the election.

2108. And who is he?—I told him I was going to London that day after the election; "Well," he says, "it wants some money to go back with." "Well," I says, "I should like some." "Well," he says, "I dare not give you

any—I will give your wife some;" and I thought of course he had some; afterwards I went to see my wife, and he never gave her any at all.

2109. Who is Moore?—He is a watchmaker, I believe; that is all I know about him.

2110. Where does he live?—At Mote-street.

2111. Did you meet him by accident?—I met him by accident on the morning of the election.

2112. Who first spoke about the money; you to him, or he to you?—It was him to me.

2113. Tell me again what he said?—He asked me if I wanted any money to go back to London; I said, "I should like some." "Well," he says, "I dare not give you any—I will give your wife some;" and of course I thought it was all straight.

2114. When did you go back to London?—Well, I think it was the Thursday morning.

2115. You have stated that you went to your wife, and made some application to her; was that before you left?—That was on the Wednesday.

2116. Is your wife in Coventry now?—Yes.

2117. Was there any amount mentioned at all by him to give you?—He said I should have 50 s.

2118. Moore mentioned that your wife should have 50 s.?—Yes.

2119. Before mentioning that amount, did he ask you what your expenses had been, or anything of that kind?—No, he never inquired that at all.

2120. But he fixed that sum?—He fixed that sum.

2121. Your wife is in Coventry now?—Yes.

Cross-examined by *Mr. Huddleston*.

2122. What were you doing in London?—Dyeing.

2123. You are a dyer by trade?—Yes.

2124. Were you on a job then?—I worked there.

2125. And your wife and family were living in Coventry?—In Coventry.

[The *Witness* withdrew.]

WILLIAM TOONEY, sworn; Examined by Mr. *Henry James*.

2126. You are a voter for this city, I believe?
Yes.

2127. For whom did you vote at the last election?—For Mr Eaton and Hill.

2128. Where were you living at the time of the election?—In London.

2129. I believe your wife was in Coventry?—Yes.

2130. At any time in the day before the election, did you receive any communication from her?—That would be on the Monday; no.

2131. You thought it was Monday; at any time shortly before the election?—Any more than I sent weekly; I used to send communications weekly; sending my wages.

2132. That would be from you to her; I am asking from her to you?—Respecting the election?

2133. I have no right to ask you that, but did you have any communication from her?—She used to write back just to say about the family, and that was all.

2134. You had no telegrams shortly before the election?—No; only from her.

2135. You had a telegram from her?—Yes.

2136. When was that?—That would be on the Monday, the nomination day, on the Monday evening.

2137. I may have misunderstood you, but I understood you to say just now that you had not a communication from her on the Monday?—I got on the Monday a telegraphic message.

2138. Did you have it on Monday?—On Monday evening, I did.

2139. Have you kept that paper?—No.

2140. When did you leave London to come and vote?—The same evening.

2141. The same evening that you received the telegram?—Yes.

2142. And I suppose you were going to Coventry on the Monday night or Tuesday morning?—The Monday night.

2143. Then on the Tuesday you voted?—Yes.

2144. Have you received any money since?—Well, I did receive money.

2145. What?—I received 2*l.* 10*s.*

2146. From whom?—A man named Moore.

2147. Do you know his Christian name?—I think it is "John."

2148. Where does he live?—I don't know exactly where he lives, but I saw him in the street.

2149. Do you know whether he is a watch-maker?—I think he is.

2150. What took place between you and him before he gave you the 2*l.* 10*s.*?—He says, "I suppose you want to go back to London." I says "Yes." He says, "I suppose you could do with a bit of money to go with." And I says, "I could."

2151. What then?—He says, "I will come to you."

2152. Did he come?—Yes.

2153. When was that?—A few minutes after.

2154. Where did he come to?—To the "Rose" public-house.

2155. Did you tell him you would meet him at the "Rose"?—No, he told me to go in.

2156. Then he gave you 2*l.* 10*s.*?—Yes.

2157. Did he ask you what it had cost you to come?—No.

275.

2158. And he said nothing more than you *W. Tooney.*
have told us?—No.

2159. What did it cost you to come?—Well, I 17 February 1869.
paid 12*s.* 3*d.* to come.

2160. And how much to go back?—Eight shillings.

2161. And when did you go back?—On the following Thursday.

2162. I suppose you were at home with your wife and family whilst you were here?—Yes, in Coventry.

2163. Did you see or receive any communication at all from Mr. Hedger, whilst you were here?—No.

2164. Did you know him?—No.

Cross-examined by Mr. *Huddleston*.

2165. Where did you give your evidence; who took your evidence down; Mr. Kirby's clerk, Mr. Fox?—No; Mr. Micklewright, I think.

2166. Do you know who Mr. Micklewright is?—I believe he is a lawyer.

2167. Did he call himself a "commissioner"?—He did not say what he was.

2168. Did he give you anything?—He gave me 2*l.* as conduct money.

2169. When was that?—When I gave my evidence.

2170. But how long ago was it that Micklewright gave you that 2*l.*?—I think it was about the 1st of February.

2171. It was before you were subpoenaed?—Yes.

2172. Was that all you have had from Micklewright?—He gave me 5*s.* last night to get something to eat.

2173. Did you receive any money from anybody to come here as a witness?—No; that is the only money that I had from Mr. Micklewright, and he paid my fare; young Mr. Micklewright.

2174. He gave you 2*l.*, and young Mr. Micklewright paid your fare?—Young Mr. Micklewright gave me 2*l.*, and he paid my fare besides that to come down.

2175. Did he give you anything to drink?—Yes; we had one glass of porter at the Euston Station, and one glass of ale at Rugby.

2176. But I mean when he was taking your evidence?—Yes, we had some porter.

2177. While they were taking down your evidence?—Yes; we had some porter.

2178. While they were taking down your evidence?—Yes.

2179. Was it taken down in a public-house?—No; at Mr. Goddard's, the foreman, where I worked.

2180. And then they sent out for some drink?—Yes.

2181. While your evidence was being taken?—Yes.

2182. Did Micklewright promise you anything for giving your evidence?—Yes.

2183. What did he promise you?—He said that if I would come and give my evidence, he would allow me 10*s.* a day.

2184. Anything else?—He would pay all my expenses besides.

2185. Did he say you would be punished if
you

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you did not?—He said I had better speak the truth as near as I could, and I have.

2186. But did he say that you would be punished if you did not?—Yes.

2187. Did he say that you would be prosecuted if you did not come?—Oh, yes.

2188. He said you would be prosecuted if you did not come?—Yes.

2189. Did he say how much you would get if you did not come?—He said I was liable to two or three months.

2190. 'Two or three months' what?—Imprisonment.

2191. You were liable to two or three months' imprisonment if you did not come?—Yes.

2192. And you would get 10 s. a day and your expenses if you did?—Yes.

2193. As I understand, you came and you voted for Eaton and Hill. At what time did you vote for Eaton and Hill?—I think it was about 10 o'clock in the morning, or a little after.

2194. When was it that you saw this man Moore?—The next day.

Re-examined by Mr. *Henry James*.

2195. Did Mr. Micklewright say anything to

you about your telling the truth?—Yes; he said he hoped I should tell the truth.

2196. Have you done so to-day?—Yes.

2197. Had you been in communication with Mr. Dewes or any one since you have been here?—Yes.

2198. The gentleman who is sitting 'here'?—Yes.

2199. When did you go there?—Yesterday.

2200. To his office?—No.

2201. Where did you see him?—At the "King's Head."

2202. Did you make any statement to him?—About the same.

2203. About the same that you have told us to-day?—Yes.

2204. Did you send for him, or did he come to you?—I wished to go and see him. I went up there, and I see him a-coming, and I said, "I want to see you," or something of that kind, and I went into the room to him.

2205. At the "King's Head"?—At the "King's Head."

2206. And you made the statement to him which you have made here to-day?—Yes.

[The Witness withdrew.]

ADELAIDE TOONEY, sworn; Examined by Mr. *Henry James*.

A. Tooney.

2207. WHAT is your Christian name?—Adelaide Tooney.

2208. You are the wife, I believe, of the last witness?—Yes.

2209. At the time of the last election you were resident in Coventry?—Yes.

2210. And he was in London?—Yes.

2211. We hear that on the nomination day, the Monday, you telegraphed to your husband?—Yes, I did.

2212. What caused you to do that?—Well, I wished him to come down.

2213. That is natural enough, but did anybody call upon you?—Yes, a gentleman called, and I asked him what his name was, and he said, Mr. Westropp.

2214. Had you ever seen him before?—No, not that I know of.

2215. What did Mr. Westropp say to you?—He asked me if my husband—

Mr. *Huddleston* objected to the last question.

Mr. Justice *Willes* overruled the objection.

2216. Mr. *Henry James* (to the Witness).] When was it that Westropp called upon you?—The day before the polling day.

2217. What did Mr. Westropp say to you?—He asked me if my husband was come, and I said he was not. He said, "Why not telegraph for him?" and I said, "Do you think he would come?" and he said, "Yes." He says, "I should telegraph for him," and I did so.

2218. Your husband was earning weekly wages, was not he, in London?—Yes.

2219. Was anything at all said to you about his expenses?—No.

2220. Did you ask anything about how he was to be paid?—No.

2221. Simply that you were to telegraph?—That I was to telegraph.

2222. You have not seen Mr. Westropp since, I suppose?—No, I have not.

2223. That was all that took place?—That was all that took place.

2224. And you followed those instructions, or at least that conversation, and telegraphed?—Yes.

[The Witness withdrew.]

JOHN SHUTTLEWORTH, sworn; Examined by Mr. *Chandos Leigh*.

J. Shuttleworth.

2225. WHERE do you live?—At Atkin-square, in Coventry.

2226. Are you a voter for Coventry?—Yes.

2227. For whom did you vote at the last election?—For Mr. Eaton and Hill.

2228. Before you voted, did anybody come to canvass you for your vote?—Yes, they came.

2229. Did Mr. Eaton come himself?—They both came; Mr. Eaton, Mr. Hill, and Mr. Odell, and Mr. Mann, and others that I did not know.

2230. Is that a Mr. James Mann; is his Christian name James?—Yes.

2231. Does he live in Little South-street?—I think he does.

2232. Did they come together on that occasion; Mr. Hill and Mr. Odell, and Mr. Mann, and the other party?—Yes.

2233. Did they come in a party together?—Yes.

2234. The two candidates came, Mr. Eaton and Mr. Hill?—Yes.

2235. How long before the polling day was that?—On the Wednesday before the election, about one o'clock in the day.

2236. Were

2236. Were you asked for your vote then?—Yes, they ax'd me for my vote.

2237. Who asked you?—Mr. Hill and Mr. Eaton, and I told them I had not promised it to anyone.

2238. When you told them that you had not promised it to anyone, what did they say?—They just asked me for my vote, and I said I had not made my mind up.

2239. On the next day, Thursday, did anybody come to you?—Yes.

2240. Who?—Mr. Mann and another gentleman; I do not know the other gentleman.

2241. Is that the same Mr. James Mann who came the day before with Mr. Eaton and Mr. Hill?—Yes.

2242. At what time was that?—It was in the afternoon, between three and four, about half-past three.

2243. Did Mr. Mann say anything about your vote then?—Yes, he ax'd me if I had made my mind up, and I said I had not; I was no nearer than I was when they came the day before.

2244. On the next day, Friday, did anybody come to you?—Yes.

2245. Who?—Mr. Mann.

2246. Mr. Mann again?—Yes.

2247. What happened on the Friday, when he came to you?—He ax'd me again, and I told him I had not made up my mind yet; but he would give me half-a-sovereign when the election was over.

2248. Mr. Mann said he would give you half-a-sovereign when the election was over?—Yes.

2249. Did he name any other sum of money besides the half-sovereign?—He said he could help me to half-a-crown the next day, Saturday.

2250. And he said he would give you half-a-sovereign when the election was over?—Yes.

2251. Did he come again on the Saturday?—Yes, at about half-past three o'clock.

2252. Were you alone when he came on the Saturday?—Also my wife, Elizabeth Shuttleworth, was in there.

2253. What happened when he came on the Saturday?—He came in, and he nudged me on the shoulder to go into the back kitchen, and I went into the back kitchen with him, and he closed the door and put the door to, and gave me half-a-crown.

2254. And when he nudged you and took you into the back kitchen, did your wife go with you, or did you go alone?—I went along with him alone.

2255. When he gave you the half-crown in the back kitchen did he say anything about any other money?—He said he would give me half-a-sovereign when the election was over.

2256. On the Monday, the nomination day, did you see Mr. Mann again?—He came to our house on the Monday morning just before eight o'clock, and he said he had not got a card for me with the right number, but he said he would send one up on the Monday morning.

2257. Did he then go, after telling you that?—Yes.

2258. The next day you told us that you polled for Eaton and Hill?—Yes.

2259. At what time did you poll?—About 11 o'clock.

2260. On the following day, Wednesday, did you see Mr. Mann, the day after the polling?—Yes, he came to our house at six o'clock at night.

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2261. Were you alone when he came to your house?—Yes.

2262. When he came to your house did he do or say anything?—He came in and after a few words he gave me the half-sovereign.

2263. Where did he give you the half-sovereign?—In the house.

2264. When he gave you the half-sovereign did he say anything?—He said that I was not to say anything to anyone.

2265. Was that all that he said?—He said that if I was to say anything, I should get perhaps three months, both of us.

2266. Did you do any election work?—No.

2267. Since this Petition have you seen Mr. Dewes?—Yes.

2268. Where did you see him?—Me and a man of the name of Mr. Greenway, he came to the workhouse, and he came from there to the "King's Head."

2269. Did you see Mr. Dewes at the "King's Head"?—No, he was not there, and they told us to go from there into Hay-lane to Mr. Dewes's office.

2270. Who told you that?—A man from the "King's Head."

2271. Did you go to Mr. Dewes's office?—I went to Mr. Dewes's office.

2272. Did you see Mr. Dewes at the office?—Yes, after waiting there a while.

2273. Did you say anything to Mr. Dewes or did Mr. Dewes say anything to you when you saw him at his office?—He did not say much to me; he was talking to this man Greenway that was along with me.

2274. Did you hear what Mr. Dewes said?—I did not; I did not hear particularly what he said.

2275. Did you write or sign anything at Mr. Dewes's office?—Not then.

2276. Did you write or sign anything at that time anywhere else?—At night.

2277. Where?—They told us to go from there and go the back way, me and this Greenway and another man, we had to go the back way to a public-house in Bailey-lane.

2278. Who told you that?—They told this Greenway who was along with me.

2279. Who told this Greenway?—I do not know.

2280. Were you told to go along this back way at Mr. Dewes's office?—Yes.

2281. Did you go up that back way with Greenway?—Yes.

2282. Did you go to this inn?—We went to this public-house.

2283. Did you have anything at this public-house?—Yes.

2284. What?—We had some steak and some ale.

2285. You and Greenway?—Yes, and another man was along with us.

2286. How long were you at this public-house?—They kept us waiting till eight o'clock at night.

2287. What time did you go there?—I think it was about nine or half-past nine in the morning.

Mr. Justice *Willes* intimated that he considered that this would more properly come out in re-examination.

Cross-examined by Mr. *Huddleston*.

2288. You do not mean to say that you saw this

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J. Shuttleworth. this gentleman (*pointing to a person in Court*)?—
He was in the office.

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Not spoke to him exactly; Greenway was the person.

2290. Did not Mr. Dewes decline to have anything to do with you, you know what I mean?—
(*The Witness hesitated.*)

2291. Was not that so; did not Mr. Dewes say that he would have nothing whatsoever to do with you?—(*The Witness hesitated.*)

2292. Do not look from me there and from there here, but answer the question?—(*After some hesitation.*) I don't know no more than what this man was saying.

2293. Did not Mr. Dewes say, "I will have nothing to do with you"?—I did not hear him say that.

2294. Did not they tell you at Mr. Dewes's office that Mr. Dewes had sent to say that he would have nothing to do with you?—I did not hear him say that.

2295. You went to Mr. Dewes's office?—Yes.

2296. You did not speak to Mr. Dewes?—He came into the office, and me, and this Greenway, and another man, we was together.

2297. And he would not speak to you?—He did not speak to me exactly, he spoke to Greenway and the others.

2298. Just recollect now, did he not say he would have nothing to do with you?—(*The Witness hesitated.*)

2299. Did he not say so?—Well, I do not know.

2300. Did he not say in your presence that he would have nothing to do with you. Now, answer that question, you can?—I cannot say, I am sure, whether he said he would have nothing to do with me or not.

2301. Did he not say, when he came into the office, and you were there, "I will have nothing to do with him," and "go away"?—I did not hear him say that.

2302. Did not Mr. Dewes come into the office, and when they said "Shuttleworth is there," did he not say "I have nothing to do with you," and walk out. Was not that what took place?—
(*The Witness hesitated.*)

2303. Why do you not answer me?—This Greenway that was along with me, and this other, said that we should have to go from there.

2304. I am not asking you about Greenway, I am asking you about Mr. Dewes. Did not Mr. Dewes come into the office, and did not somebody say, "There is Shuttleworth," and did not Mr. Dewes say, "I will have nothing to do with you," and go through his office, and 'go away. Was not that what took place?—I do not remember his telling me that he would have nothing to do with me.

2305. Will you swear that he did not?—(*The Witness hesitated.*)

2306. Will you swear that he did not say so?—(*The Witness hesitated.*)

2307. Why do you not answer the question, it is a very simple thing that I put to you?—I do not remember hearing him say that he would not have anything to do with me.

2308. Will you swear that Mr. Dewes did not come into the office, and upon your name being mentioned, say, "I will have nothing to do with you," and walk through the office?—Well, if he did say so, I did not hear him.

2309. However, you had no conversation yourself with Mr. Dewes?—No.

2310. Do you know Mr. Pears?—Yes.

2311. Who is Mr. Pears?—He lives at Allesley.

2312. What is he, is he a Dark Blue?—I don't know, I am sure.

2313. Is he a Liberal?—I believe he is; I have been told so.

2314. Have you had any money from him?—Yes; he gave me 10 s.

2315. Only 10 s.?—Only 10 s.

2316. Will you swear that?—Yes; last Christmas.

2317. Will you swear that he gave you no more?—He has given me no more.

2318. You will swear that?—Yes.

2319. Four pounds?—No, he did not give me 4 l.

2320. Has he promised it you?—No; he has not promised.

2321. Who has, then?—No one has promised it me.

2322. Do you mean to say that you have not been promised 4 l. from Mr. Pears?—No; Mr. Pears never promised me 4 l.

2323. Has anybody promised you that Mr. Pears should give you 4 l.?—(*After some hesitation.*) No.

2324. Be cautious now. Has anybody promised you that Mr. Pears should give you 4 l.?—He never promised me 4 l.

2325. I know you say so, but has anybody told you that Mr. Pears would give you 4 l.?—I don't know as anyone has.

2326. Will you swear that they have not?—
(*The Witness hesitated.*)

2327. Will you swear that they have not?—
(*The Witness hesitated.*)

2328. Come now, answer that question. Has anybody told you that Mr. Pears would give you 4 l.? Why do you not answer the question? I will keep you there until you do answer it one way or the other?—(*The Witness hesitated.*)

2329. Come now, out with it?—I had spoken to him about the gift.

2330. I am asking about the 4 l. Was anything said about the 4 l., and do not let me have any mistake about that; did you speak to Mr. Pears about the 4 l. Don't put anything else upon me?—(*After some hesitation.*) I axed Mr. Pears about it, and he said he would do what he could when the time came about the 4 l.

2331. Mr. Pears said he would do something when the time came about the 4 l.?—Yes.

2332. Did Mr. Pears tell you that?—He said he would speak to a gentleman about it.

2333. Was that because you had asked him for the 4 l.?—I just named to him about it.

2334. What did you name to him about it?—About the 4 l.

2335. Did you tell him you were going to be a witness?—No.

2336. Had he asked you to give evidence?—No.

2337. Had he spoken about your evidence?—No; this was before the election.

2338. But I am speaking about your evidence, have you seen Mr. Pears since the election?—No.

2339. Not at all?—Not to speak to him.

2340. Mr. Pears before the election had said he would speak to a gentleman about the 4 l.?—Yes.

2341. Had

2341. Had Mr. Pears canvassed you for your vote?—No; it was about the 4^l.

2342. Had Mr. Pears asked you for your vote before the election?—No; not in connection with my vote.

2343. Do you mean to swear that?—I went to him to see if I could get work, but he said I could not, I could not have a job.

2344. You could not have a job where?—At the election.

2345. You went to Mr. Pears to see if you could get a job at the election, 'did you?—Yes.

2346. And Mr. Pears said you could not?—He said it would hinder me from voting.

2347. Was it then that you spoke to him about the 4^l?—I believe it was then. No; I think it was a little before that.

2348. Which do you mean?—It was a day or two before that.

2349. Then, did you ask him if he could get you 4^l?—He asked me if I had had a gift, and I told him I had not.

2350. Well?—He said that he would name it to a gentleman.

2351. How came you then to go to Mr. Pears to ask him about it?—I went then to see if I could get something to do.

2352. But how came you to go to Mr. Pears at all; you knew that he was a supporter of Mr. Carter and Mr. Jackson, did you not?—Well, I was told that he was a Liberal.

2353. Was that the reason you went to speak to him?—(After some hesitation.) Yes.

2354. You not having made up your mind in which way you would vote?—No.

2355. And you wished to know something about the 4^l, I suppose, before you made up your mind how you would vote?—No.

2356. Then what made you go up there about that particular time. You heard he was a Liberal, and you had not made up your mind about the vote, and you thought you would go up and ask him how you could get a gift; I suppose you wanted to know how things stood before you did vote?—No; it was not for that.

2357. What did you go up for then, was it for fun that you went up?—No.

2358. Was it in the hope that you would get the gift?—I thought I should perhaps get something to do, as I had no work.

2359. Something to do at the election?—Yes.

2360. Did Pinches and Fox, Mr. Kirby's clerk, come to you?—Yes.

2361. Did they tell you that if you did not come and give evidence, you would go to gaol?—No; they did not tell me that.

2362. Did they tell you anything about going to gaol?—(The Witness hesitated.)

2363. What did they tell you about going to gaol; did they tell you anything about going to gaol?—I do not know that they did.

2364. Will you swear that they did not?—(The Witness hesitated.)

2365. Did not Mr. Fox tell you something about going to gaol?—(The Witness hesitated.)

2366. Come now, you cannot take so long to think about that, why do you not answer the question; did not they tell you, that if you would come and tell, you would exonerate yourself, and that if you did not, you would have to go to gaol? Come now, answer it at once?—(The Witness hesitated.) They said I should get clear if I was to give my evidence.

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2367. If you did not, that you would go to gaol?—No; they did not say anything about that.

2368. Nothing at all about going to gaol?—No.

2369. Where does Mr. Pears live?—He lives at Allisley.

2370. Did you meet Mr. Pears near to the Allisley gate?—Yes.

2371. Did Mr. Pears ask you if you had never had a gift?—Yes; I told him that I had not.

2372. When was it that you met Mr. Pears near the Allisley gate?—It was before the election.

2373. When?—About two days or so.

2374. About two days before the election you met Mr. Pears at the Allisley gate?—Yes.

2375. And Mr. Pears asked you if you had never had a gift before?—Yes.

2376. What did you tell him?—I told him that I had not.

2377. What did Mr. Pears say to you upon that?—He said he would speak to a gentleman.

2378. About what?—Getting me a gift.

2379. Four pounds?—Yes.

2380. Who was the gentleman he was to speak to?—(After some hesitation.) Mr. Hands.

2381. Who is Mr. Hands, is he a Liberal?—Yes.

2382. Is he one of Mr. Jackson's and Mr. Carter's committee?—I am not sure; I do not know.

2383. What do you believe about it?—I do not know.

2384. Did he say anything about getting your name put down?—No.

2385. What else did he say after that?—(The Witness hesitated.)

2386. What did he say next?—(The Witness hesitated.)

2387. What did he say more?—He did not say anything more; that is all he said.

2388. Did he ask you which way you were going to vote?—No, he did not ask me.

2389. Did he ask you if you had made up your mind?—He did not ask me which way I was going to vote.

2390. But did he ask you which way you had made up your mind?—No; he did not ask me that.

2391. Did he say nothing about your vote?—No.

2392. Will you swear it?—I will swear it; he did not say anything about it.

2393. You did not say anything to him about the way you were going to vote?—No.

2394. Did you never say anything to Mr. Pears about the way you were going to vote?—No.

2395. Did he never canvass you?—No.

2396. Who canvassed you for the Liberals?—We were away out of the town when they came round.

2397. Do you mean to say that you never saw anybody from the Liberals?—Canvassing?

2398. Yes?—No.

2399. Did you see anybody from the Liberals not canvassing?—Mr. Eaton and Mr. Hill came round to me.

2400. I am speaking about the Liberals?—We were out of town when they came round.

2401. Did you see them when you were in the town; do you mean to say that the Liberals never canvassed you?—No, they never canvassed us; they never canvassed me.

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2402. That

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2402. That you swear?—Yes.

2403. Do you mean to swear that?—Yes.

2404. Do you mean to swear that the Liberals never canvassed you?—Canvassed?

2405. Yes; come now, be cautious; do you mean to swear that the Liberals never canvassed you?—(*The Witness hesitated.*)

2406. Why do you not answer the question?—I do not rightly understand it.

2407. You do not understand what “canvassing” means?—I never had a vote before in my life.

2408. That is not an answer to my question; you knew perfectly well what “canvassing” meant when you said that Mr. Eaton, and Mr. Hill, and Mr. Odell, and Mr. Mann came and canvassed you; I ask you who came and left the Liberal card; who came and canvassed for the Liberals?—We had never a card, as I remember, for the Liberal side.

2409. Do you mean to say that nobody came and asked you for your vote for the Liberals?—But we were not at home.

2410. Never mind about being at home; did they come and ask you out, or anywhere else; did you see anybody from the Liberal side to ask you for your vote?—No, not after we came back; they never came to our house at all after we came back.

2411. Did they come before you went?—We were away when they came round.

2412. Did anybody from the Liberal side come before you went?—When we went.

2413. Before you went?—We were away above a week.

2414. Where were you?—At Crewe.

2415. What were you doing at Crewe?—We went to see a relation.

2416. Do you mean to say that you never saw anybody from the Liberal side at all before the election?—No.

2417. And that you swear?—Yes.

2418. Do you mean to swear that nobody from the Liberal side came to you?—(*The Witness hesitated.*)

2419. Is that so; will you venture to swear that nobody from the Liberal side came to see you?—(*After some hesitation.*) We did not see anybody from the Liberal side.

2420. Whom do you mean by “we”?—Me and my missis.

2421. You mean to swear that neither you nor your missis ever saw anybody from the Liberal side?—We did not.

2422. When did you say it was you first saw Mr. Mann?—(*The Witness hesitated.*)

2423. When did you say it was that you saw Mr. Mann first?—When they came round.

2424. That does not answer my question; when was it; what day?—On the Wednesday before the election.

2425. You were examined, you say, by Mr. Fox?—I do not know that I was.

2426. Mr. Kilby’s clerk, or was it Mr. Micklewright that examined you?—Yes.

2427. And you say that it was on the Wednesday; what time in the day was it?—About one o’clock in the day.

2428. Who was present when you say that Mr. Mann said that he would give you half-a-sovereign on the Friday?—No one only myself.

2429. No one was present on the Friday when you say that Mr. Mann said that he would give you half-a-sovereign?—No.

2430. On the Saturday, when you say he gave you half-a-crown, was anybody present?—My missis, my wife, was in the house.

2431. Was she present when you say he gave it?—She was in the house by the fire—

2432. That is not the question I ask you; the house may be a large one or a small one; I ask you distinctly, do you mean to swear that she was present?—She was present.

2433. In the room?—We went in the kitchen.

2434. Then was she in the kitchen?—No.

2435. Did she see the half-crown given to you?—No.

2436. Then you say Mr. Mann and you went into the kitchen and shut the door?—Yes.

2437. Who shut the door?—He put the door to.

2438. Who did?—Mr. Mann.

2439. And closed it?—Yes.

2440. So that it was quite close?—No, not quite close, nearly so.

2441. But he closed the door, I suppose, to prevent people hearing what was going on?—He did not put it quite close.

2442. Did he leave it open?—It was partly open and partly shut.

2443. So that anybody could hear what took place in the other room?—He said nothing no more than he gave me half-a-crown.

2444. He said nothing?—No, not then.

2445. Then when he gave you the half-crown he did not speak?—No, not till we came into the house.

2446. But when he went into the kitchen and closed the door, as you say partly, and gave you half-a-crown, he did not say a word?—Not then.

2447. Then when he came out of the kitchen what room did he come into?—He came into the house.

2448. Does the kitchen open into the front room?—The kitchen opens into the house.

2449. Is that the front room; does the “house,” as you call it, open into the street or passage?—The house opens into the street.

2450. He came in there and then went out?—Yes.

2451. You say it was on the Wednesday that he gave you the half-sovereign?—Yes; after the election was over.

2452. What time?—At about six o’clock at night.

2453. And you were alone?—Yes.

2454. Nobody with you?—No.

2455. And nobody saw it?—No.

2456. Which Mr. Mann do you say this was?—Mr. James Mann.

2457. Had you known him before?—No.

2458. I suppose you have spoken to your wife about this?—Oh yes.

2459. I suppose you have often talked this over with your wife?—Sometimes.

2460. Often?—Not very often.

2461. How often?—Once or twice; two or three times.

2462. Did you and your wife talk about coming to give evidence here?—No.

2463. Never?—No.

2464. Have not you and your wife talked about coming to give evidence?—No.

2465. Did you and your wife last night, speak about this; about coming here as witnesses?—We knowed we should have to come.

2466. Did you speak about it; did you say to your

your wife last night, "Now you know we have got to be examined to-morrow;" did you speak last night about your going to be examined as a witness to-day?—Well, we did not say but very little about it.

2467. Did you say something about it?—I do not think as we hardly named it after we got home.

2468. You meant to say that you did name it but did not say much about it?—No.

2469. What did you say to her?—We knowed we should be examined.

2470. Did you speak to her, or did she speak to you?—I did not say anything to her much about it.

2471. We will judge whether it was much or not; what did you say to your wife last night about it?—I did not say anything, only I said we should have to go again to-morrow.

2472. What did she say to that?—Oh, she said we should.

2473. Anything else?—That was all, I think.

2474. Nothing more?—No.

2475. You said to her, "We shall have to go again to-morrow;" she said "We shall"?—Yes.

2476. Did you speak about it this morning to her at breakfast?—We hardly said anything.

2477. You hardly said anything; that looks as if you said something; what was it that you said this morning?—(*The Witness hesitated.*)

2478. Why do you not answer the question?—I am sure I do not know as we did say anything.

2479. Will you swear that you said nothing to her this morning about coming here as a witness?—I do not think I hardly named it.

2480. Will you swear you did not name it to her this morning, about your coming here as a witness?—(*The Witness hesitated.*)

2481. You cannot recollect whether you spoke to your wife this morning about it; did you speak to her this morning about it?—I hardly spoke at all.

2482. "Hardly," means you did some little?—We were saying we shall have to come again.

2483. To your wife?—That was all that was said.

2484. What did she say to that?—She said we should.

2485. That was all?—Yes.

2486. Nothing more?—That was all.

Re-examined by Mr. James.

2487. You do talk to your wife a good deal, sometimes?—Sometimes I do.

Mrs. SHUTTLEWORTH, sworn; Examined by Mr. Leigh.

2502. ARE you the wife of the last witness, John Shuttleworth?—Yes.

2503. On the Wednesday before the polling day, do you remember some gentleman coming to canvass your husband for his vote?—Yes.

2504. Who came to canvass your husband for his vote?—Mr. Hill, Mr. Eaton, Mr. Odell, Mr. Mann, and Mr. Bolton, and there might be one or two more; I cannot remember.

2505. Do you know Mr. Odell's Christian name?—No.

2506. Do you know where he lives?—No, I do not.

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2488. Do you know Mr. Pears to be a magistrate of this county?—I do not know that he is.

2489. Do you know a charity called Sir Thomas White's Charity?—Yes.

2490. Are there gifts from that charity, some of which are called loan gifts, amounting to the sum of 4*l.*, or a gift given to different people of certain ages in different parts of the country?—In Coventry?

2491. I believe a person cannot have it —

Mr. *Huddleston.*] I must ask you not to lead your witness.

Mr. *James.*] We have sent for Mr. Pears.

Mr. Justice *Willes.*] That is enough to indicate what you mean to bring forward.

2492. Mr. *James.*] Did Mr. Pears ever offer you a farthing, or say a word to you about your vote?—No.

2493. When you applied to him (my learned friend has said something about 4*l.*), was that in relation to the gift of Sir Thomas White's Charity?—No.

2494. You used the word "gift;" what gift did you refer to?—I referred to the 4*l.*

2495. What is that gift of 4*l.*; from whom does it come?—I do not know.

2496. Do other people have gifts of 4*l.* in Coventry?—Yes.

2497. Was it on the subject of that gift that you spoke to Mr. Pears?—Yes.

2498. Will you give me the name of the gentleman Mr. Pears said he would speak to about it; you said that Mr. Pears said he would speak to a gentleman; what was that gentleman's name?—Mr. Hemans.

2499. Do you know, or did Mr. Pears tell you, that that gentleman is a trustee of Sir Thomas White's Charity?—Yes.

2500. Do you repeat again, and say positively that Mr. Mann did give you those two sums?—

Mr. *Huddleston.*] This summing up my learned friend adopts to every witness.

Mr. Justice *Willes.*] Mr. Baron Martin I know objects very much to this sort of re-examination.

Mr. *James.*] I have the greatest respect for Mr. Baron Martin, and I will desist if he thinks it wrong.

Mr. Justice *Willes.*] From personal experience of its ill effects. I will say no more.

2501. Mr. *James* (to the *Witness*).] Have you told us the truth to-day?—Yes.

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2507. Do you know Mr. Mann's Christian name?—James.

2508. Do you know where he lives?—Little South-street, East-street.

2509. When did they come?—About one o'clock in the day.

2510. When they came, what did they do?—They asked him if he could favour them with his vote, and he said he could not promise it.

2511. Who asked him that?—Mr. Hill and Mr. Eaton, I think; he said he would think about it; they said he perhaps would think about it; they says, "You will think about it."

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2512. What

Mrs. *Shuttleworth*. 2512. What did your husband say when they said, "You will think about it"?—He said, "There is plenty of time for that," or something of that.

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2513. After that, did you see any of that party again?—Not till Saturday, I did not see them.

2514. Who called on Saturday?—Mr. Mann.

2515. What time?—About two o'clock in the afternoon.

2516. Was that the same Mr. Mann who came with Mr. Eaton and Mr. Hill?—Yes.

2517. What happened when he called?—He came in and had some cards or something in his hand; he called my husband to him; he had some cards; there was a wrong number, he said; he had not got his card with him, and he said he would send it.

2518. After speaking to your husband about this card, did he do anything?—He touched him on the shoulder and called him into the back kitchen and shut the door.

2519. Did you go into the back kitchen with them?—No.

2520. Nor did you hear what passed in the back kitchen?—No.

2521. On the nomination day, did anybody call?—Mr. Mann came before breakfast, and I think he asked him if he had his voting card; he said he had not, and he said he would send it.

2522. You told us about Wednesday, your being at home, and Saturday your being at home; were you at home Thursday or Friday?—No, I was not; and I do not know what my husband told him.

Cross-examined by Mr. *Huddleston*.

2523. Were you at home on the Monday, the nomination day?—Yes, before breakfast, I was.

2524. During the daytime?—No.

2525. Then what took place about the wrong card you say took place on Saturday?—Yes.

2526. Are you sure of that?—Yes.

2527. And not on the Monday?—Not on the Monday.

2528. You could not hear what took place in the kitchen?—No.

2529. How was that?—I did not try.

2530. Women do not happen to have curiosity at Coventry, then; if you had tried you could not have heard with the door between you?—I should have heard without trying; he told me.

2531. You did not try to hear?—No.

2532. Did you hear voices?—Yes.

2533. In the kitchen?—Yes.

2534. While you were in the house, what you call the house, would you have heard the voices of people talking in the kitchen?—Yes.

2535. How long did you hear the voices; you

had not the curiosity to listen, but how long did you hear the voices?—Not many minutes.

2536. You could not distinguish what was said?—No.

2537. You heard one voice saying something, and another voice answering it?—Yes.

2538. I mean there was no mistake about it?—No.

2539. I suppose your door is not a very strong door, is it; you can hear through it?—It is the same as the rest of doors.

2540. Voices will come through the keyhole or under the door?—No; I did not try to hear whether it would come through the keyhole or under the door.

2541. The door was shut?—It was pushed close.

2542. As close as it would go?—I do not know; I did not notice it.

2543. It was pushed close to?—Yes; it was to.

2544. But, nevertheless, though pushed closed to, you could hear the voices of people speaking in the kitchen?—I could hear them speaking; I could not hear what about.

2545. I daresay, if the truth were known, you and your husband have been talking this over a good many times?—We did not talk anything about it; he told me what he had said.

2546. I want to know whether you have been speaking to your husband about this; did you talk to him last night about it?—I do not know whether I said it to him last night; I said a good many things.

2547. Did you talk to him about coming to the trial?—No, I did not.

2548. Not a word?—No.

2549. Did not he say you would have to come here to-morrow?—I knowed we should; he had no occasion to say so.

2550. Are you sure he did not say you would have to come here to-morrow?—I am sure.

2551. Did not he say it that morning at breakfast?—No; he did not say anything about it.

2552. Will you swear he did not say last night anything about coming here to-morrow, nor this morning anything about coming here to-day?—No.

2553. Nor you to him?—Yes.

Re-examined by Mr. *James*.

2554. You say that your husband told you what he had said?—Yes.

2555. When did he tell you that?—On the Thursday after Mr. Eaton had been round.

Mr. *Huddleston*.] This does not arise out of my cross-examination.

Mr. Justice *Willes*.] I will reserve my opinion upon this case until I hear some more about Mr. Mann.

JOSEPH VILLIERS, sworn; Examined by Mr. *Leigh*.

J. *Villiers*. 2556. WHERE do you live?—No. 2, Cockstreet, Coventry.

2557. You are a freeman and voter for the city of Coventry?—Yes.

2558. For whom did you vote at the last election?—Mr. Eaton and Mr. Hill.

2559. Before you voted for Mr. Eaton and Mr. Hill, did you see anybody about the election?—Yes; Mr. Johnson.

2560. Mr. Johnson, I believe, is the Liberal ward manager?—Yes.

2561. Did you see anybody after that on the other side?—Yes.

2562. Who?—Mr. James Mann.

2563. When?—About the 18th of October.

2564. Did you say anything to Mr. Mann?—No; he spoke to me first.

2565. What did he say?—He hoped I was not going

going to support the Liberal party, as they heard I was going to do it.

2566. Was he alone at that time?—Yes.

2567. Where did you see him?—At the top of Mill-lane.

2568. Was that all that passed between you and Mr. Mann?—Yes.

2569. Is that James Mann, of Little South-street?—Yes.

2570. Did you see Mr. Mann again after that?—Yes; on the Tuesday following.

2571. Where did you see him then?—At his own house.

2572. Did you go to call upon him?—Yes; he told me to call upon him.

2573. When you called on him, what did you say to him?—I asked him if there was anything to do, and he said “No;” he gave me a shilling to go on with.

2574. When you said “Is there anything to do,” what did you mean by “anything to do”?—Any work.

2575. Work about what?—About the election.

2576. Do you know, of your own knowledge, what Mr. Mann had to do with the election?—He was always supposed to be a ward manager.

2577. On which side?—The Conservatives.

2578. What ward?—The Gosford-street ward.

2579. You asked him if you were to have anything to do; what answer did he make to that?—He said he had nothing for me to do; he would give me a shilling to go on with.

2580. Did he give you a shilling?—Yes.

2581. Did you see Mr. Mann again after that?—Yes.

2582. Where?—At his own house.

2583. Did he ever come to your house?—Yes.

2584. When did he come to your house?—He came to my house, I think, about the 9th of November, the Saturday following the municipal election.

2585. Did he say anything to you when he came to your house?—He said he brought me 5s., and that there was nothing for me to do.

2586. Who did he give the 5s. to?—To my wife.

2587. In your presence?—Yes.

2588. What was it in, shillings or half-crowns?—Two half-crowns.

2589. Did he say anything to you at the time?—He said that was all as he could do for me then, and he asked me where a person of the name of Taylor lived; where he was going to.

2590. Do you know Taylor?—Yes.

2591. Is Taylor a voter?—Yes.

2592. What did you say when he asked you where Taylor lived?—I told him over the road; he asked me to show him, and I went and showed him.

2593. When you went to show him where Taylor lived, did he say anything to you on the road?—Yes; he said “You can knock at the door, and as soon as you have knocked you can go away, so that nobody shall see you.”

2594. Did he say anything else?—No; not then.

2595. Afterwards, did he say anything else about Taylor to you?—Yes; I have taken him a shilling several times since then.

2596. Who gave you a shilling to take to Taylor?—Mr. Mann.

2597. When?—On the Tuesday following the Saturday.

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2598. You say several times; what other shillings has he given you?—On the Thursday following the Tuesday, he gave me another to take to him.

2599. On the Tuesday and the Thursday; any other time?—No.

2600. Did you go to Mr. Mann’s house afterwards?—Yes; on the Saturday following the Thursday.

2601. What time was that?—About eight in the morning.

2602. Did you speak to him?—Yes; I asked him if there was anything to do, and he said no, only I was to go down to the committee-room if the committee-room was now open; that was the Saturday before the election.

2603. Before that Saturday, on the Tuesday in the week before the polling, did you go to Mr. Mann?—Yes.

2604. What happened then?—He said there was nothing then for me to do.

2605. What time did you go to Mr. Mann?—About nine in the morning.

2606. What did he say then, on the Tuesday?—He said there was nothing for me to do, and he gave me a shilling then.

2607. Did he say anything to you about the committee-room then?—He said it would be open in the course of a few days, and he would see what could be done.

2608. Did he give you a shilling for yourself?—Yes.

2609. Did he give you any other money?—No.

2610. When did he give you the money for Taylor?—On the Tuesday following.

2611. Did you see Mr. Mann canvassing again?—Yes.

2612. What day was that?—On the Tuesday.

2613. Where?—In East-street.

2614. Who was with him?—Mr. Mann, Mr. Atkins, a man of the name of Brown, Mr. Eaton, Mr. Hill, and several more.

2615. Mr. Eaton, Mr. Hill, and Mr. Brown; what Mr. Brown is that?—He is the ward manager of the Gosport-street ward.

2616. Do you know his Christian name?—John Brown.

2617. What street does he live in?—South-street.

2618. Now, the Saturday you were telling us about before, when you called at Mr. Mann’s house, what happened then?—I went to Mr. Mann’s house on the Saturday morning, about eight o’clock; he told me I might go down to the committee-room; I went down and stopped there till two o’clock, and no one ever came.

2619. What committee-room?—The Conservative committee-room.

2620. Where?—The corner of South-street.

2621. Did anybody come into the committee-room after two?—Mr. Mann came in, and called me on one side, and gave me 5s.; he said there was nothing to do, and I was to come on Monday to go to the nomination.

2622. Mr. Mann gave you, you say, 5s.; was that in the committee-room?—Yes.

2623. Had Mann anything in his hand?—No.

2624. Did you ever see anybody with books?—I saw Mr. Brown with one.

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2625. Did

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2625. Did you ever see Mr. Mann with a book in his hand?—No.

2626. When Mr. Mann gave you 5 s., was anybody else present?—No.

2627. Did you go to the committee-room again after that?—Yes; on the Monday morning.

2628. Was that the day of the nomination?—Yes.

2629. Who did you find at the committee-room when you went there; in the first place, when did you go?—About eight o'clock.

2630. Mr. *Huddleston*.] When was this?—

2631. Mr. *Leigh*.] The nomination day. (To the *Witness*.) Who did you find when you got there?—I saw Brown and Atkins.

2632. Did you see Mann there then?—No.

2633. Is that the same Brown you mentioned before, John Brown?—Yes.

2634. Did Mann come in whilst you were there?—Yes.

2635. What time did he come in?—About nine.

2636. Was that the same Brown you saw with a book in his hand?—Yes.

2637. You say Mann came in about nine; when Mann came in, did he say anything?—We was to go to the nomination.

2638. How many of you were there when Mann came in?—Eight or nine of us.

2639. Did you go to the nomination?—Yes.

2640. Did you go anywhere first before you went to the nomination?—I went into the "Brewers and Bakers" public-house.

2641. Did you go there of your own accord, or were you taken there?—I was told to go there.

2642. Who told you?—The man left in charge of the committee-room.

2643. Who was that?—Smith.

2644. Walter Smith?—Yes.

2645. He is a non-voter?—Yes.

2646. Did you have anything to drink there?—Yes.

2647. What?—Hot ale.

2648. Did you pay for it?—No.

2649. Who paid?—I do not know.

2650. Was there anybody else having hot ale besides you?—Yes.

2651. How many?—There might have been 20.

2652. Did you know any of them?—Yes.

2653. Did you know any of them were voters?—Yes.

2654. You say 20 were there at the time; were they all having hot ale?—Yes.

2655. Did you see anybody pay?—No.

2656. Where did you go after that; did you go to the nomination?—Yes.

2657. After the nomination, did you go back to the committee-room?—Yes.

2658. After that did you go to another public-house?—Yes.

2659. The "Pitt's Head"?—Yes.

2660. What was going on at the "Pitt's Head" when you got there?—There were four or five quarts of ale on the table, and there was 20 drinking beer.

2661. Were they voters?—Yes.

2662. Did you know them?—Yes.

2663. What were they having?—Beer.

2664. Had you any beer?—Yes.

2665. Hot ale or cold beer?—Beer.

2666. How many glasses?—Five or six.

2667. Did you pay for them?—No.

2668. Did you see anybody pay?—No.

2669. Do you know a man of the name of Docker?—Yes.

2670. What is his Christian name?—James.

2671. Is he a voter?—No; I believe not.

2672. Did he say anything?—Yes; he said he could afford to spend a pound or two.

2673. Did he order anything after he said he could afford to spend a pound or two?—He ordered one half pint of gin.

2674. Any ale?—No.

2675. Did you see Mann again?—Yes.

2676. Where did you see him?—At the committee-room.

2677. What was he doing?—He was upstairs, and there were several books on the table, and there were several more with him.

2678. Was he sitting at the table or standing up?—Sitting down.

2679. What committee-room was that?—The Conservative committee-room in South-street.

2680. What was he doing; was he doing anything with the books?—He had got a book in his hand; I did not see what he was doing.

2681. Had he a pen or pencil?—He had a pen.

2682. Did you see what the book was?—No.

2683. Did you see Mann again after that?—Yes.

2684. When was that?—On the following morning.

2685. Was that before or after you voted?—Before.

2686. What time?—About a quarter to eight.

2687. Where?—At the Conservative committee-room, South-street.

2688. What did you say to him?—He asked me whether I had been to poll; I told him no; he told me to go and poll directly.

2689. Did you poll?—Yes.

2690. After that?—I went back to the committee-room.

2691. Did you see him again?—Yes.

2692. Did you say anything to him?—I went to him about two o'clock; I asked when they would settle; he said they would settle the next day.

2693. Did you see him the next day?—Yes.

2694. Where?—At the "Pitt's Head."

2695. The public-house?—Yes.

2696. When you saw him at the "Pitt's Head," did he say anything to you?—He said to me I may as well pay you now, and he gave me half-a-sovereign.

2697. When he gave you the half-sovereign at the "Pitt's Head," did he say anything?—He said I was not to change it nowhere about here; I was to go straight home with it, else they would know.

2698. In the middle of December, did your wife tell you something?—Yes.

2699. She made a communication to you?—Yes.

2700. Did you do any work about the election?—I only fetched the state of the poll down from the "King's Head."

2701. What day was that?—On the polling day.

2702. Before the polling day did you do any work?—No.

2703. Mr. Justice *Willes*.] From whose hand did you get 5 s.?—

Mr. *Huddleston*.] From Mann's.

Cross-examined by Mr. Huddleston.

2704. All this money you are talking about you say you got from James Mann?—Yes.

2705. What for; doing nothing?—Yes.

2706. As a bribe for your vote?—Certainly.

2707. No mistake about it?—No.

2708. What did you have for giving your evidence?—Nothing at all.

2709. Not a sixpence?—Not a sixpence.

2710. What do you expect?—I do not expect anything.

2711. It is to clear your conscience?—Yes, certainly.

2712. To get rid of the oppressive weight upon your conscience of having taken a bribe, and you come to make a clean breast of it?—Yes.

2713. That is a subject of contrition?—Yes.

2714. And of pure principle?—Yes.

2715. You are shocked now at the notion of having taken a bribe?—I promised Mr. Carter and Mr. Jackson, and they came to me and bribed me afterwards.

2716. It is contrition?—Yes.

2717. Is your name Joseph Villiers?—Yes.

2718. Will you be kind enough to tell me is that your handwriting (*handing a paper to the Witness*); is that your signature?—Yes.

2719. Were you examined by Mr. Dews?—No.

2720. Were you examined by Mr. Dews' clerk?—No; I went to Mr. Dews' office.

2721. Did you say this; you are Joseph Villiers, Cock-street, Coventry, mason?—No, I think not.

2722. Weaver, I mean?—Yes.

2723. He took down what you said?—I did not say anything.

2724. Did you say, "I am a voter"?—Yes.

2725. You did say something; "I am a voter, and at the last election I voted for Mr. Hill and Mr. Eaton"?—Yes, I did.

2726. Did you say, "I declare I did not receive any money or bribe for doing so"?—No, I did not.

2727. "The agents for the petitioners have been trying to make me say I did; 2nd February 1869, Joseph Villiers;" that is the gentleman; you signed that?—Yes.

2728. Was it read over to you?—No.

2729. That you swear?—Yes.

2730. You are a weaver?—Yes.

2731. And the subject of contrition; have you had anything else to atone for besides taking a bribe?—No.

2732. Nothing that weighs upon your conscience?—No.

2733. Have you ever been in gaol?—Yes.

2734. That does not weigh upon your conscience at all?—No.

2735. For theft?—No, not for theft.

2736. For what?—For what I was not guilty of.

2737. What was it they said you were guilty of?—They did not say I was guilty at all.

2738. Did they give you three months for nothing?—I did not get three months.

2739. How much did you get?—The time the magistrates gave me; I was not guilty.

2740. How much did they give you?—Two months.

2741. Hard labour?—I do not know what hard labour is.

2742. What did they give you two months for?—It was termed embezzlement.

2743. For receiving your master's money and putting it into your own pocket?—It was not in the shape of doing that.

2744. Was it because they said you had taken your master's silk?—They did say so.

2745. And they found you guilty of it?—Yes.

2746. And they gave you two months?—Yes.

2747. And you served it out?—Yes.

2748. And you are not ashamed of it?—No.

2749. You are quite innocent?—Yes.

2750. Is that the only time you have been in gaol?—The only time.

2751. How long is that ago?—Eighteen months, or two years; I do not recollect.

2752. It is so long ago that you cannot recollect?—No, not the exact date; I daresay it is going on for two years.

2753. It has not made the least impression upon your mind?—Not the least, because I was not guilty.

2754. They said you were?—I know my own conscience; I know I was not.

Re-examined by Mr. James.

2755. You are a weaver, and, I suppose, entrusted with silk by your master?—Yes.

2756. Is there sometimes a large quantity of waste silk?—Yes.

2757. Was it in relation to detaining some of this silk that you were charged?—Yes.

2758. Is it true that you had taken that or not?—I had not taken it.

2759. How came you to go to Mr. Dews' office?—There was a man named Taylor who had come to my house and said he wanted me to take a walk up and down; he brought me up to the church; he said, "Stop here, I have got to see a chap." We stopped there half-an-hour, and James Mann came up; and as soon as he came to me he says, "You have been among these Liberals; you must not go to say anything; come this road;" he took me down to Mr. Dews' office. I went into Mr. Dews' office, and Mr. Dews was there, and Mr. Mann said, "They had been at him, but I hope he will not say anything."

2760. Was Mr. Dews present?—Yes; Mr. Mann said, "The agents have been to him to try to bribe him," and Mr. Dews wrote it down. Mr. Mann told me, before we went in, we should get 2 s. 6 d. a piece.

2761. Who?—Me and Taylor.

2762. For what?—For going in and telling that.

2763. Who is Taylor?—He is a watchmaker.

2764. You had promised Mr. Carter and Mr. Jackson to vote for them?—Yes, I had.

2765. What caused you to break that promise?—Because Mann came to our house and left some money.

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ELIZABETH VILLIERS, sworn; Examined by Mr. Leigh.

E. Villiers. 2766. ARE you the wife of the last witness?
 17 February —Yes.
 1869. 2767. Do you remember James Mann coming
 to your house?—Yes.
 2768. When?—Saturday, the 9th of November.
 2769. Before the election?—Yes.
 2770. Mr. Justice *Willes*.] What day of the
 month?—I do not know whether it was the 9th
 or no; it was either the 7th or 9th; I will not be
 sure which.
 2771. Mr. *Leigh*.] Did he say anything?—
 Yes, he asked whether my husband was in at the
 time.
 2772. Did he say anything, in your presence,
 to your husband?—No.
 2773. Did he say anything to you?—No, only
 he gave me 5s.
 2774. What was the money in?—Two half-
 crowns.
 2775. When he gave you the 5s., what did he
 say?—He asked where Mr. Taylor lived, and
 my husband went and showed him; he asked
 where Mr. Taylor lived, and my husband went
 and showed him; that was all that passed.
 2776. Did he say anything to your husband
 when he gave you the 5s.?—He said that was
 because they had not got nothing to do.
 2777. Did you see Mr. Mann again after that?
 —No, I did not.
 2778. Did anybody else call upon you before
 the election?—No.
 2779. Did you yourself ever see either Mr.
 Eaton or Mr. Hill?—Yes, on the Saturday
 before the election.
 2780. Whom did you see?—Mr. Eaton; Mr.
 Hill was not with him.
 2781. Was anybody with Mr. Eaton?—Yes.
 2782. Mr. *Huddleston*.] When did she see
 Mr. Eaton?—The Saturday before the elec-
 tion.
 2783. Mr. *Leigh*.] Was anybody with Mr.
 Eaton?—Yes, but I do not know the gentle-
 man's name.
 2784. Do you know anybody of the name of
 Patteson?—Yes, I think he was one, but I am
 not sure; I did not take no notice.
 2785. Do you know that gentleman's, Mr.
 Patteson's, Christian name?—No.
 2786. Do you know where he lives?—In
 Ford-street.
 2787. What is he?—He is in Mr. Hart's
 warehouse.
 2788. What happened when Mr. Eaton called
 with the other gentleman whom you say you
 did not know?—Nothing; Mr. Eaton asked me
 whether my husband was a freeman; I said,
 "Yes, sir."
 2789. Did he say anything else?—He asked
 me who he would go for. I told him he would
 go for Mr. Eaton.

2790. After the election, did you see Mr.
 Mann again?—No.

2791. Have you not seen Mr. Mann from the
 time of the election up to now?—No.

2792. Think; you say you have not seen
 Mann since?—No; I know nothing else, only
 what he said on the Saturday when he gave me
 the 5s.

Cross-examined by Mr. *Huddleston*.

2793. Whereabouts do you live?—In Cox-
 street.

2794. Have you seen Mr. Fox?—No.

2795. Who have you seen from Mr. Kirby's
 office?—I do not know the gentleman's name.

2796. Mr. Pinches?—Mr. Pinches was one;
 I do not know the man who came with him.

2797. A tall man, with grey hair?—No, he
 was not.

2798. Was there somebody with him?—No;
 that old gentleman was not with him.

2799. Who was with Mr. Pinches?—I think
 Mr. Kirby's clerk.

2800. Was it Mr. Fox?—I do not know the
 gentleman's name.

2801. Did you have anything to drink?—No.

2802. Was nothing to drink brought in?—
 No.

2803. Did they give you any money?—No.

2804. Or promise you any?—No; he never
 gave me any.

2805. What did he give your husband?—
 Half-a-crown I think it was.

2806. Who gave your husband half-a-crown?
 —I did not know which it was.

2807. One of them, was it?—Yes; I know
 nothing only what I have told you, that which
 happened on the Saturday; I know nothing else
 at all.

2808. You do not want to tell anything else?
 —I do not know anything else; I never asked
 my husband any questions at all.

2809. A gentleman, you say, gave your hus-
 band half-a-crown?—I think so.

2810. Did he give you anything to drink?—
 No.

2811. Do you know what he did with the
 half-crown?—No, I am sure I do not.

2812. The 7th or the 9th of November was
 it?—I do not know whether it was the 7th or
 the 9th.

2813. Why did you say it was the 9th?—I
 did not pay any notice.

2814. Who told you it was the 9th, did
 Pinches?—No, I invented it my own self; I
 know it was the Saturday after the municipal
 election.

2815. Did you look into the calendar to see
 that it was so?—No, I did not.

JOSEPH WALE, sworn; Examined by Mr. Leigh.

J. Wale. 2816. How old are you?—Eighty.
 2817. Are you a voter of Coventry?—Yes.
 2818. Where do you live?—In Little Park-
 street, No. 20.
 2819. For whom did you vote at the last
 election?—It was the first vote I ever had.

2820. For whom did you vote?—Eaton and Hill,
 2821. Did anybody canvass you for your vote?
 —Yes.

2822. Who?—Mr. Clare and other gentle-
 men; I told them I had not made up my mind,
 and they went away.

2823. When

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2823. When was that?—I do not remember the day; it was a good many days before the election took place.

2824. Who is Mr. Clare?—A shoemaker; he lives in Much Park-street, somewhere.

2825. Did you see anybody else besides Mr. Clare?—Yes, there was another young man came along with him, Hollins.

2826. Did he come along with Clare?—Yes.

2827. What happened when Hollins came with Clare?—He asked me who I should vote for.

2828. Where was that that he asked you that?—I was going up to Little Park-street.

2829. What did you say?—He said I had better come on their side.

2830. Eaton and Hill's side?—Yes.

2831. Anything else?—Hollins took me to his house, and he says, "Here is some tea and sugar for you, and here is a shilling." I live across the way, and I took it to my wife; and as soon as she saw it, she took it back.

2832. Did he ask you, at that time, anything about your vote?—He said I had better vote Eaton and Hill's side.

2833. You say your wife took it back again?—Yes.

2834. Did she take all back again?—She took the tea and sugar, and there was the shilling; when I put it on the table she did not see the shilling; she took the tea and sugar back, and when she came back there was a shilling on the table.

2835. How much tea and sugar was there?—Two ounces of black tea, they tell me, and two little papers of sugar, about a pound each, in brown paper.

2836. Tell us about the tea and sugar; you say she took it back; did she take it back, or did you take it back. My wife took it back.

2837. Who kept the shilling, your wife or yourself?—The shilling was on the table when my wife came back; after she took back the tea and sugar, it was lying on the table then.

2838. What became of the shilling?—We used it in the house.

2839. Did you see Hollins again after that?—Yes.

2840. Where?—He called me into his house, opposite to where I live.

2841. Where does he live?—In Little Park-street.

2842. When he called you to his house, did he say anything?—He said my wife was a silly for bringing the tea and sugar back again; he says, "I suppose you will vote on our side."

2843. Anything else?—I said I thought I should.

2844. What time did you poll?—About 9 o'clock in the morning.

2845. Did anyone come to you on the polling-day?—Yes; a young man fetched me; he took me by the arm to the poll.

2846. Do you know who the young man was?—They tell me his name was Haines, but it is wrong; his name is Pritchett who fetched me.

2847. Do you know Prichard now?—Yes.

2848. Where does he live?—Opposite to where I live; he wears a billycock.

2849. He lives opposite to you?—Yes.

2850. What did he do; he came to you on the polling-day; what time did he come?—About a quarter before 9.

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2851. Did you go anywhere with him?—He took me by the arm, and took me to the polling booth.

2852. After you had polled, what happened?—After I had polled, he says, "We will make you amends;" and they took me to the committee-house, and gave me a chair to sit down on; and when I sat down in the chair I felt something twitched my back; I put my hand behind, and it was a bit of paper; and when I got home I looked at it, and it was 2s. and 3s. in money.

2853. Where was it you felt something behind your back?—In the committee-room; it was Pritchett brought me back to the committee-room, the same man who took me.

2854. Who brought you back from the poll to the committee?—His name was Pritchett, I believe.

2855. What committee-room was it?—In Little Park-street.

2856. Were there any other people in the committee-room at the time you felt this paper put into your hands?—There were several people in the committee-room; they said, "Take a chair, and warm yourself."

2857. Could you see who put that paper into your hands?—No; there was a twitching at my back, the door opened, and I felt something at my back, and when I put my hand behind, there was a little bit of paper.

2858. What did you do with the 5s.?—I laid out 2s. 6d. for shoes being soled and heeled, and the rest we used in the house for coal and something to eat.

2859. Did you show the money to your wife?—Yes.

2860. Did you give her any of it?—I laid it on the table, and she looked at it.

2861. Mr. Justice *Willes*.] What did she do?—She looked at the money I put on the table, and left it there. Then I went off and paid 2s. 6d. for shoes being soled and heeled, and the other was for something to eat, and coals.

2862. What day was this?—The polling day.

2863. The day you put it on the table?—Yes.

Cross-examined by Mr. *Huddleston*.

2864. You took the money, and put it on the table, did you?—Yes.

2865. You did not like to touch it, I suppose?—I took 2s. 6d. for shoes.

2866. You took 2s. 6d. of it?—Yes; the rest we used in the house.

2867. When you got the money in the committee-room, did you take the same money you got in the committee-room and put it on the table?—Yes; the money they gave me at the committee-room I took home, and put it on my table.

2868. It was that same money that you took to pay for your shoes?—Yes.

2869. You did not change it?—No.

2870. You did not get any change?—No.

2871. That you are sure of?—Yes.

2872. You did not change the money from the time you got it from this mysterious man behind your back, till the time you paid it to the shoe-maker?—I did not.

2873. What was it you took off the table when

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when you put it before your wife?—I took 2s. 6d.; I took the 3s., and left the 2s. 6d. on the table.

2874. Then you had got 5s. 6d.?—No, it was 2s.; I took 3s., and then there was 2s. left behind me.

2875. You said just now it was 2s. 6d.?—It was 2s.

2876. You said you had not changed it?—I changed it when I got to the shoemaker's.

2877. You told me it was the same money that you took, and you did not get any change; you said you took the 2s. 6d. off the table; who was the shoemaker?—He lives in Bishop's Park-street.

2878. He has got a name; what is his name?—I do not know his name; he is a stranger to me.

2879. He had a pair of shoes for you?—Yes, to sole and heel for me.

2880. When did you take them there?—Two or three days before that time.

2881. And you do not know his name?—No, I do not know his name now.

2882. Who do you say was the man who took you to what you call a committee-room?—His name is Pritchett. I telled a story about Haines; I said Haines took me, but it was Pritchett.

2883. Why did you tell the story?—I forgot.

2884. You forgot what the man's name was?—Yes.

2885. And you gave him a name of your own invention?—His name is Pritchett.

2886. Why did you call him Haines?—There was a person said his name was Haines as took me.

2887. Who told you his name was Pritchard?—A person who lives in the same yard.

2888. Who?—I do not know the person's name.

2889. You do not know who the shoemaker is, and you do not know the person's name; who told you his name was Pritchett. Who was the person who told you his name was Haines?—I cannot say, somebody who lived in the same yard.

2890. Who were present when you say you got the 5s.?—There were many gentlemen in the committee-room.

2891. Give me the names of any?—Hollins was there for one.

2892. Will you swear that Hollins was there?—I believe he was.

2893. Do you believe he was? Will you swear he was there?—I could not swear that Hollins gave me the money.

2894. Who do you say was there?—A great many gentlemen were there.

2895. Give me the name of anybody?—I do not know their names.

2896. You cannot give me the name of any one?—No; I went and warmed myself.

2897. You cannot give me the name of anybody?—No.

2898. You did not know that you were going to get anything?—No.

2899. Nobody promised you anything?—This man who took me to the poll said he would give me something at the committee-room.

2900. Nobody said to you anything before you polled about it?—No.

2901. You cannot tell me any person who was present at the committee-room?—No.

2902. Who took down your evidence; was it Mr. Fox?—Mr. Mickelwright, I think.

2903. Commissioner?—Yes.

2904. He told you he was Mr. Commissioner Mickelwright?—Yes.

2905. From London?—He is a very tall gentleman.

2906. Did he tell you he was Mr. Commissioner Mickelwright?—No.

2907. Was your wife present when he came?—In the house.

2908. Was she present when you gave him your evidence?—Yes.

2909. What did he give you?—He gave me 2s. after he took my deposition down.

2910. No more?—No more; that was when he took my deposition down.

2911. Did he give you any more?—He came again a second time, and he took the wife's evidence down.

2912. What did he give you then?—A shilling.

2913. What did he give your wife?—A shilling.

2914. Did you get no more from him?—No.

2915. Have you had no more at all?—No.

2916. Not from any of them?—No.

2917. Did he give you anything to drink?—No; if he had asked me I would not have had it.

2918. Are you a teetotalter?—No.

2919. Did he give your wife anything to drink?—No.

2920. Nothing at all?—No.

2921. You say you came to Mr. Hollins; has Mr. Hollins been in the habit of giving you relief?—No.

2922. Never before?—No.

2923. You swear that?—Yes.

2924. Do you swear upon your oath that he never gave you anything before?—Never.

2925. How many years has Hollins known you?—Ten or a dozen, I should think.

2926. Did you ask Hollins for relief?—Not to my knowledge I did not.

2927. Did you say you were in a very bad way?—No.

2928. Do you mean to say you never told him that you were badly off?—I did not.

2929. Were you badly off?—I was not very well off.

2930. Did not you tell Hollins so; did not you go to Hollins and say you were very badly off, and ask him to give you some relief?—I never asked Hollins for such a thing.

2931. Where does Hollins live?—He lives opposite to me.

2932. Do you mean to say Hollins never gave you anything before?—Never.

2933. You say your wife took back the tea and sugar to Hollins; had your wife been drinking?—No, thank God she is not a drunkard.

2934. Had she been drinking?—No.

2935. She did not see the shilling?—No.

2936. Was it on the table?—Yes, it lay under the two ounces of tea.

2937. When she took up the two ounces of tea she could not see it?—We went off in a bit of a passion, and said she would not have it.

2938. What is Hollins?—A carpenter by trade.

2939. And lives opposite to you?—Yes.

2940. You did keep the shilling?—Yes.

2941. You

2941. You did not take the shilling back?—No.

2942. You spent the shilling?—Yes, but not in drink, in eating.

2943. Who spent it, you or your wife?—My wife.

2944. You had nothing to do with it?—No.

Re-examined by Mr. *James*.

2945. You say that your wife did not see the shilling. When she came back did she then have the shilling?—When she came back she saw the shilling. I said, "You had better not take it

back again," and she went and bought a hundred of coal.

2946. You say that your wife was in a pet or passion and took back the sugar and tea, and the shilling was spent in a hundred weight of coal?—Yes.

2947. You say Pritchard wears a billycock hat; can you point out where he lives?—At the back of Mr. Hollins; in a big yard behind Mr. Hollins.

2948. If you were asked to show anyone, could you show where he lived?—I could show them the yard.

2949. Where Pritchard lives?—Yes.

J. Wale.

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MARY WALE, sworn; Examined by Mr. *Leigh*.

2950. ARE you the wife of the last witness, Joseph Wale?—Yes.

2951. Do you remember at any time your husband bringing some tea and sugar home?—Yes.

2952. When was that?—I think it was a few days before the polling-day.

2953. Did he tell you something; did he make a communication to you?—No.

2954. Did he say nothing to you when he brought the tea?—No.

2955. How much tea was it?—It was rather a dispute whether it was two pounds or two half-pounds, but it was two packets of sugar. It was two ounces of tea.

2956. How much sugar?—They called it packets; it was either half-pounds or a pound.

2957. When he brought the tea and sugar home what did you do?—I took it back and told him.

2958. Whom did you take it back to?—Mrs. Hollins.

2959. Where does she live?—Opposite where we live. I told her I never wanted any yet, and hoped I never should, and I would buy a penny-worth of each first.

2960. Was that all you said?—Yes; she said she hoped I never should want it.

2961. When you took the tea and sugar back, did you see any money?—I did not at the time.

2962. Did you afterwards?—Yes, there was a shilling.

2963. Where did you see the shilling?—I think on the table.

2964. In your house?—Yes.

2965. Will you tell us what became of that shilling?—It was spent in the house; it went with my other money and was spent in the house.

2966. Before this had anybody come about the election to your house?—Yes.

2967. Who?—Mr. Clare came a time or two.

2968. Who is Mr. Clare?—One of the agents I think.

2969. Do you know where he lives?—In the High-street; my husband says if he met him he should not know him.

2970. Do you know Mr. Clare?—I know him by sight.

2971. How often did Mr. Clare come?—Twice. I would not tell him where my husband was; he never saw my husband; I did not tell him where my husband was.

2972. Was anybody else with Mr. Clare when he came?—I think the second time he came there was.

2973. Do you know who the other people were with Mr. Clare?—I do not; there was only one, if there was any more.

2975.

2974. Do you remember the polling day?—Yes.

2975. Did your husband go alone or with anyone else to the poll?—A man fetched him.

2976. Did you know who the man was?—They say the man's name was Pritchett; there is rather a mistake in the name; the right name is Pritchard, they say.

2977. Do you know Pritchard?—No.

2978. What time was it?—About half-past eight.

2979. How long was your husband away?—About half an hour.

2980. Did he come back alone or with anybody?—He went to the committee-room.

2981. Did he come back alone?—Yes.

2982. You did not go with him to the poll?—No.

2983. Did he show you anything when he came back?—Yes, he had a florin and three shillings.

2984. Do you know whether when your husband went to the poll he had any money with him?—I know he had not, because he never keeps any money; it is me that keeps the money.

2985. Will you tell us what became of the florin and three shillings?—It was spent in the house; I put it with my other money, and it went into the house.

2986. Mr. Justice *Willes*.] How much was spent in the house?—I do not know; I put it with the other money, and I bought what was required.

2987. Mr. *Leigh*.] You put it with your other money?—Yes.

Cross-examined by Mr. *Huddleston*.

2988. You say you took this money and put it with the rest of the money, and it went into the common fund of the house?—Yes.

2989. You had the 5s.?—Yes.

2990. The whole of it?—Yes.

2991. I suppose it was spent for butcher's meat, and sugar, and potatoes?—Anything that was required.

2992. You did not expend it in luxuries?—No.

2993. You did not buy a bonnet with it?—No.

2994. Or gloves?—No.

2995. Or boots?—No.

2996. Or shoes?—No.

2997. Your husband did not spend it in follies?—No, he did not have it to spend.

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2998. He

- M. Wale.* 2998. He did not buy a dark blue tie, for instance?—No.
- 17 February 1869. 2999. Or a pair of gloves?—No.
3000. Nor a pair of boots?—No.
3001. Or get his boots mended?—Yes, he had that done.
3002. You gave him the money to get it done, did you?—I do not know; it may have been taken out of the other money; I do not know what money it might have been; it was with the other money; I do not know whether it was that money or the other money.
3003. You say that you put it with the other money; it was a florin, and not two shillings?—Yes.
3004. When your husband came back with the money did he give it you?—Yes.
3005. Where did he give it you?—In the house.
3006. Had you your purse with you at the time?—I do not carry a purse.
3007. Where do you carry your money?—In my pocket.
3008. Did you put it in your pocket?—Yes.
3009. How did he give it you?—I do not know whether he put it on the table or put it in my hand; I do not know whether he gave it me out of his hand or put it on the table.
3010. Whichever he did, you put it in your pocket?—Yes.
3011. The whole of it?—Yes.
3012. With the rest of your money?—Yes.
3013. Do you keep accounts?—No, I do not keep accounts.
3014. You had some other money in your pocket when you put it in?—Yes.
3015. I daresay they have given you something for giving your evidence, have not they?—I am sure I do not know.
3016. You do not recollect?—No.
3017. Do you mean to say they have not given you any money?—I am sure I do not know anything about it.
3018. We are getting on very well together; did Mr. Commissioner Mickelwright come?—Yes.
3019. Did not he give you any money?—I am sure I do not recollect anything about it; I cannot recollect anything of that.
3020. Perhaps you will swear he did not?—I do not recollect anything about it.
3021. You have a bad memory?—Yes.
3022. He gave you 5s., did not he?—I am sure he did not.
3023. Did he give you half-a-crown?—No.
3024. Two shillings?—No.
3025. One shilling and sixpence?—No.
3026. A shilling?—No. I am sure I do not know anything about it.
3027. Did he give you half-a-crown?—No.
3028. Did he give you 1s.?—I am sure I cannot remember now.
3029. You said that he did not; is that true or false?—I cannot tell.
3030. You have sworn that he did not give you 1s.; is that true; did not he give you 1s.?—He might have given me one, but I am sure I cannot call it to mind.
3031. You have sworn he did not?—I cannot call to mind which way it was.
3032. If you swore that he did not give you 1s., you cannot say whether that is true or not?—No.
3033. Did he give your husband any money?—I am sure I cannot tell at all.
3034. You do not recollect?—No.
3035. How often was your husband examined?—I am sure I do not know; I cannot tell.
3036. When your husband showed you in the first instance what he had got, there were two ounces of tea and two half pounds of sugar?—Half pounds or pounds; we was not certain which it was.
3037. Was it large?—I am sure I do not know. I was so angry I did not know hardly what it was; I was so angry I hardly knew what size they were.
3038. When you came back and found the shilling, were you equally angry then?—Yes.
3039. And you put the shilling into your pocket?—I do not know where I put it.
3040. Why did you not take it back?—I did not know anything about taking it back, because I thought he would be continually giving us something. I thought if I took the tea and sugar back, it was quite sufficient for him to prevent his doing it again.
3041. Why did not you take the shilling back?—I did not find it at the time.
3042. When did you take the tea and sugar back?—Some time that day.
3043. Was it in the afternoon?—I do not know, I am sure.
3044. How long after you took the tea and sugar back did you find the shilling?—I cannot say.
3045. Three or four hours?—I cannot say, I am sure; I do not remember.
3046. Did not you find it on the table immediately after you came back?—No.
3047. That is quite clear?—Yes.
3048. Immediately after you came back, you did not find the shilling?—I did not notice it was there.
3049. Did not your husband call your attention to it?—No, for I was so angry, and I took the tea and sugar back.
3050. When did you first know of the shilling; when your husband gave it to you?—He did not give it to me, I think; I cannot exactly call to mind now about it.
3051. You cannot tell when it was your husband gave the shilling to you?—Not the shilling.

Re-examined by Mr. *James*.

3052. What is your age?—Sixty-one.
3053. Does your husband wear shoes or boots?—Boots.
3054. Had the pair of boots been soled or mended?—One.
3055. One boot?—Yes.
3056. Did he pay for that boot being mended?—It was paid out of the money; I cannot say whether it was that money or the other money I had.
3057. Did you give him the money to pay for it?—I gave him the money to pay.
3058. After he had given you the 5s.?—I put the money in my pocket with the other; I cannot say whether it was that or the other.
3059. It was after he had given you the 5s.?—Yes.
3060. Mr. Justice *Willes*.] What did the mending of the boot cost?—Half-a-crown, I think.

JOHN ROADNIGHT, sworn; Examined by Mr. Leigh.

J. Roadnight.

3061. WHERE do you live?—At the top of Dod-lane.

3062. Are you a voter?—Yes.

3063. For whom did you vote at the last election?—For Mr. Hill and Mr. Eaton.

3064. Do you know Pritchard?—Yes.

3065. Do you know his Christian name?—No.

3066. Where does he live?—In Little Park-street.

3067. Before you voted for Mr. Hill and Mr. Eaton, did you see Pritchard?—Yes.

3068. How long before?—Three weeks.

3069. Where did you see him?—In Little Park-street.

3070. Where were you coming from when you met Pritchard?—Out of Mr. Kendrick's house.

3071. Is Mr. Kendrick the relieving officer?—Yes.

3072. What had you been to Mr. Kendrick for?—For a little relief.

3073. Did you say anything to Pritchard?—No, he came up to me and says, "You are just the man as I was coming to;" just like that.

3074. Was that all?—Yes.

3075. Did you tell him where you come from?—Yes, I told him where I had been; to Mr. Kendrick's.

3076. Did you tell him what you had been there for?—Yes, I told him for a little relief.

3077. After he had said that to you, did he take you anywhere?—Yes.

3078. Where?—He took me to his house.

3079. What happened at his house?—I had some tea.

3080. Did you go anywhere else for Pritchard?—Yes.

3081. Where?—To Mr. Clare's.

3082. Where does Mr. Clare live?—In High-street, I believe.

3083. What is he?—He has a boot and shoe shop.

3084. Did you see Mr. Clare when you went to his house with Pritchard?—Yes, I did.

3085. Did Mr. Clare speak to you?—Yes.

3086. Will you tell us what Mr. Clare said to you?—I came out, and he followed.

3087. Mr. *Huddleston*.] Who did?—Mr. Clare did.

3088. Mr. Justice *Willes*.] Was Pritchard with you then?—Yes, he came with me.

3089. Mr. *Huddleston*.] To where?—Down Little Park-street.

3090. Mr. *Leigh*.] Did Mr. Clare and Pritchard and you go anywhere in Park-street?—Yes.

3091. Where?—To Mr. Brown's.

3092. Who is Mr. Brown?—He is a baker by trade, I believe.

3093. Did you get anything from Brown?—Yes, I got two loaves and a pound of lard and two ounces of coffee.

3094. Anything else?—Yes.

3095. What?—When I came out of there Pritchard went and fetched me two pounds of mutton at the butcher's next to the shop, about a dozen doors down past.

3096. Did you know Mr. Clare and Pritchard before?—No, I did not.

3097. Had they ever given you relief before?—No, never in the world.

3098. Did you see Pritchard after that?—No, I did not; not the same night.

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3099. Did you see Pritchard any time after that, between that and the election?—Yes.

3100. When?—He came down next morning to me.

3101. Were you at home?—Yes, me and my wife.

3102. Mr. *Huddleston*.] After the election?—

3103. Mr. *Leigh*.] No, the following day; this would be the Saturday. (To the *Witness*.) What happened then?—He came to my house and gave me 1s.

3104. Mr. *Huddleston*.] Pritchard did?—

3105. Mr. *Leigh*.] After that did you go to Mr. Clare's shop?—After that?—Yes, I did.

3106. When?—On the Monday.

3107. When you went to Mr. Clare's shop did you see Mr. Clare?—Yes.

3108. What did you say to Mr. Clare, or what did he say to you?—He knowed I was out of work; at the same time I said as I was out of work.

3109. What passed on that occasion?—He said, "I will find you a job to deliver some bills out."

3110. Did he give you any bills to deliver?—Yes.

3111. Did you look at the bills?—I could not read them; I looked at them.

3112. Did he say what the bills were about?—No.

3113. What did you do with the bills?—He told me to go and distribute them.

3114. Did you distribute them?—Yes.

3115. How many were there?—I cannot tell you exactly; I should think there was 300 or 400.

3116. How long were you at work distributing those bills?—About three weeks before the election.

3117. How long were you at work?—From about 11 in the morning till about 4 in the afternoon.

3118. Did you go back to Mr. Clare after you had distributed the bills?—Yes.

3119. What happened then?—He paid me for my day's work.

3120. How much?—One shilling and sixpence to 2s. a day while I was there for him.

3121. On that day did he give you anything?—One shilling and sixpence he gave me and 2s.

3122. Mr. Justice *Willes*.] The same day?—No, 2s. the first day.

3123. Mr. *Leigh*.] The first day when you went back to him?—Two shillings.

3124. Did he say anything when he gave you the 2s.?—No, he did not.

3125. Did you go up to Clare's?—He told me to look in again in the morning.

3126. Did you look in again in the morning?—Yes, I did.

3127. And did you distribute any more bills?—Yes, I distributed some more bills.

3128. Each day up to the time of the election?—There was a day or two betwixt when I did not do anything at all.

3129. How many times did you distribute bills for Mr. Clare?—I should think about 9 or 10 times.

3130. After you distributed them, were you paid or were you not paid?—

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3131. Mr.

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J. Roadnight.

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3131. Mr. Justice *Willes.*] Did I catch you rightly, nine or 10 times?—Yes.

3132. Did you mean nine or 10 days?—Yes.

3133. Mr. *Leigh.*] You have told us you went to Mr. Clare's shop afterwards; how many days did you work for Mr. Clare after the first time?—I should think about 10 days.

3134. Were you paid anything for the other 10 days?—Yes, I was paid 1 s. and 1 s. 6 d. each day.

3135. Who paid you?—Mr. Clare, out of his own till.

3136. When did you leave off distributing bills?—Just before the nomination.

3137. Were you ever canvassed for your vote; did anybody ever ask you how you were going to vote?—Mr. Clare asked me; he said to me, he says, "You know who you vote for;" and I says, "Yes, Hill and Eaton," I said, "of course."

3138. Did you ever see Mr. Hill or Mr. Eaton; did they ever ask you for your vote?—No, they did not.

3139. Were you employed at all during the nomination or polling days?—Yes, I was employed for them, but I did not do anything that day.

3140. Who employed you?—Mr. Clare.

3141. What did you do on the nomination day?—I did not do anything, though I was set down for it.

3142. What do you mean by "set down for it"?—Set down to do the work, but I did not do it.

3143. Who set you down?—Mr. Clare, I believe.

3144. When did he set you down?—I told him just before the nomination, if he could find me two days' work.

3145. Will you repeat that again a little louder?—I told him I should want two days' work.

3146. Where did you tell him that?—In his own house.

3147. When you said you should want two days' work, what did he say; did he say anything?—He said all right.

3148. Did he write anything or not, at the time?—No, he did not at the time.

3149. Was the nomination day one of the days you were down for work?—Yes.

3150. And you did nothing?—Yes.

3151. What did you do; nothing?—I looked about, that is all.

3152. Did you go into any public-houses?—I did so, of course.

3153. Will you tell us any public-houses you, of course, went into?—I went into the "Dog" on the nomination morning.

3154. Do you know a house in Palmer-lane called Parker's coffee-house?—Yes.

3155. Did you go there on the nomination day?—Yes.

3156. Did you have anything to eat and drink there?—Yes.

3157. Did you pay for it?—No.

3158. Was anyone there besides yourself?—There were several voters there; I cannot say who they was.

3159. Did you see any money paid?—No.

3160. Were the voters having anything to eat and drink?—Yes.

3161. What was the drink?—Ale.

3162. Did you see how much there was?—I saw there was a two-gallon bottle.

3163. What time did you poll?—About half-past nine; I think something like that.

3164. Where did you go after you had polled?—I could not say.

3165. Did you go into any public-houses that day?—No, I do not believe I did.

3166. Did you go into the committee-rooms that day?—No.

3167. Did you go to the committee-room after it was shut up?—Yes.

Mr. *Huddleston.*] You must not lead the witness.

3168. Mr. *Leigh.*] Very well, you say you did not go to the committee-room that day?—No, I did not.

3169. Did you see anybody on the evening of the polling day?—Yes.

3170. What time?—About half-past four.

3171. Did you know the person?—Yes.

3172. Who was it?—Mr. Clare.

3173. What happened when you saw Mr. Clare at half-past four?—He gave me 2 s.

3174. On the polling day?—Yes.

3175. After that did you see anybody?—No, I saw nobody after that.

3176. Did you go to the Park that evening?—Not that evening, I did not.

3177. Did you go to the Park at all?—Yes.

3178. When?—The Thursday after the polling day.

3179. What made you go to the Park?—They came and fetched me out of the public-house.

3180. Who came and fetched you out of the public-house?—A voter; I could not swear to him now.

3181. Do not tell us what he said, but in consequence of what he said did you go to the Park?—Yes.

3182. One word about the public-house; what had you been doing at the public-house?—I got some beer.

3183. Did you pay for that beer?—No.

3184. Were there other people there?—Yes.

3185. Voters?—Yes.

3186. What beer was there going on there?—There was quarts came in; I could not say how many quarts there was.

3187. How many voters were there there that you knew?—Eight or nine.

3187*. Mr. *Huddleston.*] Is this the Thursday after the polling day.

3188. Mr. *Leigh.*] Yes. (To the *Witness.*) Did you see any money paid by them for the beer?—No, I did not.

3189. You told us that in consequence of what the man whom you did not know told you, you went to the Park; did you see anybody at the Park?—Yes, I saw Pritchard.

3190. Is that the Pritchard you have spoken of before?—Yes; the same man.

3191. Of Little Park-street?—Yes.

3192. What time was it?—About eight o'clock at night.

3193. Was there anybody else besides Pritchard?—Yes, there was somebody else; I could not say who he was.

3194. Tell us what happened?—He gave me 10 s.

3195. Who?—Pritchard.

3196. After he had given you 10 s., what happened?—I went straight home.

3197. Did he say anything to you at the time?—No, he said nothing to me at the time; he popped

popped it into my hand; he asked me if I had any tobacco; I said "No."

3198. Tell us all that passed?—He asked me whether I had any tobacco. I said I had not; and then he popped it into my hand.

3199. What was the 10s. in; what was the money?—In gold.

3200. Where is this park?—Again Park Gate.

3201. Is it far from Coventry?—No; it is not far from Coventry.

3202. Were there other people about, besides you and Pritchard?—Yes; there were others. I could not swear to them.

3203. Were there other people about besides yourself and Pritchard?—I don't believe there were.

3204. Besides the party that you have told us of, were there any other people about?—I don't believe there was.

3205. Have you been since that to Mr. Dewes's office?—I did go.

3206. When did you go to Mr. Dewes's office?—When did I go; about a month ago.

3207. Who took you to Mr. Dewes's office?—A man of the name of Suddens.

3208. Do you know his Christian name?—John, I believe.

3209. Do you know whether his Christian name is John or James?—I will not swear to it.

3210. Do you know where he lives?—He lives in Spon-street.

3211. What is he?—What is he; he is a dyer, I think.

3212. Where did Mr. Suddens take you from Mr. Dewes's office?—Out of the Cross.

3213. Is that Cross, Cheaping?—No, the Golden Cross.

Mr. Justice Willes said he thought this would come better in re-examination.

Cross-examined by Mr. Huddleston.

3214. You went to Mr. Dewes's office, did you?—Yes.

3215. With Suddens?—Yes.

3216. And you made a statement there?—Yes, I did.

3217. And it was taken down?—Yes.

3218. And read over to you?—Yes.

3219. This is your mark; "J. Roadknight"?—Yes.

3220. Listen to this: "John Roadknight, of Coventry" (I suppose the date is the 11th of December), "1, Court 5, house, Dog-lane, says, I am on the register for Little Park-street. I voted at the last election for Eaton and Hill. I got nothing for doing so"? Is that true?—That is untrue.

3221. And you knew it was untrue, when you told Mr. Dewes so. Come, stand up, sir, and speak out. Did you know it was untrue?—(*The Witness hesitated.*)

3222. Did you know it was untrue, when you said so?—Well, I said it to keep others quiet.

3223. Well then, you did say that you got nothing for doing so?—Yes.

3224. That was untrue?—Yes.

3225. On Friday last, the 4th instant, John Pinches, and Mr. Kirby, the solicitor, called upon me at my house about 10 in the morning? Is that true?—Yes.

3226. "Kirby asked me what I had for my vote;" is that true?—Yes.

3227. "I said nothing." You said that?—Yes.

3228. "Kirby asked me what I had for my vote;" is that true?—Yes.

vote." Is that true; you have sworn it just now, J. Roadknight, you know?—(*The Witness hesitated.*)

3229. Perhaps you would like to swear that it is not true; it is perfectly indifferent to me. Is it true?—(*The Witness sighed.*)

3230. Having delivered yourself of that sigh, will you answer the question, is it true?—No.

3231. Then it is a lie; you have sworn on your oath that it was true, that Kirby asked you what you had had for your vote; that is a lie, is it; do not let us mince matters about it; it's a lie, is it?—(*No answer.*)

3232. Come, speak out; is it a lie; it is a simple question?—Yes, it is untrue.

3233. You object to the word "lie"; it is untrue; you did not know it was untrue when you said it?—That is untrue.

3234. And you knew it was untrue?—Yes.

3235. When you said it just now?—Yes.

3236. Then it is a lie. I will not bandy definitions with you: "Kirby asked me what I had for my vote. I said nothing"; did you say so; did you tell Kirby so?—Kirby?

3237. Yes; did you tell Kirby so?—(*No answer.*)

3238. You have not been ashamed of all that you have said before; did you tell Kirby so?—I told Kirby I said so.

3239. Did you tell Mr. Dewes that Kirby had asked you what you had for your vote, and you said "Nothing"?—Yes; I said I had nothing then.

3240. Did you tell Mr. Dewes that when Kirby asked you for your vote, you said you had nothing?—Mr. Kirby ask me for my vote?

3241. Attend to this; when you were at Mr. Dewes's office, and it was written down, did you tell Mr. Dewes that Kirby had asked you what you had for your vote, and that you said "Nothing," and that that was the truth?—That is untrue.

3242. Did you say so?—Yes.

3243. And it is a lie?—Yes.

3244. Did you tell him that Kirby said, if you did not tell him he would summon you?—Yes.

3245. Did Kirby tell you that?—Kirby? No.

3246. Did you tell Mr. Dewes that Kirby did say that to you?—(*After some hesitation*) Yes.

3247. Is that a lie?—That is the truth.

3248. Is it the truth, then, that Kirby did say he would summon you?—(*No answer.*)

3249. Is it the truth that Kirby did say, that if you did not tell him he would summon you?—(*No answer.*)

3250. Is that true?—(*No answer.*)

3251. Why do you not answer the question?—I cannot.

3252. Why cannot you; is it because you are telling untruths?—No.

3253. You do not want to tell any more untruths, do you?—I have told the truth.

3254. Do you want to tell any more untruths?—I am speaking the truth; I have told you all that I know, and that is enough.

3255. No, that is not half enough for me. You have told me a great many untruths. Did you tell Mr. Dewes that Kirby had said that if you did not tell him he would summon you?—I do not understand that.

3256. Oh yes you do; did you tell Mr. Dewes that Kirby had said that if you did not tell him he would summon you?—Yes, I told Mr. Dewes that.

3257. Was it true or false?—It is untrue, that is.

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3258. Then

J. Roadknight.

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3258. Then that was untrue that you told Mr. Dewes. Did you tell Mr. Dewes that you had told Kirby that they might summon you; that they could not get more than the truth?—I did.

3259. Did you say so to Kirby, that they might summon you?—No, I said so to Dewes.

3260. Then that was untrue that you had said to Kirby?—Yes.

3261. Did you tell Mr. Dewes that on Monday last the same parties came again, and threatened again to summon you if you did not tell them what you had?—Yes.

3262. Was that true or false?—False.

3263. Did you tell Mr. Dewes that you made the same reply as you did on Friday?—Yes, I told him that was false.

3264. And that was false too?—Yes.

3265. Did you then tell Mr. Dewes that you could swear that you did not receive anything for voting?—Yes.

3266. And that was a lie too?—Yes, I told you so.

Re-examined by Mr. *Henry James*.

3267. Who went with you to Mr. Dewes's office?—A man named Suddens.

3268. Was any money given to you?—Yes.

3269. Who gave it to you?—Mr. Dewes.

3270. What did Mr. Dewes give you?—He did not give it to me; he gave Mr. Suddens a note to draw half-a-crown of a clerk.

3271. Whose clerk?—Mr. Lawyer Dewes's clerk.

3272. And what was Suddens to draw half-a-crown for; was that for making the statement?—Yes.

3273. That you had signed?—Yes.

3274. How much did you have of the half-crown?—Two shillings.

3275. What became of the other 6 *d.*?—I paid for a quart of ale.

3276. Out of the half-crown that Mr. Dewes had given?—Yes; he changed a sovereign.

3277. Who did?—Mr. Suddens.

3278. You have used the name of Mr. Kirby; do you know Mr. Kirby; is this the gentleman here (*pointing to a person in Court*) that came to you, or another person?—As came to me?

3279. Yes; did you ever speak to this gentleman, or was it somebody else?—No, I never spoke to him.

[The Witness withdrew.]

MARY ANN ROADKNIGHT, sworn; Examined by Mr. *Chandos Leigh*.

*M. A.
Roadnight,*

3280. ARE you the wife of the last witness?—Yes.

3281. Do you remember the election time?—Yes.

3282. Before the election did your husband bring home anything?—Yes.

3283. What?—Two big loaves and a pound of lard, two ounces of coffee, and two pounds of mutton.

3284. How long before the election was that?—Three weeks.

3285. What time of the evening was it when he brought home those things?—I believe it was about six o'clock.

3286. How long had he been out?—I don't know, for I was out all that day, and he was at home when I got home.

3287. Did anybody call upon your husband at the time?—Not that I know of.

3288. After that; between that time and the election?—There was a man came on the next day, and that was on the Saturday, and gave him a shilling.

3289. Do you know who that man was?—His name was Pritchard.

Cross-examined by Mr. *Huddleston*.

3290. About that time, I think, your husband had been to Mr. Kenrick?—That was before the election; it was before he had the things that he went to Mr. Kenrick's.

3291. Mr. Kenrick was the relieving officer?—Yes.

3292. And you were in great distress?—We were at that time.

3293. You had no food at that time?—We had when he came in; but he didn't ask us anything, and I didn't like to tell him.

3294. At the time your husband went up to Kenrick?—Not at the time he went up he had not.

3295. When your husband went up to Kenrick he went to get relief?—Yes.

3296. At that time had you any food in the house?—We had not a bit of anything in the house.

3297. Nor the means of buying it?—No; it was the next day after as we had the things.

3298. Was that the day you had some loaves, and some lard, and some coffee, and some mutton?—Yes.

3299. And that was brought home to you the day that your husband went up to Mr. Kenrick?—Yes.

3300. And at that time you had nothing in the house?—No.

3301. Your husband was out of work, was he not?—Yes; we were both out of work.

3302. What are you yourself?—I pick up.

3303. That is in the weaving?—Yes.

3304. Are you at work now?—Yes; I have got work now.

3305. For whom?—Mr. Rogers, in "The Butts."

[The Witness withdrew.]

JOSEPH HORSFALL, sworn; Examined by Mr. *Chandos Leigh*.

J. Horsfall.

3306. WHERE do you live?—In High-street.

3307. Are you a voter?—Yes.

3308. For whom did you vote at the last election?—Hill and Heaton.

Mr. *Huddleston* objected that there was no notice of this man's name in the particulars.

Mr. *Henry James* apologised for having by inadvertence omitted the name of this witness from his opening speech.

Mr. Justice *Willes* directed that the witness should be called at a later period.

[The Witness withdrew.]

JANE BARTON, sworn; Examined by Mr. *Henry James*.

3309. ARE you the wife of Henry Barton?—Of William Henry Barton.

3310. He had a vote, I believe, at the last election?—Yes, he had.

3311. What is he by business?—He is a ragman.

3312. Do you know a man of the name of John Brown, a ragman?—Yes.

3313. Did he call upon your husband before the election?—Yes.

3314. Did he say anything about the vote?—Mr. Brown?

3315. Yes?—Yes, he came in; and he asked my husband whether he would vote on his side. My husband said “Yes,” and then he took him to Mr. Clare’s, on some business, but what, I cannot say; but when my husband came in he told me it was to get some money.

3316. We must not have what your husband told you. Did you hear Brown say anything about any money that your husband could have?—Oh yes.

3317. What did he say?—He said he could get him 10*s.* for his father and himself; 10*s.* on each side; 10*s.* a piece.

3318. What is your husband’s father?—Thomas Barton, in the same trade.

3319. Did you hear what your husband said in reply to that?—Yes.

3320. What was it that he said?—He said that he would be satisfied with 10*s.*, and Mr. Brown asked him whether he would give him one out of it, and he said yes, he would; he would give him two if he wished it.

3321. Did you ever see this lady, Mrs. Hedger, or is it another Jane Barton?—There is never another Jane Barton.

3322. Did anyone call upon you before the polling-day?—Yes, my husband said it was young Mrs. Hedger, but I didn’t know the lady.

3323. Did anybody call to canvass you?—Yes; Mr. Hill and Mr. Eaton, Mr. Hedger and Mr. Markham.

3324. What was said at that time to your husband about his vote, and what reply did he make?—My husband said he would vote, but he couldn’t afford to lose his time.

3325. What answer was made to him, and by whom was the answer made?—I shouldn’t like to say whom the answer was made by, but the answer was, “Never mind, don’t put yourself about, you shall be seen to,” by either Mr. Hill or Mr. Eaton, but which I could not be certain.

3326. Just tell us again what passed?—Mr. Hill and Mr. Eaton asked for his vote, and he said he would vote for them, only he couldn’t awhile to lose his time, and he said, “Don’t put yourself about, you shall be seen to,” but I couldn’t swear which.

3327. Mr. Justice *Willes*.] Was it Mr. Hill or Mr. Eaton who said that?—I shouldn’t like to say; it was one of those two.

3328. Mr. *Henry James*.] After those gentlemen had left, did Mr. Hedger remain behind?—Mr. Hedger remained, I daresay, 10 moments.

3329. Did he talk to you?—Yes.

3330. What about?—About my work; he said it was a shame I should work at that price, for he gave 16*d.* a piece, and mine was but 10*d.*

3331. What work was it you were upon?—Needlework. J. Barton.

3332. At that day had you pawned your wedding ring?—Yes; I pawned it for 1*s.* 6*d.* 17 February 1869.

3333. Did you show the ticket to Mr. Hedger?—Yes; I gave it into Mr. Hedger’s hands, and he took it and read it.

3334. What did he say?—He says, “Never mind,” he says, “I will see u’m all right;” and then at night he sent his son’s wife with 5*s.*, wrapped in a piece of paper; that was on the 12th of November.

3335. Do you know where this Mr. Hedger lives?—He lives in Broadgate.

3336. Did the lady come to your husband’s house?—Yes; she came about seven o’clock at night.

3337. What did she say?—She rapped at the door, as I sat at work, and she says, “Is your father at home?” and I says, “No, ma’am, I think you have made a mistake.” She said, “No, I have not; this is William Henry Barton’s, is it not?” and I said, “Yes, ma’am.” Then she says, “Where is he?” and I called him downstairs, and she says, “Here, a friend sent you this to go on with.”

3338. Did you see what it was?—Yes; it was 5*s.* lapped up in a piece of paper; he gave it to me straightway.

3339. Was anything at all said about your husband’s father?—My husband says, “Do you want my father, ma’am?” She says, “Yes,” and he said, “I will show you where he lives.” He took her to the door and she rapped at it, and he came away.

3340. On the Wednesday night after the polling day did anyone else come in?—Yes; the old gentleman’s wife brought my husband 8*s.*; at least it was 7*s.* and two sixpences.

3341. Please be rather more definite about that old gentleman?—Well it was Mr. Hedger.

3342. This was on the Wednesday?—Yes, the Wednesday after the polling, which was on the Tuesday.

3343. What took place then?—She rapped at the door and she asked whether that was William Henry Barton’s, and I said “Yes ma’am, won’t you walk in?” “No,” she says, “I want to speak to him.” She went to the door, and she gave him 7*s.* and two sixpences.

3344. Did you see this?—Yes, he brought it to me straight away; he never went out of the door at all.

(Cross-examined by Mr. *Huddleston*.)

3345. To whom was it that she gave the 7*s.* and the two sixpences?—My husband.

3346. You are the Jane Barton of whom there is not another in existence?—Oh, I should not like to say there was never another in existence. There is never another in our house.

3347. Mr. Eaton and Mr. Hill both came there, did they?—Oh yes.

3348. One of them said—Let us see, what was it, just repeat it again?—One of them asked my husband for his vote. My husband says, “Yes, I will willingly vote for you, only I cannot awhile to lose my time;” and then one of them says, “Don’t put yourself about, you shall be seen to,” but which I would not swear.

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3349. But

J. Barton.
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 3350. You are quite sure about that?—Certainly.
 3351. I daresay the other, whoever he was, nodded?—I cannot answer for that.
 3352. Your husband is here, I suppose?—Oh yes.
 3353. What did you have for giving your evidence?—Nothing at all.
 3354. You do not expect anything, I suppose?—No, we do not.
 3355. Has your husband had anything?—Not that I am aware of, for I had to leave him the very next night, or perhaps I should have been killed.
 3356. Where have you been since?—At my mother's aunt's.
 3357. You have had nothing at all?—No, I had nothing; I had a shilling with my subpoena.
 3358. When did you get that?—When I had my subpoena.
 3359. From whom?—Mr. Micklewright brought that.
 3360. Did he give you anything at that time?—No, he did not.
 3361. Where is your husband?—Well he is in the committee-room or the witness-room.
 3362. He was present when Mr. Eaton and Mr. Hill said this?—Oh yes.
 3363. First of all, what was the money; Mr. Hedger, you say, did not give you anything himself?—No, he did not.
 3364. He sent Mrs. Hedger with 5 s.?—He sent his son's wife with 5 s.
 3365. I suppose your husband was present?—My husband received it.
 3366. What did he do with it?—He gave it to me.
 3367. He did not keep any of it himself?—No, he did not.
 3368. Then you took possession of the whole of the 5 s., did you?—Yes, I had the 5 s.
 3369. What was it in?—Five shillings.
 3370. Was it in two half-crowns?—No, it was in five shillings.
 3371. Five separate shillings?—Yes; five separate shillings.
 3372. And you received it and put it into your pocket?—Yes.
 3373. What did you do with it?—I bought a stone of flour for one thing.
 3374. You spent it in the house?—Yes.
 3375. Afterwards another Mrs. Hedger brought you 8 s.?—She brought seven shilling pieces and two sixpences.
 3376. Did she give that to you?—Yes.

3377. Was your husband present when she gave it to you?—She gave it to him; she did not give it to me.

3378. Did the other Mrs. Hedger give the 5 s. to him?—Yes.

3379. Then as soon as ever he got it he gave it to you?—Straightway.

3380. Did you put that into the house?—Yes, I laid it out on the house.

3381. He had none of that either?—No, he did not.

3382. I suppose, if the truth were known, you and he have never spoken about the evidence you were going to give?—Well, I do not know about that; I spoke about it, or else I should not have been here, I suppose.

3383. To your husband?—No, not to my husband, for I never saw him this last fortnight at all.

3384. But have you spoken to him about it?—Not since I had the subpoena I have not.

3385. Have you ever spoken to him about it?—No I never did, that I am aware of.

3386. You could not have spoken to him without being aware of it?—Then I have not spoken a word to him about it.

3387. You have not said a word to him about it?—No, I have not.

3388. Not about your evidence?—No, I have not.

3389. Have you not said to him, "They will ask us what we did with the 5 s."?—No, I have not.

3390. And you did not say, "They will ask what we did with the 8 s."?—No, I did not.

3391. Nothing of the sort?—Nothing of the sort.

Re-examined by Mr. *Henry James*.

3392. You say you have not been with your husband for the last fortnight?—No, I have not; I never clapped my eyes on him for the last fortnight.

3393. Has there been any quarrel between you?—Yes.

3394. Was that about giving information here?—Yes.

3395. Your husband voted for Eaton and Hill?—Yes.

3396. And he quarrelled with you about giving information?—Yes.

3397. Do you know whether your husband has been to Mr. Dewes's office or not?—I do not.

3398. Mr. Justice *Willes*.] Who did you say was with Mr. Eaton and Mr. Hill?—Mr. Markham and Mr. Hedger.

[The Witness withdrew.

ELIZA HAYWARD was called, but did not appear.

THOMAS NEALE, sworn; Examined by Mr. *Henry James*.

T. Neale.
 3399. ARE you on the register of voters for this borough?—Yes.
 3400. For whom did you vote?—For Mr. Carter and for Mr. Jackson.
 3401. What are you by business?—A labourer.
 3402. Where do you live?—At Brickhill-lane, No. 16, Coventry.
 3403. Were you canvassed before the election for Mr. Eaton and for Mr. Hill; did some per-

sons come and ask you to vote for these gentlemen?—Yes, they did.

3404. Who were they who came?—Well, I did not see them all as come the first time, but I know one of them; that was Mr. Linnett.

3405. Did Mr. Linnett come with Mr. Eaton when that gentleman canvassed you?—Mr. Eaton did not come to my house whilst I was at home.

3406. You

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3406. You met him in the street, I think?—Yes, I did.

3407. Who was with Mr. Eaton then?—There was Mr. Linnett, and there was three or four more, but I could not say who they were.

3408. Do you recollect when Mr. Eaton asked you for your vote in the street, was anything said by any one?—Well, there was one of them met me; I believe it was Mr. Linnett; and he said, "This is Mr. Neale," to Mr. Eaton; and Mr. Eaton he put his hand on my shoulder, and he shook hands with me and some one else, and they asked me if I would oblige him with my vote; and I said I thought not.

3409. You are quite sure that Mr. Linnett was with Mr. Eaton when he canvassed you?—Yes, he was.

3410. Do you remember on the Monday night any one calling upon you?—On the Monday night there was Mr. Linnett and Mr. Charles Fawson.

3411. At what time of the evening was it on the Monday night that they called?—I believe between eight and nine o'clock.

3412. What was said to you by Mr. Linnett, or any one?—My wife was locking the door, and there was a rap came at the door, and she answered the door, and my misses says, "If you had been a bit later we should have been gone to bed." They said, "You go to bed very early," and she said, "Yes, we get up early in the morning;" and they said, "Well, Mr. Neal, have you made up your mind to vote for the Light Blues?"

3413. Do you recollect who said that?—That was Mr. Linnett.

3414. What was said after that?—Mr. Fawson and Mr. Linnett both said, "You cannot do better." "Well," I says, "I don't know." Mr. Linnett turned round to me, and says, "Mr. Neale, it will be as good as a week's work in your way." My wife speaks up, and she says, "What do you call a week's work?" He says, "He doesn't earn a sovereign, does he?" My wife says, "No, sir." He turns round to me, and says, "Mr. Neale, I will give you that sovereign."

3415. What reply did you make to that?—"Well, sir," I says, "I have not made my mind up yet, but," I says, "I shall see." "Well," says he, "Get up to-morrow, the first thing, and give your vote."

3416. Was that all that took place?—Well, he asked if I had any objections to his eating a bit of food in the house. He said he had been running about all the day. Mr. Linnett did. We said, "Oh, no," and he said he had been running about all day, and he hadn't had a thing to eat; and he ate his food, and he said, "Well, Mr. Neale, I hope you will give us your vote." "Well, sir," I said, "I will see in the morning," and they said, "Good night," and away they went.

3417. And you voted for Mr. Carter and Mr. Jackson?—I voted for Mr. Carter and Mr. Jackson.

3418. Are you quite sure that this statement about the sovereign took place?—Yes; I have not come here to tell untruths.

Cross-examined by Mr. Huddleston.

3419. Your wife was present all the time, was she?—Yes.

3420. What day was it on which you saw Mr.
275.

Eaton and spoke to him in the street?—Well, I cannot say what day it was, I am sure, but it was a week before the election.

3421. But on what day in the week was it?—Well, I did not keep account.

3422. I wrote down what you said, "One of them said, I believe it was Mr. Linnett?"—Yes, Mr. Linnett was with him, I know.

3423. Why did you say you believed it was Mr. Linnett?—It was Mr. Linnett as was with Mr. Hill.

3424. But you said, "I believe that it was Mr. Linnett?"—I know it was him.

3425. You have no doubt about it?—No.

3426. Did you know Mr. Linnett before?—I never knew him till the time as he came canvassing to my house.

3427. Do you know Mr. Fawson?—I know him.

3428. Was Mr. Fawson with Mr. Linnett at the time you say Mr. Eaton was there canvassing you in the street?—No, he was not; he only came to my house once.

3429. And you say Mr. Fawson was present when this conversation took place about your vote?—Yes, on the Monday night.

3430. Who took your evidence for Mr. Kirby?—Well, I cannot tell you the gentleman's name particularly.

3431. Who asked you to vote for Carter and Jackson?—Who asked me?

3432. Yes?—No one.

3433. Nobody canvassed you at all?—Mr. Carter and Mr. Jackson did come round at dinner time, and asked me if I had promised my vote, and I said, No, I had not promised it to any one yet; but if I do vote for either, I says, "I will vote for Mr. Carter and Jackson."

3434. Mr. Micklewright did come and take your evidence, did he?—Yes, he did.

3435. Did he give you anything?—He gave me a shilling.

3436. Nothing more?—No.

3437. Was your wife present?—Yes.

3438. Did he give her anything?—No, at least he gave it to my wife; he did not give it to me.

3439. Did he take your wife's evidence?—Yes.

3440. And he only gave you a shilling between you?—He gave us a shilling.

3441. Nothing else?—Not at the house.

3442. Where else?—We went to the office, and I had a shilling there.

3443. Did your wife go to the office with you?—Yes.

3444. Did she have anything?—She had a shilling there.

3445. She had?—He gave it to her.

3446. It was only one shilling for both of you?—Yes.

3447. Have you had any more than 2 s.?—No more than 2 s.

3448. Nothing more?—No.

3449. Was anything promised?—No.

3450. You were not promised anything?—I was not promised anything at all.

3451. Did you have any drink?—No, not a glass of anything.

3452. You mean Mr. Linnett and Mr. Fawson?—Mr. Linnett and Mr. Fawson.

3453. I dare say that you and your wife must have been talking over this evidence, have you not?—Well, we know'd we had got to come to speak the truth, and we was not going to say any more.

I

3454. And

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3454. And you have talked it over, and prepared the evidence which you were each going to give?—To be sure we have.

3455. How often, do you think?—I could not say how often, I am sure.

3456. But three or four times, I suppose?—I dare say it might have been three or four times, I have not kept account.

3457. Probably last night or this morning was the last time?—I do not know that it has been mentioned either yesterday or to-day.

3458. But was it mentioned last night or this morning?—It was mentioned before.

3459. But yesterday or to-day?—No, we never mentioned it either yesterday or to-day.

[The Witness withdrew.]

CAROLINE NEALE, sworn; Examined by Mr. Henry James.

C. Neale.

3460. ARE you the wife of Thomas Neale?—Yes.

3461. Do you know Mr. Fawson?—Yes.

3462. I believe he was once your landlord?—He was.

3463. Before the election did Mr. Linnett call once, or more than once, at your house?—A good many times.

3464. Was your husband at home on those occasions, or not?—Yes.

3465. On the evening of the nomination day, the Monday, did any one call on you?—Yes.

3466. Who called?—Mr. Linnett and Mr. Fawson.

3467. At what time in the evening?—Between 8 o'clock and 9 o'clock; we was just-a-going to bed.

3468. What was said?—A rap came at the door, and I answered the door, and I said I was just-a-going to bed; so he said, "You go to bed very early"; I said "Yes, we get up very early." He said, "Mr. Neale, have you made up your mind to vote for the Light Blues", he said, "No, he thought not."

3469. Mr. Justice Willes.] Which of them said that?—Mr. Linnett; he said "No, he thought not; and he said "It will be more than a weeks' work in your way if you do". Mr. Fawson said, "Yes, I am sure it will"; I said "What do you call a week's work"? Mr. Linnett said "He does not earn a sovereign, does he," and I said "No, I wish he did." He turned round and he said, "Mr. Neale, I will give you a sovereign if you will vote for the Light Blues," he said "I do not know, I will see in the morning." That is all I have got to say, gentlemen.

3470. You say that is all you have to tell us; is what you have told true?—That is so.

Cross-examined by Mr. Huddleston.

3471. I daresay you will not mind telling us over again?—No; if you will wait a bit.

3472. Go on then?—Between eight o'clock and nine o'clock a rap came to my door, and I answered the door, and he said, "Is it Mr. Neale?" and I said, "Yes, a few minutes later we should have gone to bed." He said "You go to bed early;" I said, "Yes, because we get up early." He said, "Well, Mr. Neale, have you made up your mind to vote for the Light Blues?" he said he thought not; he said, "You could not do anything better, it will be a week's work in your way." I said, "What do you call a week's work?" and he said, "You do not earn a sovereign." I said, "I wish he did;" he turned round and said, "I will give you a sovereign."

3473. And that is all you have got to say?—That is all I have got to say.

3474. You have told that tale so well, twice, exactly in the same words, that I should not be

surprised if you had not been telling it over to your husband?—Perhaps I have, but I could only tell the truth. You do not want me to tell untruths; I took my oath; I am come here to tell the truth, and I took my oath.

3475. You do not want me to enter into a war of words with you. I daresay you have told that story, or that tale we will call it, over to your husband in the same words?—That is all I have to tell you.

3476. You must answer it, you know?—I have answered it.

Mr. Justice Willes directed the witness to answer the questions put by the learned counsel.

3477. Mr. Huddleston (to the Witness).] I daresay, now, you have told that tale over to your husband often?—I did not want no telling, and he did not want no telling.

3478. Did you tell it to your husband?—He did not want any telling.

3479. But did you tell it to your husband?—He did not want any.

3480. Do you think that I could induce you by coaxing you, to answer me; now let us see, have you talked over this matter with your husband?—We did not want any talking over.

3481. Then you have not?—I do not know; we might, perhaps, speak about it.

3482. You have then?—Yes, I daresay we did.

3483. Did you tell it him last night?—No, I did not.

3484. Perhaps I am wrong; this morning then?—Nor yet this morning.

3485. When did you tell him last?—I do not know.

3486. Perhaps you never told it him?—Yes, I have, I daresay.

3487. When?—I do not know when.

3488. You learnt it by heart, did you not?—No, I did not; it was already said to me.

3489. Who said it to you?—Mr. Linnett and Mr. Fawson.

3490. And you did not repeat it since that day?—Oh, yes.

3491. To whom did you repeat it?—Why, to ourselves.

3492. Yourself and your husband?—Yes.

3493. Have you gone over it together so that you might not make a mistake?—Oh, no; we did not want to make no mistakes in the truth.

3494. But that you might not make a mistake have you repeated it to each other?—Well, I could not say that.

3495. But have you; you can answer that question?—I have said, I knowed what they said, and he said the same; he knowed what they said.

3496. Did you say that to him "I know what they said," and then did he say to you "I know what they said"?—Yes.

3497. Did

3497. Did he tell you what they said?—No.
 3498. Did you tell him what they said?—No.
 3499. Then you did not talk about it, did you?
 —No.

3500. How much have you had for giving your evidence?—Nothing at all, and nothing I want.

3501. Nor your husband?—No, nor my husband.

3502. You had nothing with your subpoena?—Oh, yes, we had a shilling with it.

3503. What, a shilling each?—Yes.

3504. How many times were you examined?—Twice they came to our house.

3505. Mickle Wright?—I do not know the name.

3506. A tall man with grey whiskers?—Yes, I believe he had grey whiskers.

3507. Did he take your husband's evidence down?—Yes.

3508. And gave him a shilling?—Yes.

3509. And then he took your evidence down?—He never gave me a shilling then.

3510. Did he give the shilling to your husband?—He gave me the shilling.

3511. He gave you a shilling then?—Yes.

3512. Then what did he give your husband?—Nothing at all.

3513. Then you went to the office?—Yes.

3514. What did you have then?—He gave me a shilling.

3515. What did he give your husband?—Nothing at all.

3516. Who got the money then?—He gave me the money.

3517. And you kept it?—Yes.

3518. Did you know Mr. Fawson before?—Yes, I should think I did, seeing he was my landlord.

3519. You have known him quite well?—Yes, I did.

The Witness withdrew.

Mr. *Henry James* stated that he proposed to withdraw Thomas Wareham's case.

JOHN CLARIDGE, was called; but did not appear.

WILLIAM HOLT, was called; but did not appear.

ELIZABETH MAYNE, was called; but did not appear.

WILLIAM MAYNE, was called; but did not appear.

RICHARD KILPACK, was called; but did not appear.

JAMES EVERETT, was called; but did not appear.

ELIZA HAYWARD, sworn; Examined by Mr. *Chandos Leigh*.

3520. WHAT is your husband's name?—John Hayward.

3521. Where does he live?—No. 2, St. Agnes lane.

3522. In what ward is that?—Cross Cheaping.

3523. Did he vote at the last election?—Yes.

3524. Mr. *Huddleston*.] Did you go with him?—No.

3525. Mr. *Chandos Leigh*.] For whom did he vote?

Mr. *Huddleston* objected that this case was not correctly and specifically mentioned in the bill of particulars.

Mr. Justice *Willes* directed the counsel *E. Hayward*.
 for the petitioners to give to the counsel for the respondents the name of the person, the number on the register, and the place, and to proceed with the rest of their case, so as to allow the respondents time to inquire as to the case, but he said he could not refuse to accept the evidence.

Mr. *Henry James* said he did not attach much importance to the case, and he would withdraw it.

[The Witness withdrew.

JOHN CLARIDGE, sworn; Examined by Mr. *Chandos Leigh*.

3526. WHERE do you live?—At Cock-street.

3527. Are you a voter for Coventry?—Yes.

3528. For whom did you vote at the last election?—For Mr. Jackson and Mr. Carter.

3529. At what time of the day did you vote?—Well I cannot exactly say to a moment: I believe somewhere about half-past three.

3530. Did anybody come to you before you voted?—Yes, several.

3531. Do you know a man called Cook?—Yes, he came, and another young man.

3532. What is Cook?—I don't know.

3533. Do you know what his christian name is?—I do not.

3534. What time did Cook come?—I think it was somewhat towards 10 o'clock.

3535. Did Cook say anything to you when he came?—Yes.

3536. What did he say?—He asked me how I was going to vote, and I told him I did not think I should vote at all. He said, 10 s. would do
 275.

me good; I told him, I did not think I should poll at all, I suffered so much from electioneering. He said, "You know the Liberals have got no money."

3537. Did he say anything else after he had said this?—No.

3538. Mr. Justice *Willes*.] Did he say 10 s. would do you good?—Yes.

3539. Was it after that that he said "the Liberals have no money"?—Yes.

3540. Mr. *Chandos Leigh*.] Was anybody else with him?—Yes, a young man; and he ordered this young man to put my name down, but what he put down of course I could not see.

3541. Did anybody come in at the time that Cook and the young man were there?—Yes, a labourer of the name of Lack came in, and I went out down street with him.

3542. Did you go to the poll with him?—No; he came for me to go to the poll, but he was going to Canterbury-street, and he thought I had
 got

J. Claridge.

J. Claridge. got to go to the same, and we went into the "Bear," in New-street, and there he left me to go to the poll.
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Cross-examined by Mr. *Gates*.

3543. What time was it then when you did go to the poll?—About half-past three o'clock in the afternoon. They came teasing me; I did not think about polling at all, but they came teasing me one after another.

3544. Did Lack take you to poll?—No, he took me down street, but he had to go to Canterbury-street.

3545. Who did take you to the poll?—I met a neighbour of the name of Cooper, and I says, "I want to go across to poll," and he says, "I will take you then," and he took me.

3546. How long beforehand had you promised your vote to Carter and Jackson?—I never promised my vote at no time; never to no one.

3547. And you went and voted for Carter and Jackson without having promised?—I never do promise.

3548. Had you seen Cook at all before?—No.

3549. I suppose you did not see him in the morning, did you; you cannot see very well?—No, I cannot see at all; God Almighty took my sight away.

3550. Did you know his voice?—No, he was a stranger to me.

3551. What made you say his name was Cook?—Because I heard his name was Cook.

3552. By whom were you told?—By Mr. Eve, that works in the same shop.

3553. Were you at the shop working when he came to you on the polling day?—No, it was a shopmate of his'n that told me his name.

3554. And you had not had any visits at all from him beforehand?—No.

3555. Was Lack present when Cooke spoke to you?—He was in the house.

3556. But was he in the same room?—He was talking to my daughter.

3557. Lack was talking to your daughter whilst Cook was talking to you; was that it?—Yes.

3558. Was there another person came in with Cooke?—No.

3559. Then did Cooke come alone?—There was another with Mr. Cook.

3560. Somebody came in with Cook and talked to you?—Yes.

3561. And was Lack in there before, or did he come in afterwards?—Lack came in afterwards.

3562. And then, I suppose, Cook had a little conversation with you before Lack came in?—Yes.

3563. And then Lack went and talked to your daughter till they went out?—We all went down street together; Mr. Lack and my daughter and grand-daughter.

3564. Did your daughter come with Lack too?—No, she did not; she came over with a neighbour.

3565. Then Cook and this other man who came with him and you and Lack all went out together?—I think Mr. Cook and his companion went out first.

3566. They went off first by themselves?—Yes.

3567. And then you went up with Lack?—Yes.

3568. Who is Lack?—He is a cordwainer and lives in New-street.

3569. I suppose he is a supporter of Carter and Jackson's?—Yes.

3570. Then you left the house with him?—Yes.

[The Witness withdrew.]

WILLIAM HOLT, sworn; Examined by Mr. *Henry James*.

W. Holt. 3571. ARE you a voter for this city?—Yes.

3572. For whom did you vote at the last election?—For Carter and Jackson.

3573. What are you by business?—Anything.

3574. What do you do most for it; what do you generally work at?—In labour.

3575. Do you know a person of the name of Mr. Joseph Brown, of Spon-street?—Yes.

3576. Is he your landlord?—Yes.

3577. Did he at any time call upon you?—Yes.

3578. What day was it that he called?—I don't know exactly. The day before the election, I think it was.

3579. What did he say when he first came in?—He asked me for some rent. I told him that I had none.

3580. Then did he say anything to you about your vote?—He asked me for my vote, and I told him that I had promised it.

3581. For whom did he ask it?—For Eaton and Hill.

3582. Your told him you had promised it to them?—I had promised it to Carter and Jackson, and I told him so.

3583. What did he do or say?—He put a sovereign between his fingers, and asked me if that was any use to me.

3584. How did he hold his hand?—In that direction (*describing the same*).

3585. What did you say was between his fingers?—A sovereign.

3586. What did you say in reply?—I told him, No, I could not. He said, "Would another be of any use to you?" I said, "No, sir." He said, "Could I see you at my house at six o'clock at night?" I said, "Yes;" but I did not go, and I didn't see the gentleman that afternoon. There was no more passed between us.

3587. You did not have any money from him, and you voted the next day for Carter and Jackson?—Yes.

Cross-examined by Mr. *Huddleston*.

3588. What are you in politics?—A Liberal.

3589. Have you voted Liberal before?—No, this is the first time.

3590. For whom are you working?—For any one that will give me a job.

3591. In what?—In either horse-breaking—

3592. Horse-breaking, did you say?—No, horse-breaking.

3593. You have something to do with the horse, have you; what are you by profession?—Anything; I turn my hand to anything, to any sort of trade almost.

3594. But

3594. But principally to the horse?—Yes.
 3595. Have you been a groom?—Yes.
 3596. And a farrier?—No, I am no farrier.
 3597. A groom?—Yes.
 3598. Out of place?—Yes; at least, I do a day's work when I can get one.
 3599. You were out of work at the time?—No, I was not out of work at the time.
 3600. You had no rent you say?—No, I had no rent.
 3601. Who canvassed you for Carter and Jackson?—I do not know, I was not at home when they brought the card.
 3602. Who asked you to vote for Carter and Jackson?—That was my principles to do so.
 3603. I know, but who asked you?—Well, that was my principles.
 3604. Did anybody ask you to vote for Carter and Jackson?—No; Carter and Jackson went to my house, and asked me for my vote.
 3605. But did anybody else ask you to vote for Carter and Jackson?—No.
 3606. Who took you up to the poll?—Sir?
 3607. You have heard the question. Just answer it, will you?—I had to poll at the church.
 3608. Who took you up to the poll?—I went up with a gentleman or two.
 3609. Give me the name of the gentleman or two?—Mr. Kelly, I believe that was the gentleman, in Spon-street. I believe I went up with him.
 3610. Did you have anything to drink?—No.
 3611. Did you have any money?—No.
 3612. Nor for giving your evidence?—Sir?
 3613. You did not hear what I said. Did you have any money for giving your evidence?—No, not the least.
 3614. Not the slightest?—No.
 3615. Who took your evidence down?—I had

taken my card down with me; I do not know who had taken my evidence.
 3616. Did not a gentleman from Mr. Kirby's office examine you?—No.
 3617. Then you never gave your evidence, and it was never written down, was it. Do you mean to swear that what you said to day was not written down?—Yes, it was written down.
 3618. By whom?—I don't know the gentleman.
 3619. Was it a gentleman from Mr. Kirby's office?—Yes, I believe it was.
 3620. Did he give you any money?—No.
 3621. Nothing at all?—No.
 3622. Be cautious. Will you swear he never gave you any money?—No, I had no money.
 3623. None at all?—No.
 3624. Had you no money with your subpoena?—(After some hesitation) Yes, I had one shilling.
 3625. And nothing more?—Nothing more.
 3626. Why did you not say before that you had the shilling?—I did not understand.
 3627. I should like very much to know when did you get your subpoena?—I don't know the day, I am sure; I have had it five or six days. I don't know the day.
 3628. Who was it gave you your subpoena?—Mr. Pinches.
 3629. For whom have you been at work since?—For a great many gentlemen.
 3630. Can you give me any name?—Perhaps half a day at one, and half a day at another.
 3631. But you have no regular work?—I have no regular work.

Re-examined by Mr. *Henry James*.

3632. You have had no money but this one shilling, have you?—No money.

[The Witness withdrew.]

ELIZABETH MAYNE, was called; but did not appear.

RICHARD KILPACK, sworn; Examined by Mr. *Chandos Leigh*.

3633. ARE you a voter?—Yes.
 3634. For whom did you vote at the last election?—For Mr. Carter and for Mr. Jackson.
 3635. Where do you live?—No. 3, Tower-street.
 3636. Were you canvassed for your vote?—Was I?
 3637. Yes?—I was solicited.
 3638. Were you solicited by the Light Blues; the Tories?—Yes.
 3639. When?—On the 13th of November.
 3640. Who called upon you?—Mr. Ashton.
 3641. Who is Mr. Ashton?—He is the secretary of the Conservative Working Men's Club, he told me.
 3642. What time did he call upon you?—About 25 minutes, or half-past six o'clock; I cannot tell to five minutes; I did not notice it.
 3643. When he called, what did he say?—He said he had come to solicit me for my vote for Mr. Hill and Eaton.
 3644. What answer did you make?—I said, No, I could not promise any one.
 3645. Tell us all that passed at that interview with Mr. Ashton if you please?—I told him I thought of going away after work the next day; I had been at work seven weeks, and he said I should

not go away this side Tuesday; it was such a short space of time between now and Tuesday. *R. Kilpack.*

3646. You told him you were going away?—I told him I thought of going away the next day.

3647. What did he say to that?—He said I should not go away this side Tuesday; it was such a short space of time; I said I did not know.

3648. Did he say anything besides that you should not go away this side Tuesday?—He said, "You had better make up your mind to-night," and I said, "No, I cannot." Before he left, he says, "You had better make up your mind to-night." I said, "No;" he says, "Make it up in the morning;" I said, "I will;" he says, "Come down to me, at nine o'clock in the morning to the Conservative Working Men's Room, in the Burges." I made my mind up, and I did not go.

3649. Did you tell him you would go?—Yes; I told him I would go, and I did not go because I made my mind up not to go.

3650. Did you see him again?—He never came to me after.

3651. Was that all that passed?—That was all that

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that passed, and then he came away in about ten minutes or a quarter of an hour.

3652. What took place when he came again?—He came in the next time without rapping at the door, and he said, "I have come back again; I cannot rest; I feel heartily sorry for you; you have got such a family of small children; 'Now,' he says, 'If you will vote for Mr. Hill and Eaton I will see to you and your family all through the winter.'" I thought it was a good offer, but I says "No, I cannot promise." Then, in a short space of time, he says, "There is a great many gifts to be given away after Christmas, and I will see that you have some if you vote for Mr. Hill and Eaton;" I says, "No, I cannot promise." He stood a short space again, and he put his hand in his pocket, and he pulls out a shilling, and he says, "I will give you this shilling out of my own pocket." I did not want money off one party, and to vote for another. He says, "I will give you that shilling out of my own pocket," and he laid it on the table.

3653. Was that all that passed?—That was all that passed; about all.

3654. After the election, did you see a man called Grimsley?—Yes.

3655. Who was Grimsley?—His name is James Grimsley.

3656. When this took place about seeing your family through the winter, was there any mention as to work that you were to have?—I forgot that; the said he would give me two or three days work

connected with the election. He did say that, Mr. Ashton did, before he left.

3657. Is Grimsley a voter; do you know him?—Yes, I know him; I believe he is a voter.

3658. Did Grimsley come to you after the election?—Yes, he came to my house.

3659. How long after the election was that?—Well, I cannot say; I forget now; I cannot say, justly.

Cross-examined by Mr. *Huddleston*.

3660. Did you ever vote before?—No.

3661. Who canvassed you for Mr. Carter and Mr. Jackson, or Mr. Jackson and Mr. Carter?—Mr. Jackson and Mr. Carter came themselves.

3662. Who took you up to the poll?—Why, I went across the street with a man of the name of Hammerton, I believe.

3663. Hammerton took you up to the poll, did he; the gentleman that distinguished himself here yesterday?—Oh, no.

3664. You are ashamed of him?—The same name, but not the same man.

3665. You would not have anything to do with him; you say Mr. Ashton told you to come the next morning to the Conservative Working Men's Club?—Yes, to the Conservative Working Men's Club on the Burges; that was what he said.

[The Witness withdrew.]

JAMES EVERETT, sworn; Examined by Mr. *Chandos Leigh*.

J. Everett.

3666. WHERE do you live?—I do not know what you say; I do not, indeed; I want to answer right. I will speak to anyone that I can hear, but I cannot to anyone that I cannot hear.

3667. I ask you where you live?—In Henry-street, No. 16.

3668. Are you a voter?—Yes.

3669. For whom did you vote at the last election?—I voted for Mr. Carter and Jackson.

3670. How old are you?—Seventy-seven; my birthday is in June.

3671. Do you know John Ashton?—I do.

3672. What is John Ashton?—John Ashton, I believe, is the secretary to the Conservative Club, or what they term it; I do not know what they may term it.

3673. Did you see John Ashton before the election?—I did twice.

3674. How long before was the first time you saw him?—Well, I believe the first time was about three weeks previous to the election, but the last time I think was about a week before the election.

3675. What took place the first time that you saw John Ashton?—The same as the last; he says if I should come on their side, he would find me four days work at 5 s. a day, and that is all I have got to say.

3676. Mr. Justice *Willes*.] What did he say he would give you the four days' work for?—He did not say what for, but if I would come on

their side to serve on the Conservative party, I expect he said he would find me employment for 5 s. a day for four days' work; but what the work were, I did not understand that. He did not say that, and I do not know.

3677. If you would come to serve on the Conservative party?—He wished me to serve on the Conservative party, but I did not, and I did not intend to.

3678. Mr. *Chandos Leigh*.] You say you saw him twice; where did you see him on those occasions?—The first time I saw him, that he made mention of those words, was in the street that led up to Butchers-row; I forget the name of the street; a new building.

3679. Where was the second time?—The next time, I believe, was on the Burges, close to the Conservative place of his'n.

3680. What do you mean by the "Conservative place"?—It is a place where they meet at, those Conservative parties.

3681. The Working Men's Association?—I do not know what it is termed; I cannot say, but they call it the "dark entry"; the Conservative affair. I do not know any more about it, than that I have never been, and I cannot answer any more, but what I say is correct and true, and I can say no more and no loss.

[The Witness withdrew.]

GEORGE BROWN, sworn; Examined by Mr. *Leigh*.

G. Brown.

3682. WHERE do you live?—At Red-lane.

3683. Are you a voter?—Yes.

3684. For whom did you vote at the last election?—No one.

3685. Were you asked to vote for anyone?—No, I was not here.

3686. Before the election, did you see anybody about your vote?—Not personally.

3687. How

3687. How did you see anybody, if you did not see anybody personally?—Well, Sir, I see this only by conversation, and I did not promise my vote to anyone.

3688. Do you know a man of the name of Bardon?—Yes.

3689. Did you see Bardon before the election?—Yes.

3690. What is Bardon; what is his Christian name?—I believe John.

3691. Do you know what he is?—I do not.

3692. Where did you see John Bardon?—In Coventry.

3693. Had you any conversation with John Bardon about your vote?—Well, I cannot positively say.

3694. Will you swear you had not?—No, I will not swear that.

3695. Was anything said by John Bardon to you about Manchester?—Yes.

3696. What was said by John Bardon to you about Manchester?—As nearly as I can recollect, on the Thursday previous to the election, I received money from Manchester to pay my fare down there, independent of electioneering whatever. I was promised if I stopped till Tuesday, that I should have something for my time, and to go down.

3697. Where; to Manchester?—He did not say where.

3698. Who promised you that?—The man.

3699. What man?—Bardon.

3700. Had you said anything to Bardon about voting before?—No.

3701. What answer did you make to Bardon

when he made you this promise?—I said I could not stay.

3702. Did you go to Manchester?—Yes.

Cross-examined by Mr. Huddleston.

3703. You have an impediment in your speech, have you not?—Yes.

3704. You got some money from Manchester, did you?—Yes.

3705. Are you a voter in Manchester?—No, in Coventry.

3706. You got some money from Manchester to take you to Manchester?—Yes, independently of all things whatsoever.

3707. Independent of all election matters?—Yes.

3708. You intended to go to Manchester?—Yes.

3709. And you did go to Manchester?—Yes.

3710. Bardon said if you stopped you might have your time?—Yes.

3711. After that you might go to Manchester?—Yes, I went down.

3712. Was that the word he used, "your time"?—I cannot positively say that was the words.

3713. You did not pay much attention to them, because you went off to Manchester?—Yes.

3714. And did not heed what he said?—No.

3715. Were you going to work at Manchester?—Yes; I worked there a week.

3716. And you wanted to get off to your work?—Yes.

3717. And did not bother about what he said, or anybody else?—I did not.

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WILLIAM JONES, sworn; Examined by Mr. James.

3718. You have lost your sight, I believe?—Yes, I have.

3719. You have a vote for this city, for Coventry?—I voted for Mr. Carter and Mr. Jackson.

3720. Do you do any work?—I carry out fish about the town.

3721. You live in Gosford-street?—I do.

3722. Do you recollect on a Wednesday, a fortnight before the election, anyone calling upon you?—Brown and Mann; I did not know Mann when he came in, till I was told who he was after.

3723. Who told you who it was?—I heard Brown call him Mann, then I inquired if he was.

3724. You did not hear any Christian name given?—I only heard him call him Mr. Mann.

3725. Who is Mr. Brown?—Mr. Brown was a chemist, he had been a chemist in Coventry; I knew him for years.

3726. Mr. Justice Willes.] Is that George Brown?—I do not know whether his name is George, he was a chemist.

3727. Where does he live?—He went to live in Hill-field.

3728. Was his Christian name Joseph?—I do not know his name,

3729. Mr. James.] What was said to you by either of these gentlemen about your vote?—When Brown came in he says, "Good morning to you, Jones;" I says, "Good morning to you, Mr. Brown;" he says, "I want to speak to you Jones;" he sat down, and I sat down; he says, "Jones, I want to ask you a favour, to serve my friends Mr. Eaton and Mr. Hill." I said, "Mr. Brown I will

not promise you anything of the kind, I will promise no one;" he then said, "I see how it is, you sell fish for those parties who are opposite against us, and you are afraid of offending them;" I directly told him I was not afraid of any of them, for they had never put the question to me to serve them; he said, "It will not take much to start you a basket, a pound or two would start you with a basket, and then you can go and buy fish at best hand; will not it be better for you?" I told him I would do nothing of the kind.

3730. Was anything else said?—He asked me to go and have a glass of ale; I refused it; he said, "It has nothing at all to do with the election, Jones, whatever. I said, "Well, Mr. Brown, I will not go." "Well," he says "It is nothing to do with the election, you and the old lady can have it at home." I said, "I am much obliged to you," and he gave me three penny bits.

3731. Did you ever see Brown again at any time with Mr. Eaton and Mr. Hill?—Brown spoke to me when Mr. Eaton and Mr. Hill was together; they asked me for my vote. He says, "You have a vote, would you oblige me;" I said, "I cannot, I will not promise any."

3732. Where was Mr. Eaton?—Across the street from the left hand side, going my way on the right hand side of my way.

3733. He was with Mr. Eaton?—Mr. Brown spoke to me; and Mr. Hill spoke to me; I believe Mr. Atkins was there, but he did not speak to me.

3734. Mr. Eaton and Mr. Brown spoke to you?—Mr. Eaton and Mr. Hill both spoke to me.

I 4

Cross-

W. Jones.

*W. Jones.*Cross examined by Mr. *Huddleston.*Re-examined by Mr. *James.*17 February
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3735. Your evidence was taken down, was it?
—I believe it were.

3736. All you spoke of was a basket of fish, was it?—I did not speak of a basket of fish.

3737. You say Brown spoke to you about a basket of fish?—Yes.

3738. Not a load of coal?—Yes, he did.

3739. Did you say you saw Mr. Eaton and Mr. Hill?—No, I spoke to them, I could not see them.

3740. How did you know it was Mr. Eaton or Mr. Hill?—I was told it was Mr. Eaton and Mr. Hill.

3741. Who told you?—People in the street.

3742. You had never seen them before?—I never saw them in my life.

3743. Probably you had never heard them before?—Not to my knowledge.

3744. Had you heard of Mr. Brown before?—Yes, I knew Brown many years.

3745. Where was it Brown said, "It is nothing to do with the election"?—When he asked me to go to the "Oak" to have a glass of something to drink; I said, "Thank you I will not." He said, "It has nothing at all to do with the election, Jones, if you have a glass."

3746. Brown said that?—Yes; I refused. He said, "Well, you and the old lady will take a glassapiece at home; it is nothing to do with the election."

3747. And you and the old lady did take a glass of ale at home?—Yes.

3748. And it had nothing to do with the election?—No.

ANN JONES, sworn; Examined by Mr. *James.**A. Jones.*

3757. ARE you the wife of William Jones?—I am.

3758. Do you recollect being present when Mr. Brown and another person called upon your husband?—I was some part of the time, but I was very unwell.

3759. During part of the time that you were there what did you hear said?—He offered Mr. Jones a load of coals if he thought proper to have them.

3760. Who said that?—Mr. Brown; he offered Mr. Jones a load of coals; he could have it that day or the next.

3761. Did you hear anything at all said about this vote?—I was busy, and I could not say that I did, without telling you a story.

3749. You told my learned friend that something was said about a load of coal; he did not pursue the inquiry; what was said about a load of coal?—When Mr. Brown asked me to serve Mr. Eaton and Mr. Hill I told him I could not. I said, "I have friends on both sides." I forgot it when I first began. I said "I have friends on both sides. I get a load of coals sometimes." He said, "Would not you like a load of coals now;" I said, "Of course I should." He says, "I will set you down a load of coals, and you can have it either to-day or to-morrow." I said, "Do not you set down anything of the kind, Mr. Brown, for I will not have it;" that was the first commencement.

3750. Before the fish basket?—Yes.

3751. Then he spoke to you about the fish basket?—Yes.

3752. Was anybody present besides Mr. Brown?—Mr. Mann and my wife was there.

3753. What is your wife's name?—Ann.

3754. Is she here?—Yes.

3755. You say the gentlemen you call Eaton and Hill, persons told you were Eaton and Hill. What did those gentlemen say to you?—They asked me for my vote; they said, "Jones, you have a vote this time, can you oblige me?"

3756. Did one of them say, "Can you oblige me; will you give it to us this time"?—I says, "No, I cannot; I will not promise anyone."

3762. Are you quite sure you heard the offer of coals?—I did.

3763. Do you know who it was who was with Mr. Brown?—It was the first time I ever saw the young man. I do not think I should know him again.

3764. You do not know who he is?—I heard his name mentioned. I think his name is Mann, but I do not know.

Cross-examined by Mr. *Huddleston.*

3765. But you do recollect that he said that he was to have it that day or the next?—Yes.

3766. Either that or the next day?—Yes.

3767. Either that day or the next; you recollect that?—Yes.

THOMAS MILLINER, sworn; Examined by Mr. *James.**T. Milliner.*

3768. YOU are a voter for this city?—Yes.

3769. For whom did you vote at the last election?—For Mr. Carter and Mr. Jackson.

3770. I believe you are a weaver by business?—Yes.

3771. Upon the 9th of November did anyone call upon you?—Yes.

3772. Who called upon you?—Mr. Priest and Mr. Cook.

3773. Do you know Mr. Priest's Christian name, or what he is?—His name is John Priest.

3774. Where does he live?—In Gilbert-street.

3775. What is Mr. Cook's name?—Thomas.

3776. What is he?—A weaver.

3777. What did they say to you about your vote?—They called me outside the door and they asked me whether I would go with them four or five days.

3778. Had they mentioned first anyway they wanted you to vote before they said that?—No, they did not say anything about it.

3779. They said would you go with them. What else was said?—I told them I would not.

3780. Did they say what you would get if you went with them four or five days?—Yes, he said he could give me 5 s. a day.

3781. When you said you would not go with them, what did they say in answer to that?—They said I had got my wife and family to consider, and

and they thought four or five days' work would be better for me than doing nothing at all.

3782. What did you say in reply?—I told them I would not have anything at all to do with it.

3783. When you said that, did Priest say anything about going outside your door?—That was outside the door.

3784. Did he say what you would have to do for your 5 s. a-day, or anything of that kind?—No.

3785. Did he say nothing more?—Yes; I told him I would not go out for either party, and then he said, If I would not go out, if I would depend upon him, they would give me 5 s. a day without going outside the door at all.

3786. Will you repeat that; you say Mr. Priest said, "If you would go out he would give you 5 s. a day"?—He asked me whether I would go out, and I told him No, I would not; and

then he said, If I would not go out, if I could depend upon him, he would give me 5 s. a day without going out at all.

3787. Did they then say anything to you about having something to drink?—Yes; Mr. Cook asked me if I would go down the street, and have a pint or two of drink.

3788. What did you say?—"No;" I said I would not be bought for neither money nor beer.

3789. What did they say in answer to that?—They left me, and bid me "good night."

3790. And you voted for Mr. Carter and Mr. Jackson?—Yes.

Cross-examined by Mr. *Huddleston*.

3791. He asked you to go down and have a glass?—He asked me if I would go and have a pint or two of ale.

3792. And you did not go?—No.

JOSEPH HARRIS, sworn; Examined by Mr. *Leigh*.

3793. WHERE do you live?—In Vernon-street.

3794. For whom did you vote at the last election?—For Mr. Carter and Mr. Jackson.

3795. Do you know a Mr. Ball, of Gilbert-street?—Yes.

3796. Do you know Mr. Clark, of 24, Bernard-street?—Yes.

3797. Did you see them during the election?—Yes.

3798. When?—On the nomination night.

3799. What time?—Between 8 and 9.

3800. Where did you see them?—At the top of the town.

3801. Tell us what happened when you saw Mr. Ball and Mr. Clark on the nomination night?—Mr. Ball and Mr. Clark came up to me; they says, "You are the man I have been looking for." I said, "What have you been looking for me for?" and Mr. Ball says, "You are going to give us one this time, are not you?" I says, "I am going t'other way." Mr. Ball says, "Non-sense; you are going to be one with us." I says, "I am not," I says, "because I promised Mr. Carter and Mr. Jackson; I do not mean to fly from my word." He then asked me whether he should take down that I would serve him, and I said, "No; I would vote as I intended to do;" and he asked me whether he should see me again; I told him it would be useless him doing so, because I did not intend serving him; then he asked me what I wanted; I says, "Nothing at all."

3802. Was anything said about work?—Yes, he did ask me; he says "Shall I put you down for two or three days' work?" I said, How could he do that when it was polling day to-morrow? He says, "We will make that all right."

Cross-examined by Mr. *Huddleston*.

3803. Where was it you saw Mr. Ball and Mr. Clark?—At the top of the town.

3804. Whereabouts in the top of the town?—Again the booth.

3805. Were there a number of people about?—No.

3806. Nobody at all?—There was some passing by.

3807. Was it nomination day or polling day?—It was nomination night.

3808. You had forgotten about the day's work till my learned friend put it into your mouth?—I had forgotten it just then.

3809. You paid so little attention to it that you forgot it till my learned friend reminded you of it?—Yes.

Re-examined by Mr. *James*.

3810. Reminded or not, are you quite sure that Mr. Ball said those words to you about putting you down for two or three days' work?—Yes.

3811. Is all you have told us to-day also true?—Yes.

3812. Mr. Justice *Willes*.] I understood you to say you had talked of serving before Mr. Ball said anything about three or four days' work; that you could not serve them; what did you mean by "could not serve them"?—I told them I did not intend serving them; I meant serving Mr. Carter and Mr. Jackson.

3813. Did you mean voting?—Yes, voting.

T. Milliner.

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1869.

J. Harris.

Thursday, 18th February 1869.

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The Witness Denny having made an application to be allowed to go, and Counsel on each side having stated that they did not require to put any further questions to him, he was told that he need not longer remain.

Mr. *James* stated that he would hand in a list of Witnesses, in order that his Lordship's opinion might be taken as to whether they might leave the town or not.

Mr. Justice *Willes* stated that with respect to the Leicester voters, it appeared to him that there was a *prima facie* case requiring an answer.

ELIZABETH MAYNE, sworn ; Examined by Mr. *Leigh*.

E. Mayne.

3814. ARE you the wife of William Mayne ?
—Yes.

3815. Where does he live ? — Wells-street, Coventry.

3816. Is he a voter for Coventry ?—He has been at this election.

3817. Whom did he vote for ?—He did not vote for any one.

3818. Your husband is ill, I believe, in the hospital ?—Yes ; that is the note from the doctor (*handing the same to the learned Counsel*).

3819. And he cannot attend to-day ?—He says he must consult the doctor before he comes.

3820. Do you know a man of the name of John Smith ?—Yes.

3821. Where does he live ? — In Wells-street.

3822. What is he ?—A plush weaver.

3823. Did you see him at election time ?—Election morning.

3824. What time ?—About 10 o'clock.

3825. Were you alone when you saw him ?—I saw him ; after I saw him my husband saw him ; he asked to see my husband.

3826. When you saw him first of all, what happened ?—He says, "Where is your husband ?"

I says, "Very ill in bed ;" he says, "Is not he able to get up ?" I says, "No, Sir." He says, "Well, if you will get him up, and let him go along with me, there shall be a bit of gold for him ;" I says, "No, not for all the gold you can find ; he is not going ;" then he says to me, he says, "Can I see him ?" I says, "Yes, he is upstairs in bed," and with that he went upstairs.

Cross-examined by Mr. *Huddleston*.

3827. You say that Smith came to you ?—Yes.

3828. Was anybody with him ?—No.

3829. Nobody ?—No one was with him.

3830. Was any one near him ?—I saw no one with him ; he came right into the house ; but there was no one with him that I saw.

3831. Was there anybody outside ?—No.

3832. Nobody at all ?—No.

3833. Mr. Justice *Willes*.] Who is this Smith ?
—John Smith, a plush weaver.

3834. A neighbour of yours ?—Yes.

3835. Does he live in Coventry now ?—Yes.

3836. Mr. *Leigh*.] She mentioned Wells-street ?—Yes, Well-street.

EDWARD JACKSON, sworn ; Examined by Mr. *Leigh*.

E. Jackson.

3837. WHERE do you live ?—Bruard-street.

3838. What are you ?—A weaver.

3839. Did you vote at the last election ?—Yes, at many elections.

3840. For whom did you vote at the last election ?—Mr. Carter and Mr. Jackson.

3841. Do you know John Smith ?—Yes.

3842. Where does he live ?—In St. Nicholas-street, Rudford-road.

3843. What is he ?—Coal dealer.

3844. Did you see him during the election ?—Yes, several times.

3845. Tell us one of the times you saw him during the election ; the first time that you saw him ?—I saw him on the 30th of October, about

11 at night ; he came and asked me which way I intended to vote.

3846. Was he alone ?—No, he had a man with him.

3847. Did you know who the man was ?—I did not ; not at that time.

3848. Do you know now ?—Yes, I knowed a day or two after.

3849. Who was he ?—A man of the name of Wheeler.

3850. Where does he live ? — In Bishops-street.

3851. When you saw Smith and Parker together, what happened ?—He asked me how I was.

3852. Mr.

3852. Mr. *Huddleston*.] Who did?—Smith; he said, “He had been very sorry for me a long while;” he said, “I could not go on like I was;” I said, “I could pay my way, and go a bit respectable; I had not got in debt now;” he said, “But you cannot do as you used to do;” I said, “No, I have not the last few years.” He said, “It is the confounded treaty caused all that;” I says, “I do not believe that, sir.”

3853. Anything else?—He began then and asked me who I meant to serve; I said, “I did not know, I had not had anything to do with it, for I had not been amongst any of them;” he says, “You are not going to serve Mr. Carter and Mr. Jackson, I think;” I said, “I daresay I shall;” he said, “If you do you will get another 10 years’ treaty put on you;” I says, “I do not know about that, sir.” He says, “You may depend if you send such men as Jackson and Carter to Parliament, they will pass another 10 years’ treaty upon you;” I said, “I cannot believe that at all; I do not consider that the treaty has done us any injury.” So he said he should like to convert me to poll for Mr. Hill and Mr. Eaton; I said, “That I never shall.” It passed off; a few more words; I cannot exactly say what; I daresay we were together a quarter of an hour or 20 minutes. He put another man on to me on the Tuesday.

3854. Before we come to that, did he say anything else upon that occasion?—Not particular, not then.

3855. What was the “not particular” that he said?—I could not say further, than he said he was very sorry for me and for my wife; he had known her all his lifetime.

3856. Did he say anything about work?—

Mr. *Huddleston*.] Do not lead him.

(*Witness*)—He said if I wanted three or four days’ work, if I came to him I could have it.

3857. Mr. Justice *Willes*.] Why was he very sorry?—For my losing my wife.

3858. Mr. *Leigh*.] Did you see him again after that?—Not till the Friday before the nomination; not to my knowledge.

3859. Do you know a man called Hunt?—Well.

3860. Do you know his Christian name?—Samuel.

3861. Where does he live?—In Well-street.

3862. What is he?—A weaver by trade; but he does not follow it.

3863. Did you see Samuel Hunt?—Yes, on the Tuesday following, the 30th of October.

3864. Did he say anything to you?—Yes.

3865. What did he say?—He came and asked if I had seen the man; I said, “No, I have not seen him this morning.” He said, “He wants to see you;” I said, “What for.” He hummed and ha’d a minute or two. He says, “Have you told John Smith you wanted some work;” I says, “No, I have not told John Smith anything of the sort.” He says, “Have you seen John Smith;” I says, “Yes, I saw him on Saturday night.” He says, “That is all right; there are a thousand bills to be delivered, and 600 of them are now ready in Wells-street; if you like to go and take a share you can.” He says, “You may as well go and get two or three pounds as nothing from them others.” He called them a word; I do not whether it would be prudent to mention it; he said they would not give me anything; he said, “Those b——s will not give you anything;” I says, “I do not expect they will.” He says, “You are to blame for standing in your own light; you may as well get two or three pounds as not; two or three pounds will do you good after the election is over; you have got to live as well as you have now.” “I know that,” I says, “but I cannot consent to it.”

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Cross-examined by Mr. *Huddleston*.

3866. Were you in work at the time?—No.

3867. It was true that you had lost your wife, was it?—Yes, a few months before.

3868. What have you been yourself, when in work?—A weaver, as long as I could get anything to do.

3869. Then the weaving trade became very bad in this place?—Yes.

3870. Had you a loom of your own?—Yes.

3871. Were you obliged to sell it?—No.

3872. Did you sell it?—No, I lost it at last.

3873. How do you mean you lost it?—Because I could not pay my rent.

3874. The loom was your own?—It was fixed in the house.

3875. And you could not pay the rent, and so it was distrained upon?—He put it in for what rent I owed.

3876. Because you were thrown out of work?—Yes.

3877. Rightly or wrongly, the man attributed that to the French Treaty of 1860?—Yes.

Mr. Justice *Willes*.] That was all fair argument, there was not nothing in that.

DINAH WARR, sworn; Examined by Mr. *Leigh*.

3878. ARE you the wife of John Warr?—Yes.

3879. Where does he live?—In Sherborne-street.

3880. Is he a voter?—Yes.

3881. Do you know a man called Thomas Burr?—Yes.

3882. Where does he live?—In Sherborne-street.

3883. A neighbour of yours?—In the next yard.

3884. Did you see him at the election time?—Yes.

3885. When?—On the Monday afternoon, between four and five, he came to our house.

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3886. What Monday?—On the nomination day.

3887. What time?—Between four and five in the afternoon.

3888. Did he say anything to you?—He came to my house, and asked me where my husband was, and I told him, on duty. He asked me if I knew which way he was going to vote; and I said, for Jackson. Then he asked me if I thought he would vote for Eaton, as he said he could take him to a gentleman where he could have 1*l.* or 30*s.*; and if my husband would vote for Mr. Eaton, he wished him to go early in the morning, and he would take him to the gentleman; but he would not mention the gentleman’s name.

D. Warr.

D. Warr.
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3889. What duty was your husband on?—He was one of the police; he was a special constable.

3890. Did you see him again after that?—Yes, he came to my house again, about nine; my husband was not come home; then he repeated nearly the same words as he did in the afternoon.

3891. Was he alone both times?—Yes.

3892. Were you alone?—Yes.

Mr. Justice Willes.] Ask what Burr is.

3893. *Mr. Leigh.]* What is Thomas Burr?—A weaver.

3894. A weaver in Sherborne-street?—Yes, in a court in Sherborne-street.

Cross-examined by *Mr. Huddleston.*

3895. What is your husband, Dinah?—He is a dyer's labourer.

3896. What was he then at the election time?—He was for Mr. Jackson.

3897. What was he in the way of business; a policeman?—Yes; a special constable, while the election lasted.

3898. Who put him on?—I cannot tell you who.

3899. Who put him on?—He was put on.

3900. Who put him on; the Dark Blues?—Not that I know of; I do not know that it was the Dark Blues.

3901. He was out of work, was not he?—He was not out of work.

3902. Before he was made a special he was out of work, was not he?—No; I have said all I

know, and I have spoken the truth, and I do not wish to say any more.

3903. What was he by trade?—A dyer's labourer by trade.

3904. Was he working for anybody at that time?—Yes, for Townsend, in West Orchard; he has worked there a long time.

3905. That time he was working in the dyeing business, do you mean to say that; do you mean at the election time he was working at Townsend's?—Yes.

3906. Had not he left Townsend?—He had not left, only for a few days.

3907. What did he get paid as a special constable?—I do not know what he was paid; I did not see him paid; I do not wish to say anything that is not true.

3908. Do you mean you do not know what his payment was; what he got paid as special constable?—I do not know, because I did not see it.

3909. Do you mean to say you have no idea?—I have no idea at all.

3910. You have no idea what he got paid as a special constable; do you mean to tell us that?—I did not see him paid.

3911. That is not an answer?—I could not say what he was paid, because I did not see him him paid.

3912. Do you mean to tell me that you had no idea what your husband got paid as a special constable?—I do not; I did not see him paid.

Mr. Justice Willes.] I forget how he voted.

Mr. Leigh.] I am going to call the husband.

JOHN WARR, sworn; Examined by *Mr. Leigh.*

J Warr.

3913. ARE you the husband of the last witness?—Yes.

3914. How did you vote at the last election? For Mr. Carter and Mr. Jackson.

3915. Do you know Thomas Burr?—Yes.

3916. Did you see him at the election time?—Yes.

3917. When did you see him?—On the Monday morning.

3918. Nomination morning?—Yes.

3919. What time?—Just before 9 o'clock.

3920. Where did you see him?—At the top of Sherborne-street; about 100 yards from the top.

3921. Did you have any talk with him?—He asked me how it was this morning, and what road I was going. I made the answer, and says, "I am going the right road." He says, "What road is that—the dark blues?" I says, "The way I always are." I left him at that, and did not say anything more.

3922. Did you see him again?—Yes, I saw him just after I had polled, on the Tuesday, a few minutes before two o'clock. He says, "Have you done it?" I says, "Yes, and it is all right." He says, "Well, you are very much to blame. I think you might as well have had the money." That is all he said; it passed off at that.

3923. We have heard about your being a special constable?—Yes, I was a special constable.

3924. Who put you on as special constable?—Mr. Norris.

3925. The superintendent of the police at Coventry?—I was summoned to appear at the police station.

3926. Is Mr. Norris the superintendent of police at Coventry?—I think he is.

3927. You went up to the police station, and saw Mr. Norris, by summons; where were you put on as special constable?—At the police station.

3928. Where did you watch as special constable?—In the town of Coventry.

3929. When?—At the nomination morning.

Cross-examined by *Mr. Huddleston.*

3930. The recommendation is given to the chief constable, and then he summons you to be put on; that is it, is it not?—I do not know how that was, I was summoned.

3931. Did you apply to anybody to get you put on?—No.

3932. You never said anything to anyone?—I never said anything to anyone.

3933. Were you in work at the time?—No.

3934. You were out of work?—No; I was not out of work, but I was not at work at the time I had the summons; we were working short time.

3935. How long had you been working short time?—I do not know exactly how long we had been working short time.

3936. About how long were you working short time?—Perhaps I might be losing a day a week.

3937. What were you paid as special constable?—Three and sixpence a day.

3938. Did

3938. Did you take the money home to your wife to spend in the house?—Yes, exactly so.

3939. Did you give it to your wife?—No, I did not give it to my wife.

3940. You told her what you got?—Certainly I did.

3941. You told her what you got a day; 3s. 6d.

a day?—Of course she knew what I got when I told her what I got.

3942. Mr. Justice *Willes*.] You consented, I suppose, to be a special constable?—Yes; when I was summoned, of course.

3943. Not “of course,” because you had a right to object, but you did not object?—No.

J. Warr.

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ALFRED PAYNE, sworn; Examined by Mr. *Leigh*.

3944. WHAT are you?—A silk dyer.

3945. Where do you live?—In Howes-yard, Spon-street.

3946. Is that a dyers' yard?—Yes.

3947. Did you vote at the last election?—Yes.

3948. For whom did you vote?—For Jackson and Carter.

3949. Do you know a man called Charles Eaves?—Yes.

3950. What is he?—A watchmaker.

3951. Where does he live?—In White-street, I believe.

3952. Did you see him about the election time?—I see him some time before the election.

3953. How long about before?—Three weeks or a month.

3954. Did he speak to you, or did you speak to him?—I went to his house to ask if he wanted some baits. I have been in the habit of catching baits for pike fishing. He said no, he had got no place to keep them. He says, “Have you any vote?” I says, “Yes, sir, I believe I have;” and he says, “You have been very short of work, have not you?” I says, “Yes, I have;” he says, “A few days' work would do you good, would not it?” I says, “I daresay it would;” he says, “I can put you down for four or five days' work, if you will vote for Hill and Eaton;” I says, “I cannot promise you.”

3955. Was there any sum mentioned?—Five shillings a day.

3956. Was that all that was said?—That was all that was said. I said I could not make up my mind; he says, “Consider, and make up your mind;” I says, “I will, sir.”

3957. Did you see him after that?—I never see him at his house again. He came down to my house to canvass me for my vote, some time after; there were three or four who came with him. He says, “I have come to solicit you for your vote for Mr. Hill and Mr. Eaton;” I says, “I cannot promise you.”

3958. Can you tell us who were the three or four that came with him?—No.

A. Payne.

Cross-examined by Mr. *Gates*.

3959. Were you in work at the time, three or four months before the election?—No; I was in work, but I was losing time.

3960. You were working short time?—Yes.

3961. Did you say that you are a dyer?—A silk dyer.

3962. Who were you working for at that time?—Mr. John Howe.

3963. Have you known Mr. Eaves a long time?—I have known him now several years.

3964. And you went to him, not about election matters?—Not the least about the election; I did not think about it.

3965. This was in the summer?—No; about the latter end of September.

3966. You told us that it was three or four months before the election?—No; three or four weeks.

3967. At the latter end of September?—Yes; it might be the beginning of October.

3968. You were not astonished at being asked if you would like to have four or five days' work?—I asked him if he wanted some baits.

3969. You were not astonished at being told that you could have four or five days' work?—I was not astonished.

3970. You say you do not know who called upon you with Mr. Eaves afterwards?—I did not know them.

3971. You told him that you were going to vote for Mr. Carter and Mr. Jackson?—I told them that I had not made my mind up.

3972. When did you make up your mind?—I made up my mind at the election.

3973. On the polling day?—Yes.

JOHN LAMB, sworn; Examined by Mr. *James*.

3974. You have no vote for this borough?—No.

3975. Are you a weaver, living in Vernon-street?—Yes.

3976. Have you a brother of the name of James Lamb?—Yes.

3977. He has a vote, I believe?—Yes.

3978. Do you know a man of the name of Mason?—Yes.

3979. What is his christian name?—Jeremiah.

3980. On the Saturday, about a fortnight before the polling day, did a young man speak to you?—Yes.

3981. Did you know who he was?—I knew him by sight; I had seen him before.

3982. Did he say anything to you about Mason wishing to see you?—Yes.

3983. In consequence of what he said did you go and see Mason?—No; Mason came to my house.

3984. When was that?—On Wednesday, the 4th.

3985. That would be the Wednesday week before the polling day; I believe he stopped there with you some time, did he not?—Yes.

3986. In the course of that conversation did he say anything to you, as to whether you had a vote yourself?—Yes.

3987. What did you tell him?—I told him I had not.

3988. Did your brother, James Lamb, then come into your house?—My brother came shortly after Mason came.

3989. After he had left, did Mason say anything

J. Lamb.

- J. Lamb.* thing to you about his vote?—Yes; he asked me if he had one, and I said “Yes.”
- 18 February 1869. 3990. Did he say anything more?—Yes; he said, “Which way would he vote?” and I said, I expected contrary from him.
3991. What did he say then?—He told me to see him, and tell him to alter his mind; he told me to try to persuade him to do so.
3992. Did he say anything else about what he could do?—He said he could do a little for him, to help him.
3993. Did he say to what extent?—A pound, or two or three.
3994. Did he, or not, tell you to let your brother know that?—Yes.
3995. Did you go that evening and tell your brother that?—Yes, I did; I told him I would name it to him.
3996. Do you know the Conservative committee-room in Yardley-street?—Yes; I do not know who formed it.

JAMES LAMB, sworn; Examined by Mr. *James*.

- J. Lamb.* 4005. ARE you a voter for this city?—Yes.
4006. For whom did you vote?—For Mr. Carter and Mr. Jackson.
4007. I believe you are a weaver by trade?—Yes.
4008. You have a brother, John Lamb?—Yes.
4009. Did he come to you at any time before the election and mention to you the name of Mason?—Yes.
4010. When was that?—On the 4th of November, in the evening.
4011. In consequence of what he said to you, did you go and see this Mason?—Yes, I did.
4012. Is that Jeremiah Mason?—Yes.
4013. Did you go to his house?—Yes, I did.
4014. What took place between you in the first instance; what did he say to you, or you to him?—I went about one o'clock in the day; I rapped at the door, and Mason came to the door; he came outside the door, and I asked him if he would buy a set of sleighs; he said he did not want them just then; and I then asked him what about the other matter which he named to my brother, and he said, come to his house in the evening at six o'clock; I did so.
4015. Did Mason then tell you to come to his house?—Yes.
4016. Where were you speaking to him then?—Outside his own door.
4017. When you were speaking about the sleighs?—Yes.
4018. Was it the same house you were to come to at six o'clock?—Yes.
4019. Did you go down again at six o'clock in the evening?—Yes.
4020. What took place between you and him then?—We had a little conversation, and I let him to know the business I came on was the same as the morning, and he said he thought he could get me 1 *l.* or 2 *l.* for four days' work.
4021. Was anything at all said at that time about your vote?—There was nothing direct, but I said, “If I were to do anything I should think no more about 1 *l.* or 2 *l.* than I would about a penny piece. I said if I had done anything it would be such a sum as would take me out of the town to start me in a little business; and he asked me what that would be, and after some hesitation I

3997. Upon the polling day, did you see Mason at all?—I saw him close to the committee-room.

3998. Did you see him going in and out, or not?—I do not think I saw him going in and out, but I have seen him near to it.

Cross-examined by Mr. *Huddleston*.

3999. This man, Mason, you say, came to you, and your brother James came in?—Yes.
4000. Did he say anything to your brother James when he came in?—Not about his vote.
4001. Did he speak to him?—Yes.
4002. What did he speak to him about?—Ordinary business.
4003. What was the ordinary business?—About trade; the position of the town, and many other things.
4004. He discussed the thing?—Yes.

replied, 5 *l.*” he said he would see about it; and after some further conversation he says, “Let this be simply a question of sleighs;” and after that he told me whatever I done to be late at the poll.

4022. Those sleighs are part of the loom, are they not?—Yes.

Cross-examined by Mr. *Huddleston*.

4023. That is what you considered you would like to have, 5 *l.*, to take you out of the town?—Yes.
4024. You were prepared to take it if you could get it?—I thought of doing so.
4025. Did you try it on on the other side?—No.
4026. You would scorn to take 5 *l.* from Mr. Carter and Mr. Jackson?—I was not offered it.
4027. But you would have scorned to have taken it. You know that you fixed your own price; you fixed 5 *l.* You said you deliberately considered you would like to have some thing to take you out of the town; you named 5 *l.*?—The subject was named to me. I did not seek for it.
4028. You put your own value at 5 *l.*?—Yes, then and there.
4029. Did you make the same offer to the other side?—No, I had no offer, and made no offer; the offer came from them. I did not make the offer.
4030. You fixed your price at 5 *l.*?—Yes.
4031. Did you put yourself up to auction on the other side?—No, I did not put myself up.
4032. You did not get 5 *l.* for voting for Mr. Carter and Mr. Jackson?—No, nor five pence.
4033. That you did on pure principle?—
4034. Did you see Mason at any time with your brother?—Yes; I saw him on the morning of the 4th of November; that was the Wednesday previous to the election.
4035. In your brother's house?—Yes.
4036. In your presence?—Yes.
4037. Did you talk to him?—Yes; we had a general chat together.
4038. About your vote?—No.
4039. He did not say a word about the election?

tion?—No; nor I did not know that he came on that purpose.

4040. You took care to avoid that subject?—No.

4041. Have you seen Mickleright?—No, I have not; I do not know him.

4042. Who took down your evidence?—I do

not know the gentleman's name, but I believe the gentleman's name is on the back of the subpoena.

4043. Was he a tall gentleman, with grey whiskers?—Yes.

Mr. *James* stated that he would strike Alfred Poole's name out of the list.

JAMES GREENWAY, sworn; Examined by Mr. *Leigh*.

4044. WHERE do you live?—I lived in Henry-street when I put my hand to the paper before you, but I have shifted my residence since then.

4045. Where do you live now?—I live now in—what is that place? it is very near facing the Bar.

4046. Is that in Coventry?—Yes.

4047. Did you vote at the last election?—Yes.

4048. For whom did you vote?—For Mr. Hill and Mr. Eaton. It is Chantry-place where I live. I could not justly think of it at the time.

4049. Had you promised Messrs. Eaton and Hill before?—No.

4050. Had you promised anybody to vote for them?—I met a man of the name of Mr. Hunt, and he says, "Well," he says—

4051. Before you tell us about Mr. Hunt, tell us this; before you met Mr. Hunt, had you promised to vote for anybody?—No.

4052. Had you been canvassed by Mr. Carter and Mr. Jackson?—No.

4053. You say that you saw Mr. Hunt; what is his christian name?—Samuel Hunt.

4054. Do you know where he lives?—In Wells-street.

4055. When was it you met Samuel Hunt?—About a month before the election.

4056. Did you know Samuel Hunt before?—Yes, for several years.

4057. Had you seen him before at election times?—Yes; this was a month before the election; I should say it was three weeks or a month.

4058. Will you tell us what took place between you and Samuel Hunt?—He said to me, "Well," he said, "what do you think of doing this time?" I said, "Well, I do not know." I said I did not know but what I should give Mr. Eaton and Mr. Hill a vote. He says, then, "Would I have any objections of delivering a few bills." I said, "No, I was out of employment, and I should be glad of a job; I had been out some time; and he said, "Well," he said, "you had better go," he says, "to —." I forget the name of the place now, but where the Conservatives sat, the Conservative room, and then he says, "You can have a few to distribute out." I went there.

4059. When did you go there?—On the same day; this was three weeks or a month before the election.

4060. Did you see anybody when you got to this place?—Several.

4061. Where is this place?—It is the Conservative Club, or something of that, is the title of it; down the Cross.

4062. Whom did you see when you got there?—I saw several I did not know. I saw Ashton at the book.

4063. Did you know Ashton before?—Yes; I had seen him several times.

4064. Do you know where he lives?—No.

4065. Do you know his christian name?—No. I am not so much acquainted with the man, but I have seen him many times.

4066. What was he doing at the book?—He was putting several names down that was to deliver bills, that had been there before me.

4067. Did you see anybody else there beside yourself?—Several.

4068. People you knew?—No; I knew them by features but not by name.

4069. Do you know whether or not they were voters?—I expected they was.

4070. You did not know; what did Ashton do; did you speak to him?—Yes. I asked him whether there were any bills which I could deliver out, as I had come on that purpose. He said there were so many before me I could not have any then, but I might come at ten o'clock in the morning. He entered my name then in the book. I see him enter several other names in a largeish book. I then went home, and I went in the morning, and he said, "Well, there were no fresh ones come in yet, but if I went to Mr. Hunt he would see to me;" so I went to Hunt's house in Wells-street.

4071. Was that the same Mr. Hunt that you saw before?—Yes. He said, "Well, you had better come at two o'clock in the afternoon, and then there will be some for you to deliver." I went at two o'clock, and he gave me 50; I asked him where to take them to.

4072. Fifty what?—Fifty speeches; 50 of Messrs. Eaton and Hill's speeches. I asked him where I was to deliver them, and he said he thought I had better go to Arnold's-lane and that district; so I went and done so; after I went back he gave me 50 more, and I went and delivered them up the Radford-road, and when I went back I found him, with a little trouble, in the street, and asked him if he was going to pay me for what I had done.

4073. Did he pay you?—Yes.

4074. What did he give you?—One shilling for 100 bills. I then asked him whether there was any more work to be done; well, he said, he did not know, I might call in the morning; I went in the morning, and he gave me 50 more; he said as there was a man as was to have come to deliver them, and had not been, I might have them in his place; then I said I suppose there is no more to deliver, only these 50, and he said he thought not.

4075. Mr. Justice *Willes*.] What does it all come to?—

4076. Mr. *Leigh*.] Did you deliver bills?—Yes.

4077. Were you paid for it?—Yes.

4078. What were you paid?—One shilling for the two first fifties.

4079. What were you paid afterwards?—Sixpence for another 50, before I delivered them, so that I need not give him any further trouble.

4080. Did anything else pass?—Several things.

J. Lamb.

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J. Greenway.

J. Greenway. 4081. Mr. Justice *Willes.*] It is 1 s. 6 d. for delivering 150 bills.

18 February 1869. 4082. Mr. *Leigh.*] Do you know Mr. Kilby?—Yes.

4083. Did you see him afterwards?—Yes, I asked Mr. Hunt whether there was anything else to do, and he said, “Not at delivering bills;” but, he said if I went to Mr. Kilby’s he would find me a job.

4084. Did Kilby find you a job?—Yes.

4085. Where does Kilby live?—At the bottom of Wells-street; he is a master baker.

4086. Did he find you a job?—Yes; I went over at night.

4087. What was the job?—Digging taters up.

4088. Whose potatoes?—They were hisn; I went to the place to get ’em up to his house.

4089. Were you alone digging up the potatoes, or were there others employed in it with you?—There were two more, and there was an Irishman with us that made a fourth; I do not know whether he had a vote or not.

4090. Were the other two voters?—Yes.

4091. Mr. *Huddleston.*] What were their names?—I asked him who was to go with me, he said “One is named Bobby Green, and the other Jack the Stockinger,” those were the words he said to me.

Mr. Justice *Willis.*] I wish you would get out how much was done, and how much

was paid for it, and then I will guess, as well as I can, whether it was colourable, or whether it was a bribe.

4092. Mr. *Leigh.*] How many days did you and Jack the Stockinger and Bobby Green, the Irishman, work?—Three days.

4093. What amount of potatoes did you get up?—As far as my knowledge would allow me, I should say there were eight good bags full.

4094. How many days did you work?—Three days, four of us.

4095. How long on each day?—I should think eight hours a day, seven or eight; seven hours.

4096. What were you paid for it?—I received for the three days,—each morning we had one shilling, two mornings out of three we had a shilling, and about three pounds of ham and a loaf with us; three mornings we had ham and a loaf, but two mornings we had a shilling each.

4097. How long before the election was this?—I should say three weeks, or something like that; I cannot say to a day or two.

4098. Mr. Justice *Willis.*] On the third morning, what did you have?—The third morning we had nothing, not a shilling, only the ham and bread, and on the third night we were paid up.

Mr. *Leigh.*] I will not carry this witness further.

4099. Mr. *Huddleston.*] Where you dug your potatoes was four miles off?—Yes.

JOHN HALL, sworn; Examined by Mr. *Henry James.*

J. Hall. 4100. You have no vote; I believe you are not a voter?—No.

4101. You are a weaver, living in Locker’s-lane, Foleshill?—Yes.

4102. On the Sunday before the polling day, did you meet James Barnacle anywhere?—Yes.

4103. Where was that?—In Locker’s-lane.

4104. Was anyone with him?—Yes.

4105. Who was with him?—I don’t know who it was that was with him.

4106. Was there one, or more than one other person with him?—No, there was only one.

4107. Did Barnacle say anything to you?—He told me to come to Coventry early on the Tuesday morning to the polling.

4108. Did he say where to?—Down to the “Newdegate Arms.”

4109. Did he say what he wanted you for?—No.

4110. Did he tell you anything you were to do, or anything of that kind?—No.

4111. Did you go to the “Newdegate Arms” on the Tuesday morning?—Yes.

4112. At what time?—At about a quarter to eight o’clock.

4113. When you went there, whom did you see?—I seen a score I should think.

4114. Did you see Barnacle there?—He was not there when I got there.

4115. Did you see him there afterwards?—Yes.

4116. Do you know a man of the name of Charles Sedgley?—Yes.

4117. Was he there?—He was not there when I went, but he came soon after.

4118. And also a man of the name of James Dalton?—No, not James Dalton, John Dalton.

4119. Did you have anything there to eat or drink?—Yes.

4120. What did you have?—Beef and bread, and a sup of beer.

4121. Were there other persons eating and drinking too?—Yes.

4122. Did you pay for anything?—No.

4123. Did you see any others pay?—No.

4124. Did you hear anyone order the ale?—No.

4125. Did you hear Barnacle order any?—No.

4126. Did Barnacle go into the parlour at all?—Not that I know of.

4127. Did you go anywhere in any room with Barnacle?—No.

4128. Did Barnacle give you a voting card?—I don’t know who it was gave me; I was drunk; they had got me drunk.

4129. Did you get any card from anyone?—I got one from some one.

4130. Was it in the “Newdegate Arms”?—Yes.

4131. Do you not know who that was?—No.

4132. You have given your evidence; was it, or was it not, this man Barnacle who told you to go down there, just think, now?—What?

4133. That gave you that card?—I don’t know, I was drunk.

4134. Whoever gave you the card, what directions were given you when it was given you?—To go down to the booth and to vote.

4135. In whose name?—It was on the card. I don’t know whose name it was.

4136. Do you know the name of John Dyce?—No, I do not know anyone named John Dyce.

4137. But you have heard that name before?—I might have done so; I don’t know whether I did or not.

4138. Was not that the name that was on the card?—I don’t know the name that was on the card.

4139. Did

4139. Did you go to the booth?—Yes.

4140. What did you do when you went to the booth?—They told me to go and try to vote, and I went.

4141. When you came to the booth, did you put the card down before anyone?—Yes.

4142. Were you asked your name?—No.

4143. Will you tell in your own way what took place when you tried to vote?—I gave my card and they asked me who I was going to vote for, and I said "Eaton and Hill."

4144. What was said then?—They asked me if I would take my oath; I says "No;" he says "Then book it."

4145. Did you hear a man say there, "John Dyce is in America"?—No, not that I know of.

4146. Did anyone object to your voting on any ground?—Yes.

4147. On what ground?—At the booth.

4148. Did anyone object for any reason; what reason was given for the objection?—Because I would not take my oath.

4149. Take your oath to what?—I don't know.

4150. You have given your evidence and you have said "I got inside; I went up to the man who had the book and gave him the card, and he asked me what my name was; I said it was on the card; the man on the right hand said 'John Dyce is in America.'"

4151. Mr. Justice *Willes*.] Are you a voter?—No.

Mr. Justice *Willes* said that it was plain that the witness was taken to the "Newdegate Arms," and that somebody wanted him, not being a voter, to go and vote.

4152. Mr. *Henry James* (to the *Witness*).] You told us that somebody used the expression "Hook it;" I presume you left the booth, and that you came away?—Yes.

4153. And pretty quickly probably?—Yes.

4154. Did you go back to the "Newdegate Arms"?—Yes, I did go back.

4155. Did you see Barnacle there then?—No.

4156. That you swear?—Yes.

4157. "Barnacle then came in;" did he come in while you were there?—When I went back.

4158. When you went back did Barnacle come into the "Newdegate Arms"?—Dalton came into the "Newdegate Arms," not Barnacle; I did not see Barnacle after I went to try to vote.

4159. Did you ask any one to pay you?—I asked the man who gave me the card.

4160. Who was it?—I do not know.

4161. Was he a stranger to you?—Yes.

4162. What did you ask him for?—I asked him who was going to pay me, and he said I should have nothing.

4163. Did he ask you if you voted?—Yes.

4164. Did you tell him no or yes?—I told him I was refused.

4165. Then did you ask him to pay you?—Yes.

4166. Was that the same man who had given you the card?—Yes.

4167. Had he promised you any money?—No.

4168. Was no sum of 10 s. mentioned?—No.

4169. Before you went to poll, you said "Barnacle then went into the parlour and beckoned me to go in; I did so; there was a short stout man there that I did not know; Barnacle gave me a card and said, you must take this down to the

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booth and give them this card, and if you vote I will give you 10 s.;" is that true?—No.

4170. Did you state that at any time?—If I stated anything it was when I was in beer, then they got me to do it.

4171. This does not look as if it was spoken by a drunken man; as a fact have you stated this that I have read to you?—I do not know that I have.

4172. Will you say that you have or have not?—I could not say.

4173. What is your belief?—I could not believe anything about it.

4174. Does your memory fail you?—I know it aint my writing for I cannot write.

4175. But I asked you what you said came out of your word of mouth; you can speak you know?—Yes, I can speak.

4176. Did you say those words?—I don't know as I did.

4177. Did you say anything like them?—No; I don't know what it is.

4178. You heard me read it to you; let me read it to you again, "Barnacle gave me a card and said, 'You must take this down to the booth and give them this card, and if you vote I will give you 5 s.; if they ask you any questions, say Hill and Eaton. If they ask you to take your oath, say No, you will not.'" Is that true or not?—No.

4179. Did you state that as being true?—I don't know whether I stated that or no; I cannot remember stating anything.

4180. You cannot remember stating anything?—No.

4181. Did you ever make a statement?—I do not know.

4182. That you swear?—What?

4183. That you do not know if you ever made a statement?—Yes.

4184. To any one about this matter?—To anyone.

4185. You mean that you do not know that you ever made a statement to anyone?—No.

4186. Did no gentleman come to you?—After the election?

4187. To ask you about this matter?—After the election was over?

4188. Yes?—Yes.

4189. Did you make any statement to him?—He paid for some beer.

4190. Did you tell him anything?—No.

4191. You told him nothing?—No.

4192. That you will swear?—He said, if I didn't make a clean breast I should get six months, and very likely two years.

4193. Did you make a clean breast of it?—No.

4194. You told him nothing?—No; it was Parker, and I never told Parker nothing about it.

4195. You met Barnacle on this Sunday; how was it known to anyone; have you told anybody that?—I did see Barnacle.

4196. But you said you had never told anyone, or made any statement to any one?—No; not that I know of.

4197. Do you recollect putting your mark to a paper; just see if that is your mark (*handing a paper to the Witness*)?—I don't know whether I put it here or no.

4198. Did you put it anywhere?—I couldn't say.

4199. Do you recollect using pen and ink, and

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making a mark with it?—I don't recollect using a pen and ink; I cannot write.

4200. But you can make your mark you know; upon your oath, did you or did you not put your mark to a paper?—I could not say.

4201. Do you mean that you may have forgotten it?—I could not say; I do not know.

4202. But why cannot you say?—Because I don't know.

4203. Did you ever put your mark to a paper?—Not that I know of.

4204. Here are two documents; I have given you one; look at the other (*handing another paper to the Witness*). On the 5th of February, within 10 or 11 days, upon your oath did you not put your mark to a paper; be careful before you answer?—Not as I know of.

4205. Do you mean to tell me that you may have forgotten, within 11 days, putting your mark to a paper?—I couldn't say; I could not swear.

4206. I do not ask you to swear whether that is your mark; but did you or did you not put your mark to any paper within the last fortnight?—Not as I know of.

4207. May you have forgotten it?—I don't know, I am sure; I should think if I had put it to it I should not have forgotten it.

4208. Then you believe that you did not put your mark to any paper?—I believe I did not.

4209. Upon your oath, in the presence of this person, did you not put your mark to a paper?—I could not say.

4210. Have you seen this person (*pointing to a person in the Court*)?—Yes.

4211. Did you say anything to him?—Not that I know of.

4212. Did you see him without speaking then?—I had bade him good morning, or something like that.

4213. Did he not ask you about the election, and did you not put your mark to a paper in his presence?—I could not say.

1214. But you do not remember whether you

signed a paper in his presence on the 5th of February?—No.

4215. Could you have forgotten it?—I should think I should not have forgotten it if I had put it there.

4216. Do you wish us to believe that you may have put your name to a paper on the 5th of February and have forgotten it?—No; I don't know.

4217. Do you mean that you might have put your name to a paper on the 5th of February and have forgotten it?—I don't know whether I put it to it if I done it.

Cross-examined by Mr. Huddleston.

4218. You said, if I recollect rightly, that a gentleman came and paid for some beer, and said that if you did not make a clean breast you should get six months, and perhaps two years; who was the gentleman that said that?—John Parker.

4219. Who is John Parker?—He was on the police force.

4220. What is he?—I suppose he is pensioned off now.

4221. Is he one of the Carter and Jackson party?—Yes.

4222. How much beer did he give you?—Well, I dare say three or four pints.

4223. Was that the only time he came to you?—No, he has been above once or twice; three or four times.

4224. Has he given you drink upon each occasion?—No.

4225. Did he ever give you any drink besides that one occasion?—No.

4226. When you went to the booth to vote you say that somebody objected to your vote?—Yes.

4227. Was that person a Mr. Blencarn?—I could not tell his name. He sat at the back.

4228. Was it not Mr. Blencarn the Conservative agent who objected to your vote?—I could not say who it was.

[The Witness withdrew.]

WILLIAM SEDGLEY, sworn; Examined by Mr. Henry James.

W. Sedgley.

4229. You have no vote, I think?—No.

4230. Are you a labourer living in Locker's-lane?—Yes.

4231. On the morning of the polling day did you go to the "Newdegate Arms"?—Yes.

4232. Is that an inn that is kept by a man of the name of Thomas Eves?—Yes, I believe so.

4233. Had you seen any one that told you to go; did you go of your own mind?—I went of my own self.

4234. Did you see a man of the name of Barnacle?—I did see him.

4235. Had you any breakfast there?—Yes.

4236. Did you pay anything for it?—No.

4237. Were there other people eating and drinking?—Yes.

4238. Did you see anything paid by them?—No.

4239. Was there a man there whose name you did not know?—There were several men there whose names I did not know.

4240. But, after your breakfast, did one of the persons who had been there speak to you?—Yes.

4241. Do you know that man or not?—I do not know him.

4242. But you had seen him in the "Newdegate Arms"?—Yes.

4243. Had he been sitting down at the table?—Yes; he had some victuals.

4244. Whilst Barnacle was there?—Barnacle was not in at the time.

4245. Did Barnacle come in afterwards or before?—He came in and out all the time, but he was not in at the time we were eating and drinking.

4246. Was anything given to you first?—No.

4247. Any voting card?—Yes, I had a voting card.

4248. From whom?—A man in the street.

4249. Had you seen him in the "Newdegate Arms"?—Yes.

4250. What did the man set you to do?—He axed me to go and vote, and if I did vote he would give me ten shillings.

4251. In what name were you to vote?—I forgot the name now.

4252. Was it the same name as was on the card?—Yes.

4253. You have forgotten that name?—Yes.

4254. What did you do?—I went into the booth, and give my evidence what I was to do, and they took the card off me, and looked at it, and he said, "Why that man is at London; hook it," he says.

4255. Do

4255. Do you know who it was that said that the man was in London?—A man that had a long paper in his hand with all the names on.

4256. Was he the person to whom you gave the card, or the man sitting on the right hand or the left?—On the left hand.

4257. Then he said, "That man is in London," and he told you to leave?—He told me to hook it.

4258. You did not wait long there, I suppose?—No, I came straight out directly.

4259. Did you go back to the man?—Yes.

4260. Did you try to get anything from him?—He never give me a farthing.

4261. Did you ask him for anything?—No; I was to have ten shillings if I voted, and nothing if I did not.

4262. You did not vote, and you did not get anything?—No, I did not.

4263. Mr. Justice *Willes*.] What did you say the man's name was?—I do not know the man's name; he was a stranger. It was in the street that the man gave me my card.

4264. Did you see the man that gave you the card speaking to Barnacle?—No, I never seed him speaking to Barnacle at all.

4265. Was the man who gave you the card in the place where you breakfasted?—Yes.

4266. Was Barnacle in there at all?—Barnacle was in and out.

4267. For whom were you going to vote?—I forget the names who it was. *W. Sedgley.*

4268. Was it Mr. Jackson and Mr. Carter?—Oh! yes. 18 February 1869.

4269. Was it Carter and Jackson, or Eaton and Hill?—It was for the light blues as I went to vote for; I do not know what the names are.

Mr. Justice *Willes* said he was of opinion that it might be laid in the petition that an agent of the Member has got voters personated, and that that, if established, would be sufficient fraud at the common law to set aside the election.

[The Witness withdrew.

Mr. *James* withdrew the case of Edward Connor, stating that he had no reasonable hope of making out the agency in that case.

Mr. Justice *Willes* intimated that a case of general corruption might be made out without agency.

Mr. *Henry James* proposed to call Joseph Horsfall.

Mr. *Huddleston* objected that the information directed yesterday to be given with regard to this witness, had not been given.

Mr. *Henry James* argued against the objection, and it was overruled.

JOSEPH HORSFALL, sworn; Examined by Mr. *Chandos Leigh*.

4270. WHAT are you?—I am a linen weaver by trade.

4271. Where do you live?—In High-street.

4272. For whom did you vote at the last election?—For Hill and Eaton.

4273. Do you know a man called Thomas Jackson?—Yes.

4274. Did you see him at the election time?—Yes.

4275. When did you see him?—I saw him on the morning of the week before the election took place, on the Monday morning.

4276. Where did you see him?—In Yardley-street.

4277. Did you speak to him?—Yes.

4278. Will you tell us what took place between you and Jackson then?—Yes; Mr. Jackson said to me, he says "Horsfall," he says, "I hear you are in very great distress"; I says "Yes I am"; he says "If you will support me I will use my endeavours to get you some work at the factory"; I said "Well, sir, on those grounds I will"; and he told me to see him on the Saturday night; I saw him.

4279. On the Saturday night?—Yes.

4280. Where did you see him?—I saw him in the committee-rooms in Yardley-street.

4281. Whose committee-rooms?—Mr. Hill and Eaton's.

4282. Did you know where Thomas Jackson lived and what he was?—He was a watchmaker by trade.

4283. When you saw him at Mr. Eaton and Mr. Hill's committee-room in Yardley-street, what happened there?—He was talking to some gentleman there.

4284. Did you know the gentleman he was talking to?—No, I did not; I have been a Liberal all my lifetime until this last election.

4285. Have you voted at elections before?—

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The first vote I had was at Peel's election, and I voted for the Liberals up to the last time. *J. Horsfall.*

4286. And you voted this time for the Conservatives?—Yes.

4287. What happened in the committee-room?—Well, I cannot exactly say what happened, because they were talking very low to themselves.

4288. Was anything said to you?—No, there was not.

4289. Was anything given to you?—Yes, there was half-a-crown given to me on the Saturday night.

4290. Where was that given to you?—In the street.

4291. Who gave it to you?—Jackson.

4292. Did he say anything when he gave you the half-crown?—No, he did not.

4293. Did you see him again?—Yes.

4294. When?—I saw him again on the Monday morning.

4295. What happened then?—I had some bills to deliver, and I delivered them, and he gave me a shilling.

4296. Was this the first work that you had done for him?—Yes, it was.

4297. Had you done any work for him when he gave you the half-crown?—No.

4298. How many bills did you deliver?—I dare say there might be 30 or 40.

4299. Do you know a public-house called the "City Mill Inn"?—Yes.

4300. Did you go there at the election time?—Yes.

4301. With whom did you go there?—Thomas Jackson's son, Thomas.

4302. What day was that?—That was the nomination morning, on the Monday.

4303. Did you have anything to drink there?—Yes.

4304. What?—I had some gin hot.

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4305. Did

J. Horsfall.

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4305. Did you pay for it?—No, I did not.

4306. Who paid for it?—Thomas Jackson's son paid for it; I saw him.

4307. Were there any other people there besides yourself?—Yes.

4308. Do you know of your own knowledge whether they were voters or not?—Well, I believe they were voters.

4309. How many?—I dare say there might be eight or nine.

4310. Were they having anything?—Yes, they had some gin hot, the same as I had.

4311. Did you see any of them pay for this gin hot?—No, I did not.

4312. Did you see anybody pay for any?—I saw Mr. Jackson put down a shilling as I came in.

4313. Do you mean Jackson or Jackson's son?—I mean his son Thomas; his son's name is Thomas.

4314. How much gin hot did you see consumed?—I daresay 10 quarts amongst the lot of them.

4315. How long were you there?—I was there about an hour and a half.

4316. Did you go after that to the nomination?—Yes.

4317. Did any of those other people go to the nomination with you, or did you go alone?—I went alone, because I would not be seen with them.

4318. After you left the nomination did you meet anybody?—Yes.

4319. Whom did you meet?—I met two young men.

4320. Do you know a man of the name of Downing?—Yes.

4321. What is he?—He is a gentleman I believe; he do not do any work.

4322. Do you know his Christian name?—His name is William Downing I believe, on the Stoney Stratford-road.

4323. Where did you meet him?—I met him against where Dr. Jessel lives, just before you get to the mill, to Mr. Robins's mill.

4324. Did you have any conversation with William Downing?—He came to me and he says, "We shall win the nomination."

4325. Anything else?—Yes.

4326. What?—He gave me half-a-crown.

4327. Did he say anything when he gave you the half-crown?—No, he did not.

4328. Was anything said about your vote?—No, not then.

4329. But when was anything said about your vote?—It was said about my vote on the Thursday, as I had the half-crown on the Saturday night.

4330. Who said about your vote, then?—Why, Mr. Jackson.

4331. Tell us what he said?—He told me that if I would vote for Hill and Eaton he would give me some money.

4332. Mr. Justice Willes.] How much?—He told me he would give me 10s. after the election was over.

4333. Mr. Chandos Leigh.] Was that before or after he gave you the half-crown?—After. He told me he would get me work at the Lustock Factory if I would vote for him, and he would take me down to the Lustock Factory.

4334. Did you go to this committee-room again in Yardley-street?—Yes.

4335. When?—I went there on the Monday morning, and on the Tuesday morning.

4336. Was the Tuesday morning the polling day?—Yes.

4337. What time did you go there on the polling day?—I went there about nine o'clock in the morning.

4338. Who were there then?—It was full of men and gentlemen.

4339. Could you tell us any of the people who were at the committee rooms in Yardley-street?—Mr. Downing was there.

4340. Did Mr. Downing do or say anything there?—He was taking down names as they came from the booth.

4341. What did he take them down on?—He took them down on a sheet of paper.

4342. Was he sitting down?—He was sitting down.

4343. How long were you there?—I was there about a quarter of an hour.

4344. Did you do any work on the nomination day or on the polling day?—No, I did not.

4345. Did you go back to the committee rooms again that day?—Yes.

4346. Who was there then?—Mr. Downing, the same as he was when I was there first.

4347. What time was that?—It was about half-past 10.

4348. What was Mr. Downing doing then?—He was writing, the same as he was before.

4349. Do you know a place called the "Swanswell Tavern," Mr. Russell's?—Yes.

4350. Did you go to the "Swanswell Tavern" at all?—Yes.

4351. Who took you there, or did you go by yourself?—Mr. Jackson took me there.

4352. When did you go there?—I went there on the Friday morning.

4353. After the election?—After the election.

4354. You say Mr. Jackson took you there?—Yes.

4355. Is that Mr. Jackson, senior, or Mr. Jackson, junior?—It was the elder one.

4356. How did he come to take you there?—He took me there to give me my money.

4357. Where did he call for you?—He told me to come down to his house, and I went down.

4358. When did Thomas Jackson, senior, tell you to come to his house?—He told me on the Thursday afternoon, when I saw him, to come down to his house on the Friday morning.

4359. You went to his house, you say, on the Friday morning?—Yes.

4360. When you went to his house, did you see him?—Yes.

4361. Had you any conversation with him then?—No; because there was a gentleman with him there, talking to him, and he came out.

4362. Will you tell us what he did?—He took me with this gentleman, and took me into Mr. Russell's, and gave me 10s., but what passed between him and this gentleman I cannot say.

4363. Who gave you the 10s.?—Mr. Jackson.

4364. Where did he give it you?—He gave it me in Mr. Russell's.

4365. At the "Swanswell" Tavern?—Yes.

4366. Whereabouts at the tavern did he give it to you?—It was in the parlour.

4367. What time of day was it?—It was about 11 o'clock in the morning.

4368. Did he give you anything to drink at the time?—Yes, I had half-a-pint of ale.

4369. Did he say anything when he gave you the

the 10s.?—Yes, he told me not to say nothing at all about it.

4370. Up to that time had you done any work except what you have told us?—No, I had not.

4371. Mr. Justice *Willes*.] Not the bills?—No, only the bills; I delivered them.

Cross-examined by Mr. *Huddleston*.

4372. What are you by trade?—A weaver.

4373. For whom are you working now?—I am working for Mr. Newark.

4374. How long have you been working for Mr. Newark?—This nine weeks.

4375. Who took your evidence down, Mr. Fox or Mr. Micklewright?—Mr. Micklewright took my evidence.

4376. When did he take your evidence?—He took it down at night.

4377. How long ago?—Just after the election had taken place.

4378. How long before you were engaged by Mr. Newark?—I was walking about, I had no work for 16 weeks before that.

4379. How long after that were you engaged by Mr. Newark?—After the election took place?

4380. Yes?—I have been with Mr. Newark nine weeks.

4381. What were your wages when you were a weaver?—I worked piece-work, and had what I got.

4382. Do you work piece-work for Mr. Newark?—No.

4383. What do you get at Mr. Newark's?—I have 9s. a week.

4384. Nothing more?—No.

4385. No piece-work?—No, mine is day-work now.

4386. Nine shillings a week?—Yes.

4387. And you work at the weaving with him?—No.

4388. What do you work at?—I am a weaver by trade, but I work for Mr. Newark at wood turning now. I do not work at weaving.

4389. Had you ever been working for a wood turner before?—No, I am a labourer.

4390. Has Mr. Newark paid you as much as 25 s. a week?—No, never in his life.

4391. Is Mr. Newark a dark blue?—Yes, he is a dark blue.

Re-examined by Mr. *Henry James*.

4392. I understand that you had been out of work as a weaver some time before the election?—Yes, 16 weeks.

4393. For nine weeks you have been working for Mr. Newark?—Yes.

4394. Has Mr. Newark in any way asked you to say anything that is untrue, or to make any statement here that is false?—No.

4395. Has he had anything to do at all with your being employed at the election or what you have stated here?—No.

[The Witness withdrew.]

EDWARD CONNOR, sworn; Examined by Mr. *Henry James*.

4396. You are a voter, I believe, for this city?—Yes.

4397. And at the last election did you vote for Mr. Carter and Mr. Jackson?—I voted for both of them.

4398. What are you by trade?—A brush-maker.

4399. On the Sunday before the polling day at the last election were you at the "Newdegate Arms"?—Yes.

4400. What time of the day did you go there?—Just before 12 o'clock.

4401. Was there a person there amongst others of the name of George Roe?—Yes.

4402. Did you also on the same afternoon go to the "Windmill Inn"?—Yes.

4403. Did you also see George Roe there then?—Yes, I did.

4404. Did he say anything to you about your vote?—Yes.

4405. On whose side was he; for whom did he speak?—He wanted me to vote for Mr. Eaton and Mr. Hill.

4406. On the nomination day were you at the "Suffolk" wine vaults?—Yes, I was.

4407. Was George Roe there then?—Yes, he was.

4408. Did he then also ask you to vote for Mr. Eaton and Mr. Hill?—Yes, he did.

4409. On the morning of the polling, between 9 and 10 o'clock, did you go to the booth in Spon-street?—I did.

4410. I believe there was a crowd of voters and you could not poll at the time?—Yes.

4411. Whilst you were there, did George Roe come up to you?—Yes, he did.

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4412. What did he say to you?—He asked me if I had voted first, and I said, "No," and then he asked me to go to the "Suffolk."

4413. Did you go?—Yes; he asked me to have a glass of ale and we had a glass of ale.

4414. Whilst you were going did he ask you to vote for anyone?—He asked me to vote for Mr. Hill and Mr. Eaton.

4415. What did you tell him?—I told him no. I had promised to vote for Mr. Carter and Mr. Jackson.

4416. Did you then leave those "Suffolk" vaults, and did you go to the polling booth?—I went down against the booth with him.

4417. Did you see there a man of the name of George Hands?—Yes, I did.

4418. Did you hear anything pass between George Hands and Roe?—Hands told Roe to see to him.

4419. At the time Hands said "See to him," did he point in any direction?—Up to the "Newdegate Arms."

4420. Did Roe come then to you and say anything to you?—He told me I could have a sovereign.

4421. Did you walk in any direction with him?—Up Hill-street.

4422. Was that the direction of the "Newdegate Arms"?—Yes.

4423. As you were walking up the street, did he say anything to you?—He told me I could have a sovereign.

4424. Did he say for what?—For voting for Mr. Hill and Mr. Eaton.

4425. What did you say to that?—I said, "No."

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4426. Did

E. Connor.

J. Horsfall.

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E. Connor. 4426. Did you go into the "Newdegate Arms"?—Yes; I did.
 18 February 1869. 4427. I believe you had one glass of ale which Roe called for, and paid for?—Yes; I had a glass of ale.
 4428. In the "Newdegate Arms," again was the sovereign mentioned?—It was.
 4429. What did he say in the "Newdegate Arms"?—He asked me to vote for Mr. Hill and Mr. Eaton, and I said, "No".
 4430. I believe you gave a reason why you did not wish to vote for Mr. Hill?—Yes.
 4431. I believe you had refused to vote for Mr. Hill; and then did Roe suggest anything to you as to voting one and one?—He says, "Well, if you will not support Mr. Hill, support Mr. Jackson and Mr. Eaton."
 4432. At that time, did you see Mr. Eaton pass by?—Yes; I did.
 4433. What became of Roe?—He went out and left me there, and I came away.

4434. You do not say for a moment that Roe spoke to Mr. Eaton, or anything of that kind, but he went out into the street?—Yes; he went out into the street.
 4435. When Roe went out, did you go up to the booth and vote for Mr. Carter and Mr. Jackson?—Yes; I did.
 4436. Mr. Justice *Willes*.] You are sure Roe said he would give you the sovereign?—He told me I could have one.
 4437. He did not produce it?—No.
 4438. But he said you could have one if you voted for Eaton and Hill?—Yes; he did.

[The Witness withdrew.

Mr. *Henry James* said that Mr. Pears was in court, and that probably it was due to him that he should have the opportunity of making a statement in reference to the cross-examination of Shuttleworth yesterday.

ABIJAH HILL PEARS, Esq., sworn; Examined by Mr. *Henry James*.

A. H. Pears, 4439. I BELIEVE you are in the Commission
 Esq. of the Peace for this county?—I am.
 4440. For how many years have you been so?—About 10 years, I think.
 4441. I believe you have been exceedingly unwell, and have come here to-day from your sick room?—Yes; I did not leave home until I heard this morning what took place here yesterday.
 4442. Do you know a man of the name of John Shuttleworth, a weaver?—Not personally; I find I have his name upon my list as a recipient of 10 s. of St. Thomas's Charities.
 4443. You say you do not know him personally; but you have looked, and you have found his name on a list?—Yes.
 4444. He is a weaver, living on Gosford Green?—He is a dyer, I believe.
 4445. Is there a charity called Sir Thomas White's charity?—What is called the "Gift" is Sir Thomas White's Charity.
 4446. To whom is that 4 l. given?—To householders, having been resident two years.
 4447. Was that charity the bequest of Sir Thomas White?—Yes; it comes out of Sir Thomas White's Charity Fund.
 4448. Has it been in existence for a long time, or is it recent?—A very long time, I believe. I do not know exactly the date.
 4449. Before your time?—A long time.
 4450. I believe it is given to certain persons, householders in Coventry?—The recipient must be a householder for two years, and he can only receive it once in 15 years.
 4451. Mr. Justice *Willes*.] The real question is, whether you, in relation to Shuttleworth, ever abused either your power or your influence in respect of getting votes for the Coventry election?—Never.
 4452. Mr. *Henry James*.] Did you ever ask Shuttleworth at any time in relation to this charity, or say one word to him about his vote?—Never; I gave it to him as an object of charity. I know nothing about his political feelings at all.
 4453. Was it a 10 s. gift he had?—A 10 s. gift.
 4454. When?—Last St. Thomas's Day.

4455. That is since the election?—Yes; the 21st of December.
 4456. Was one word said at that time about his vote or evidence?—Not one.

Cross-examined by Mr. *Huddleston*.

4457. You take an active interest in politics?—Well, I have for 50 years.
 4458. And it is pretty well known that you are what they call a dark blue?—It is.
 4459. And you are one of the trustees of Sir Thomas White's charity?—Yes.
 4460. And the 10 s. is one gift, and the 4 l. is another, is it not?—It is, and the two are quite distinct.
 4461. Are they both in your gift?—Both in my gift; partly with other trustees.
 4462. You have a considerable influence in it?—Well, I have a certain portion; the same as all the rest; not more.
 4463. How many trustees are there?—Thirteen, I think.
 4464. Do they take it in turns to give the money?—At the time that the distribution takes place each trustee has a certain number.
 4465. Each trustee would have so many 10 s. or so many 4 l. to give?—Yes.
 4466. How many of those would fall to your share?—We have just distributed now the 4 l. gift, and I think I had 23 to nominate; but out of that 23 only two are my personal nominations; all the rest were recommendations.
 4467. I assure you I do not mean to impute anything to you; I am quite satisfied with what you have said, that you did not do it to influence the man at all.

Mr. Justice *Willes* remarked that every person who has a control over charitable gifts has an influence of which he cannot rid himself.

[The Witness withdrew.

Mr. *Henry James* stated that the surgeons at the hospital did not think it prudent to allow William Mayne to attend the court, and that therefore he would now proceed to the cases of treating and the proof of agency.

CHARLES FELLOWES, sworn; Examined by Mr. Chandos Leigh.

4468. WHERE do you live?—At Radford.
 4469. Near Coventry?—Yes.
 4470. How near?—About a mile.
 4471. Are you a voter?—Yes.
 4472. For whom did you vote at the last election?—For Carter and Jackson.

Mr. Huddleston objected that the names of the public-houses at which the treating took place had not been supplied to the counsel for the respondents.

Mr. Justice Willes remarked, that in some points the present particulars were needless, and that on others they needed to be much more stringent; but that he had not yet observed any inconvenience in this case, and that he would adjourn to any period that might be necessary for Mr. Huddleston's convenience; but that at present he would proceed with hearing the evidence.

4473. Mr. Chandos Leigh (to the Witness).] Do you know the "Grapes" public-house at Radford?—Yes.

4474. When were you at the "Grapes" public-house?—On the 10th of November.

4475. At what time were you there?—At about half-past nine.

4476. In the morning or in the evening?—In the evening.

4477. What did you do when you got to this public-house?—I went in and called for a glass of ale.

4478. Did you see anybody there?—Yes, the room was full of women.

4479. Did you see any voters there?—Yes, Mr. Bagshaw.

4480. After you had been there a short time did anybody come in?—Yes.

4481. Who came in?—Mr. Hill and Mr. Eaton.

4482. Was there anybody with them that you knew?—Yes, Mr. Kilbey and Mr. Smith.

4483. What Kilbey was that?—It will be the baker.

4484. Is that James Kilbey?—Yes.

4485. And what Smith?—John Smith, a coal merchant. *C. Fellowes.*

4486. Do you know where John Smith, the coal merchant lives?—In St. Nicholas's street. *18 February 1869.*

4487. What happened when this party came in?—Mr. Eaton shook hands with Mr. Bagshaw, and also with myself, and Mr. Hill the same.

4488. After that did you go into the parlour?—No.

4489. What happened after that?—We went into the parlour, all the men, and then Mr. Bagshaw and me remained by our two selves in the bar.

4490. After that what took place; did the party leave?—They were in there for some few minutes, and they came in again, and Mr. James Kilbey came and went to Mrs. Henson, the landlady, and said something to her, but I could not say what.

4491. Did Mr. Kilbey go after that?—Yes.

4492. After Kilbey left had you a conversation with Mrs. Henson, the landlady?—Yes.

4493. Do not say what it was; I do not ask you that. After that what happened; was there any drink, or anything?—Yes, she called me, and said that Mr. Kilbey had ordered—

4494. I do not ask you for that. What happened after Mrs. Henson spoke to you?—They had drawn beer, and took it into the parlour.

4495. Who drew the beer?—She drew some, and the son drew some, during the time I was there.

4496. How much did you see drawn yourself?—I cannot say how much.

4497. Can you say about how much?—Several small jugs.

4498. Where was this beer taken to?—Into the parlour.

4499. Who were in the parlour?—I could not say.

4500. Did you go in yourself?—No, I did not.

4501. Mr. Justice Willes.] How much did you have altogether?—I did not have any.

[The Witness withdrew.]

DAVID BAGSHAW, sworn; Examined by Mr. Chandos Leigh.

4502. WERE you at the "Grapes," public-house, on Tuesday evening, the 10th of November?—Yes.

4503. Are you a voter?—Yes.

4504. For whom did you vote?—For Mr. Carter and Jackson.

4505. Were you there when Mr. Eaton and Mr. Hill came in?—Yes.

4506. And Mr. Kilbey, and Mr. John Smith?—Yes.

4507. Did Kilbey and Smith come in with Mr. Eaton and Mr. Hill?—Yes, not all together, but there was two conveyances. I will not say as to their all coming in together, but they was in the house all together.

4508. Were you there when Mr. Kilbey spoke to Mrs. Henson?—Yes.

4509. Did you hear what passed?—No, I did not.

4510. Do not tell us what he said; but after 275.

that, did Mrs. Henson say anything to you?—Yes. *D. Bagshaw.*

4511. What happened after she had said something to you?—There was an order given to supply people with—

4512. Did you hear the order given?—I did not.

4513. Did you see any beer taken into the parlour?—Yes.

4514. Will you tell us, please, what you saw?—I saw several large jugs of ale taken in; and spirits was ordered and taken in.

4515. Were you in the parlour yourself?—No, I was not.

4516. How much did you see sent in?—Well, I cannot say what amount.

4517. Was your wife, Jane Bagshaw, there?—No.

4518. Did you enter any beer in a book afterwards?—Not on that night; I did not.

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4519. When

D. Bagshaw. 4519. When was it that you did?—That was on the nomination day.
 18 February 4520. Were you again at the “Grapes” on the nomination day?—Yes.
 1869. 4521. Did you go with your wife then?—Yes.
 4522. What time was that?—Well, I cannot exactly state the time; it was getting towards dusk; about four o’clock, I should say, or something about that.
 4523. Did you see any people there?—When we first arrived, I believe there was only one man there. After we had been there some considerable time, there was a number of persons came in.
 4524. Did you know them?—I know’d several of them.
 4525. Were those that you knew voters or not?—Three or four I knew were voters.
 4526. Did you see any beer drunk there?—Yes.
 4527. Who brought the beer in?—Well, there was an old gentleman of the name of Cooper brought some in, and my wife took some in.
 4528. Is that a man called Joseph Cooper?—I cannot tell his Christian name.
 4529. How much beer was taken in?—While I was there there was several large jugs of ale came in; but, as for the amount, I cannot state it.
 4530. How long were you there?—I was there,

perhaps, a couple of hours, or two hours and a half.

4531. Did you see anybody pay for it?—No, I did not.

4532. Did you drink any beer then?—I drank with them several times; people that knew me asked me to drink.

4533. Did you pay for any beer?—My own.

4534. Did you see anybody else pay?—I did not; only the party that was with me paid for his own the same as I did. We was drinking together.

4535. Did you enter any beer that night?—When I was coming out of the house I was called into the bar; they was making an entry in a book at the time I was coming through.

4536. Had you any beer to drink that night yourself?—Yes, what I paid for; and I certainly drank with one or two men that I was acquainted with who asked me to drink with them.

4537. *Mr. Chandos Leigh.*] Did you make any entry in a book?—Yes.

4538. What did you enter?—I simply made a mark for two halves, to represent two half gallons of ale.

4739. *Mr. Justice Willes.*] What day was this?—That was on the Monday, the nomination day, in the afternoon.

[The Witness withdrew.

JOSEPH BONHAM, sworn; Examined by *Mr. Chandos Leigh.*

J. Bonham. 4540. WERE you in the “Grapes” at Radford on the nomination day?—Yes.
 4541. Did you see *Mr. Bagshaw* and other people there?—Yes.
 4542. Did you see any beer drunk there?—Yes.
 4543. How much?—Well, I could not swear how much, but there was a many jugs; I should think about half gallon jugs kept coming in time after time.
 4544. Did you pay for any beer yourself?—Yes.
 4545. Did you see others pay?—Yes, I saw a man pay when I first went in; he had a pint of ale, but he left before the big jugs came in.
 4546. Did you see the big jugs paid for?—No.
 4547. Were there any people that you knew there amongst the people present?—Yes.
 4548. How many people were there there altogether?—When we first went in, the place was

empty; but before we left, the kitchen was full.

4549. Do you know any of them?—Yes; I know a man named Clay and a man named Cramp.

4550. Were they voters?—I do not remember Clay.

4551. Was Cramp a voter?—Yes.

4552. You know nobody else?—No, I did not know anybody else.

Cross-examined by *Mr. Huddleston.*

4553. Did you ever go into a beer-house without seeing beer?—Well, that is rather an awkward question to ask a man: yes, I have been into a beer-house, and not seen beer.

4554. That was a teetotal beer-house?—I have been into my cousin’s, and not seen any beer.

[The Witness withdrew.

JOSEPH COOPER, sworn; Examined by *Mr. Chandos Leigh.*

J. Cooper. 4555. WHERE do you live?—At Radford.
 4556. Are you a voter?—I am.
 4557. For whom did you vote at the last election?—For Eaton and Hill.
 4558. During the election time did a *Mr. William Eves* call upon you?—He did.
 4559. Who is *Mr. William Eves*?—He is a cattle dealer at Radford.
 4560. What did *Mr. Eves* say to you?—He said that he had been appointed—

Mr. Huddleston objected that this was a

case as to which particulars had not been given.

Mr. Chandos Leigh stated that he proposed to prove the agency of *Mr. Eves*.

Mr. Justice Willes said that the cases of treating which had hitherto been brought forward had made no impression at all upon his mind.

4561. *Mr. Chandos Leigh.*] You say you saw *William Eves*?—Yes.

4562. What did he say?—He said he was appointed

pointed as a canvasser, and he appointed me under him, and he wished to take a man to act.

Mr. Justice Willes.] Agency cannot be proved by hearsay; it must be proved by other evidence than that.

4563. Mr. Leigh.] Did you go with Eaves anywhere?—Yes, I went with him to Mr. Kilby.

4564. What did Mr. Kilby say?—Mr. Kilby gave me two books.

4565. What Kilby is that?—I was appointed, along with Eaves, to go round.

4566. What Kilby was that?—Kilby, the baker.

4567. James Kilby?—Yes.

4568. You went with him to James Kilby?—Yes.

4569. Did Kilby give you anything?—A book and a pencil.

4570. What did you do when you got the book and the pencil?—He told me to go round, and do the best I could, and work for the canvassing.

4571. Did you go round and canvass?—I did.

4572. Did you make a return of your canvass to anybody?—Yes.

4573. To whom?—To Mr. Eaves, first; and then I went from Eaves and took the book to Mr. Alderman Lyne.

4574. Where did you make the return to Mr. Eaves?—At Radford.

4575. Is that the William Eaves you spoke of before?—Yes.

4576. Were any returns made to Mr. Kilby?—Mr. Lynes said he could not do it then, but he would look over the book and return the book to Mr. Kilby the next day.

4577. You made no returns yourself to Mr. Kilby?—No.

4578. Did you receive any circulars from Mr. Kilby?—I did.

4579. When did you receive any circulars from Mr. Kilby?—I think the next day; it was in the course of a day or so.

4580. Had you to deliver those circulars?—Yes.

4581. Was one of those circulars addressed to yourself?—It was.

4582. Did you open it?—I did.

4583. Have you got it here?—I have not got it with me.

4584. What was it?—

Mr. Huddleston.] I object to it.

Witness.] One was a card soliciting my vote for Eaton and Hill, the other was a small paper with my address.

4585. Did you ever receive any polling cards to deliver?—Yes.

4586. From whom?—I went to Mr. Kilby for them; he sent me up to the committee-room at the "King's Head" for polling cards.

4587. Did you go to the committee-room at the "King's Head"?—I did.

4588. Did you deliver the polling cards to different voters?—I did.

4589. Did you go to the "Bull's Head"?—I did.

4590. When was that?—On the day that Mr. Eaton and Hill came in.

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Mr. Huddleston.] I have no "Bull's Head."

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4591. Mr. Leigh.] Very well; I will pass over that. (To the Witness). Were you at the "Grapes" at Radford?—I was.

4592. When were you at the "Grapes" at Radford?—The same night that Mr. Hill and Mr. Eaton came over there to make a speech.

4593. The same night that Mr. Eaton and Mr. Hill came?—Yes.

4594. What happened on that night?—I came somewhere about half-past nine; I asked Mr. Kilby how it was the gentlemen were so late; Mr. Kilby said they had to go to the theatre.

4595. Did you go to the "Grapes" that night?—I did.

4596. What did you see at the "Grapes" that night?—A quantity of people; the house was full.

4597. Were any of them voters?—They were almost all voters.

4598. Did you know any of them?—Yes.

4599. Tell us any you know?—Atkins of Radford, a voter, and Mr. Eaves was there, and several more I knew.

4600. Did you see anything given there?—Yes.

4601. What?—Plenty of drink, both liquors and ale, as much as they minded.

4602. Did you see anybody pay for it?—Nobody paid for it.

4603. Did you have anything yourself?—I had some liquors myself.

4604. Did you pay for it?—No, I did not.

4605. Did anybody come there whilst you were there?—The gentlemen there.

4606. Who came?—Mr. Eaton and Mr. Hill came there.

4607. Was anybody with them?—Mr. Kilby.

4608. Did Kilby come with them?—He did.

4609. What happened when Mr. Eaton, and Mr. Hill, and Mr. Kilby came?—I asked him about how it was they were so late.

4610. Were any speeches made?—Yes.

4611. Who made the speeches?—Mr. Eaton first and Mr. Hill after.

4612. Did they go after that?—They did.

4613. Did Mr. Kilby remain behind?—Not many minutes.

4614. What happened after that?—After that there was plenty came in; the young man at the "Grapes" came in and told us we might go on, there was plenty for us to go on with.

4615. Did you see any money paid after that?—No.

Mr. Justice Willes.] Will you ask him whether this drinking went on whilst Mr. Eaton and Mr. Hill were there, and were speaking, or whether it went on before or after.

4616-7. Mr. Leigh.] You say there was drinking when you first went in; did that drinking go on when Mr. Eaton and Mr. Hill were there?—Yes, and after; to 12 o'clock.

4618. Did you go to the "Grapes" again after that?—That was the only time that night.

4619. Were you at the "Buck and Crown" at all?—I did call in.

4620. When was that?—The same night.

4621. Where is the "Buck and Crown"?—At the top of Radford, about a quarter of a mile beyond the "Grapes."

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4622. What

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4622. What happened at the "Buck and Crown"?—They was having both beer and liquors there.

4623. How was the liquor brought in?—The liquor was brought in in glasses.

4624. Who brought it in?—Sometimes the landlord and sometimes the landlord's wife, and sometimes the daughter.

4625. What time was this?—I did not get there till between 11 and 12, and I left soon after; I did not stop any longer.

4626. What happened whilst you were there; did you see Kilby there?—I did not; they was coming away when I met them; they had come away when I went up.

4627. Did you see Eaves there?—No.

4628. Did you ever meet Eaves at the "Buck and Crown"?—Many times.

4629. Did you ever go to supper at the "Buck and Crown"?—Yes.

4630. When was that?—That was before the other.

4631. How long before?—I cannot say exactly, but I should say a fortnight or three weeks.

4632. What happened when you went to this supper at the "Buck and Crown"?—I had been round on canvass that day.

4633. Were you invited to the supper?—Yes.

4634. Who by?—William Eaves.

4635. Tell us what happened when you went there?—We went in; there was a good supper, a leg of mutton, a leg of pork, and a round of beef for supper.

4636. Did you have anything to drink with it?—Yes.

4637. What had you to drink?—I had some ale.

4638. How many sat down to this supper?—I think somewhere about 52, I am not certain to one or two; I counted somewhere about 50 or 52.

4639. Did anybody pay for the supper?—Nobody.

4640. Did you pay for anything there?—No.

Mr. Justice Willes.] The next question is who made a present of it?

4641. *Mr. Leigh.*] Who made a present of the supper?—*Mr. Kilby*, I expect; *Mr. Kilby* sent it in his cart.

4642. Did you see it come?—Yes.

4643. Was *Mr. Kilby* there himself?—Yes, he was; he was chairman.

4644. Who was vice-chairman?—A man named Jones.

4645. *Mr. Jones*, of Radford?—Yes.

4646. Do you remember any of those people who were present there; give us the names of any you remember?—There was *Atkins*, myself, *Eaves*, and *Pincham*; *Toocamp*.

4647. Were they voters?—Yes.

4648. After the supper was over, what happened?—When the supper was over and the cloth was drawn, they drank toasts, and *Mr. Kilby* said he was obliged to leave, he could not stop any longer that night; but he left them two half crowns; five shillings on the plate.

4649. Were any speeches made before he left?—Yes.

4650. Who made the speeches?—*Mr. Kilby* spoke first, I think, and many others.

4651. You need not tell us the speeches at length, but what were they about?—They were drinking *Mr. Hill* and *Mr. Eaton's* good health.

Mr. Justice Willes.] You have challenged *Mr. Kilby*; that is all you want, I suppose, you have challenged the two Members who will, I suppose, be called necessarily, and you challenge *Mr. Kilby*.

Mr. Huddleston.] Quite so, my Lord.

4652. *Mr. Leigh.*] Do you know a *Mr. Ashton*?—I do.

4653. Did you see *Mr. Ashton* about the election time?—I did.

4654. What is his Christian name?—I am not certain whether it is *John* or *William*; it is one or the other.

4655. Do you know what he is?—I think he is a weaver by trade; he is secretary to the Working Man's Conservative.

4656. To the Working Man's Conservative Association?—Yes.

4657. Did *Mr. Ashton* employ you at the election time?—Yes.

4658. What did he employ you to do?—To deliver bills out.

4659. What bills did he give you to deliver?—*Mr. Eaton's* and *Mr. Hill's* address.

4660. Where was it he gave you those bills or addresses?—At the Conservative room.

4661. Did he pay you anything for delivering them?—Yes.

4662. What?—Five shillings to 6s. altogether.

4663. Did you deliver the circulars?—I did.

4664. Did you deliver any at *Bishop's-street* ward?—I did.

4665. Did you deliver any to *Kilby*?—No; I do not know that I did.

4666. Do you know *John Smith*?—Yes; them was circulars for a meeting of a committee that night.

Cross-examined by *Mr. Huddleston*.

4667. One or two questions; you seem to me to have been going hard at it for the *Light Blues*?—I went according to my orders.

4668. Are you giving your evidence according to your orders now?—No, on my own account; I am speaking the truth.

4669. You have turned *Dark Blue* now?—No, I do not know that I have.

4670. When you were in the "*Grapes*," did you see *Mr. Fellows* there?—I did.

4671. Did you see him pay for his drink?—No, I did not see him pay for any drink; he might pay for it; I did not see him.

4672. You saw *Mr. Bagshaw* there?—I do not know him.

4673. A big man with a large beard?—I do not know the gentleman.

4674. You did not see him pay?—No; I do not know him, I can assure you.

Mr. Bagshaw was requested to step forward.

4675. Look at that gentleman?—I do not know the gentleman; I see him there, but I do not know whether he paid, or whether he did not.

4676. You did not see him pay for anything?—I do not know that he did not.

4677. Was this the registration supper, of people who had been at work at the registration?—Nothing of the sort.

4678. Did

4678. Did they propose your health, Joey Cooper?—Very likely they might.
 4679. Did you make a speech?—No.
 4680. Did not you get on your legs?—Yes.
 4681. Were you so drunk that you could not stand?—No, nothing of the sort.
 4682. Did you ever work for Mr. Downing or Mr. Dowling?—No.
 4683. Are you sure of that?—Yes.
 4684. Ashton is a weaver?—Yes.

4685. A poor man?—Yes.
 4686. This Mr. Eaves, whom you spoke of, is not the Mr. Eaves of the “Newdegate Arms”?—No.
 4687. He is no relation?—Not that I know of.

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Re-examined by Mr. Leigh.

4688. You say, not that you know of?—No.

JOHN WOODFIELD, sworn; Examined by Mr. Leigh.

4689. Do you live at Witley?—Yes.
 4690. Are you a helper in the stables at Witley Abbey, Mr. Peters's?—Yes.
 4691. Are you a voter?—Yes.
 4692. For whom did you vote at the last election?—For Mr. Eaton and Mr. Hill.
 4693. Did you go to the “Seven Stars” public-house at Willenhall before the election?—Yes.
 4694. Were you invited there?—Yes.
 4695. Do you know the person who invited you?—I do not.
 4696. Did you go there between eight and nine in the evening?—Yes.
 4697. Who did you go with?—In company with Mr. Eaton; we went from Witley.
 4698. The Mr. Eaton you mean is Mr. Ishmael Eaton, a voter, who you were working with, not the Member?—Yes.
 4699. Did you see the person who invited you at the doorway of the inn?—Outside the house.
 4700. When you went in what did you find?—A number of people were there; there were three or four jugs on the table, and a glass or two of gin-and-water.
 4701. Did you know anybody there?—Yes.
 4702. Will you tell us anybody there was there?—Mr. Darlinson, Mr. Jackson, and Mr. Greenway, Mr. Garner, and several gentlemen; farmers' labourers.
 4703. Were they voters?—Not all of them.
 4704. Any of them?—I do not think they were, only Eaton.
 4705. And yourself?—Yes.
 4706. What Jackson was this?—He lives opposite the Abbey; he is a neighbour of Mr. Peters.
 4707. Mr. Jackson of Witley?—Yes.
 4708. Did you have anything to drink there?—Yes.
 4709. What?—Two glasses of gin-and-water.
 4710. Did you pay for it?—No.

Mr. Justice Willes.] Ask him who made him a present of it?

4711. Mr. Leigh.] Who made you a present of it?—Mr. Darlinson paid for one, and I believe Mr. Jackson paid for the other.
 4712. Did you see anybody else pay for anything?—No.
 4713. After you had been there some time did Mr. Eaton and Mr. Hill come there whilst you were there?—Yes.
 4714. Who came with them?—Mr. Fulwell.
 4715. Who is Mr. Fulwell?—He belongs to Witley; the same house that Mr. Darlinson lives at.
 4716. Did they make speeches there, Mr. Eaton and Mr. Hill?—They delivered a short speech.
 4717. Was it in the room where the drinking was going on?—Yes.
 4718. Did the drinking go on whilst they were there?—No.
 4719. Did it go on after they left?—I left when they did.

J. Woodfield.

Cross-Examined by Mr. Huddleston.

4720. You say that you saw Mr. Darlinson pay for it?—Yes.
 4721. How much?—I believe it was three-pence.
 4722. Did you see the money?—No.
 4723. How do you know he paid for it?—He told me he paid for it.
 4724. Did you see Mr. Jackson pay for it?—No, I did not.

Mr. Justice Willes.] It is the most shadowy evidence I have yet had, and I have had several cases; there is no suggestion of general drunkenness. This is a Tory supper three weeks before the election, which is sought to be put upon the Members. Be it so that Kilby was an agent, and that those people had not promised before, one must have some moderation in one's ideas of purification.

CHARLES CENDALL, sworn; Examined by Mr. Leigh.

4725. Do you live in Peel-street?—Yes.
 4726. Are you a voter?—Yes.
 4727. How did you vote at the last election?—I voted for Mr. Hill and Mr. Eaton.
 4728. Did you go to the “Three Horse Shoes” at all at Foleshill?—Yes.
 4729. Was that on the polling morning?—Yes.
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4730. What time?—About nine o'clock.
 4731. Did you go alone or with anybody else?—There was two more with me.

C. Cendall.

Mr. Huddleston.] I have been looking rather carefully at this list that my learned friends have given me, and I see no “Three Horse Shoes.”

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Mr. Leigh.] The list is in my learned friend Mr. James' handwriting, and he has put it down "Three Horse and Shoes."

Mr. Justice Willes.] I wish Mr. Leigh would come to something material, and I wish Mr. Huddleston would not take objections. If Mr. Leigh continues tendering evidence which is not material, and if Mr. Huddleston keeps taking objections I shall never get away from Coventry.

4732. *Mr. Leigh* (to the *Witness*).] Did you go with any other voters to the "Three Horse Shoes"?—No.

4733. Do you know a man named Marsden?—Yes.

4734. Is he a voter?—Yes.

4735. Did you meet him there?—No, we both went down together.

4736. Do you know a man called Spicer?—Yes.

4737. Is he a voter?—Yes.

4738. You breakfasted there?—Yes.

4739. What did you have?—Boiled leg of mutton, roasted shoulder, potatoes and vegetables to it.

4740. How many had breakfast there?—About 25, from that to 30

4741. Was anything paid for the breakfast?—Yes.

4742. What was paid for the breakfast?—Sixpence.

4743. Sixpence a-piece?—Yes.

4744. Had you anything to drink for that?—Some coffee, that was all.

4745. Did you poll afterwards?—Yes.

4746. How did you get to the poll?—We rode.

4747. How did you ride?—In a van.

4748. Whose van was it?—Mr. Gragnought's.

4749. Did you pay for your ride in the van to the poll?—

Mr. Justice Willes.] What is your agency in this case? The question arises whether you can or cannot supply 30 people with breakfast at 6*d.* a head, off boiled leg of mutton, roast shoulder, and potatoes and coffee.

Mr. Leigh stated, that in the absence of Mr. James, he would exercise his discretion by not calling any more of these Witnesses to treating.

Mr. Justice Willes.] Cooper did prove something with respect to agency, the other people proved nothing more than that so much drinking, and so much eating went on, without apparently anything criminal about it. I think if it were shown that a person, who had promised Carter and Jackson, was induced to go to one of those parties to eat and drink there, it would be a very strong case, no matter how small the quantity was; but where you simply show that people who have always been on one side, have eaten with others upon that side to an extent, which it appears to me, would not warp the conscience of a man of ordinary constancy, I do not think you prove anything at all.

Mr. Leigh.] I will now go to the proof of agency.

GEORGE WALLIS, sworn; Examined by *Mr. Leigh*.

G. Wallis.

4750. WHAT are you?—A freeman of the City of Coventry.

4751. For whom did you vote at the last election?—Hill and Eaton.

4752. Do you know a man called Frederick Cotten?—Yes, he came to my father's house on the polling day, and called my father up, and asked where I was.

Mr. Huddleston.] Wait a minute, we cannot have that.

Mr. Leigh.] Cotten is one of the people we mentioned as an agent.

Mr. Huddleston.] You cannot prove agency by what people say themselves.

4753. *Mr. Leigh.*] Did you go with Cotten anywhere?—I did not.

4754. Who took you to the poll?—I went with my brother-in-law to vote.

4755. Who canvassed you for your vote?—I was not canvassed at all, I was out of town.

Mr. Huddleston.] Cotten's name has never been mentioned in the transaction.

Mr. Leigh.] That is my first witness for agency. The fact is this: we had a lot of treating witnesses ready, and as they are not now going to be called, we have not our agency witnesses ready.

Mr. Justice Willes.] I think I must say this. I intend now adjourning for the

ordinary period, but when I come back I shall expect the witnesses to be regularly called, and if they are not called, I must call upon you to close your case. It is the universal practice of Committees, and it is the principle upon which all judicial tribunals must act at some time or other, and I think the time will come when we return.

[The Court adjourned for the usual period.]

Mr. James.] In relation to John Ashton, I wish to call your Lordship's attention to what appears in the vouchers of Hill and Eaton's accounts: "Paid John Ashton for folding, directing, and delivering 5,700 bills and newspapers, 5*l.* 9*s.* 6*d.*" Then there is, "October the 1st—Paid Ashton for folding, directing, and delivering about Stoke, Foleshill, and Radford, 7,000 political catechisms, 4*l.* 3*s.* 5*d.*" I should say that those do not purport to be payments direct, but they are payments in bills.

Mr. Justice Willes.] I shall find those among the accounts?

Mr. James.] Yes.

Mr. Justice Willes.] He was employed to deliver the addresses and political catechisms.

Mr. James.] Seven thousand of them.
Mr.

Mr. Justice *Willes*.] What was the date of the employment?

Mr. *James*.] November the 5th, and October the 1st.

Mr. Justice *Willes*.] What was paid him?

Mr. *James*.] On the 1st date, November the 5th, 5*l.* 9*s.* 6*d.*; and on October the 1st, 4*l.* 3*s.* 5*d.* Those do not appear to have been direct payments; but in the vouchers sent in from persons, those appear to have been paid.

Mr. *Huddleston*.] I do not find it in the accounts.

Mr. Justice *Willes*.] You shall say so by-and-bye.

Mr. *Huddleston*.] I cannot consent to that being taken upon your Lordship's notes.

Mr. Justice *Willes*.] I only attend to the shorthand writer's notes.

Mr. *Huddleston*.] I find the only account relating to Ashton is, "Disbursements, 2*l.* 5*s.* 6*d.*"

Mr. *James*.] I stated that I referred to the vouchers sent in.

Mr. Justice *Willes*.] I read the shorthand writer's notes before deciding.

Mr. *James*.] Now I go to James Kilby.

G. Wallis.

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HENRY JAMES BECK, sworn; Examined by Mr. *James*.

4756. ARE you a voter for this city?—Yes.

4757. For whom did you vote?—Carter and Jackson.

4758. Do you know a person named James Kilby?—Yes, he lives at the bottom of Wells-street; he is a baker.

4759. At any time have you seen Mr. Hill and Mr. Eaton canvassing?—Yes.

4760. At any time have you seen Mr. Kilby, the baker, with them?—Yes.

4761. Were they going from house to house at that time?—Yes; I saw them come out of Hill's, the "Pheasant Inn," in Wells-street, and go to the next house, and from there up to King's.

4762. Was James Kilby with them?—Yes.

4763. Had he any book, or anything of that kind?—I did not see a book.

4764. Did he continue with them whilst you saw them going from house to house?—Yes.

4765. Have you seen that more than once?—Only that once.

4766. Did you know a person of the name of James Suddens?—Yes.

4767. What is he?—A dyer.

4768. At any time have you seen him with Messrs. Eaton and Hill?—Yes, in Spon-street.

4769. What were they doing?—Canvassing.

4770. You did not see any book with Suddens?—No; with Charles Eaves.

4771. Suddens was with those two gentlemen whilst canvassing?—Yes.

4772. Was Charles Eaves with them at the same time?—Yes.

4773. Do you know Mr. Odell?—Yes.

4774. Have you ever seen him canvassing?—I saw him in Wells-street.

4775. With whom was he then?—Mr. Hill and Mr. Eaton.

4776. Was that William Odell, of Bishop-street?—Yes.

4777. Do you know a man of the name of John Smith?—Perfectly well.

4778. Does he live in Radford-road?—I do not know.

4779. What is he by business?—A coal dealer.

4780. Have you ever seen him canvassing?—Yes, in Wells-street.

4781. Were Mr. Hill and Mr. Eaton there at that time?—Yes.

4782. Do you also know Samuel Hunt?—Yes, perfectly well.

4783. Have you ever seen him canvassing with them?—Yes, in Wells-street.

Cross-examined by Mr. *Huddleston*.

4784. Once you saw Kilby?—Yes.

4785. Once you saw Suddens?—Yes.

4786. Once you saw Eaves?—Yes.

4787. Once Odell?—Yes.

4788. Once Smith?—Yes.

4789. And once Mr. Hunt?—Yes.

4790. Did you see Mr. Carter and Mr. Jackson canvassing?—Yes.

4791. Were there a good many persons with them?—Yes.

4792. So there were with Mr. Eaton and Mr. Hill?—Most decidedly.

4793. In Coventry are there always a number of persons with the candidates on the canvass?—Sometimes.

JAMES ROWNEY, sworn; Examined by Mr. *James*.

4794. ARE you a voter?—Yes.

4795. For whom did you vote at the last election?—Mr. Carter and Mr. Jackson.

4796. What are you?—A shoemaker.

4797. Were you canvassed by the two gentlemen who are now the Members for Coventry, Mr. Hill and Mr. Eaton?—Yes.

4798. By whom were they accompanied at that time?—Mr. Kilby.

4799. Is that James Kilby?—Yes.

4800. Is he a baker?—Yes.

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4801. Who else?—John Smith.

4802. What is he?—I believe he is a coal merchant.

4803. Was there a Mr. Odell there?—Yes.

4804. Mr. *Huddleston*.] Where do you live?—In Chantry-terrace.

4805. Mr. *James*.] Who asked you for your vote?—Mr. Odell.

4806. Was that in the presence of Mr. Hill and Mr. Eaton; were they there with him?—They were both there.

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4807. Had

J. Rowney.

J. Rowney. 4807. Had Mr. Kilby any book in his hands?
—Yes.
18 February 1869. 4808. Was it a small book, or a book like a register?—I think it was something like writing paper, or something of that kind.

4809. Had he any pencil in his hand?—A very small pencil; I remarked that.

4810. *Mr. Huddleston.*] There were other persons with them?—Yes, there were several other persons there.

GEORGE EDWARDS, sworn; Examined by *Mr. James.*

G. Edwards. 4811. ARE you a voter?—Yes.
4812. For whom did you vote?—Carter and Jackson.
4813. Where do you live?—Sherborne-street.
4814. Were you on the Saturday previous to the polling day in a street called Sherborne-street, walking away from your house?—Yes.
4815. Did you there meet Mr. Eaton?—Yes.
4816. I believe Mr. Hill was not with him?—No.
4817. Was he at that time coming out of a voter's house of the name of Harrison?—Yes.
4818. Do you know James Barnacle, of Spon-street, watchmaker?—Yes.

4819. Was he with Mr. Eaton?—Yes.
4820. Was there also a man of the name of William Eaves, of Hill-street, with him?—Yes.
4821. Did you see when they came out of those houses, whether they went on to other houses?—Yes.
4822. Had William Eaves a book in his hand?—Yes.

Cross-examined by *Mr. Huddleston.*

4823. How many were there altogether should you say?—Five or six.

WILLIAM WEBB, sworn; Examined by *Mr. James.*

W. Webb. 4824. ARE you a voter?—Yes.
4825. For whom did you vote?—Carter and Jackson.
4826. Where do you live?—In Gosford-street.
4827. The week before the polling, were you in a place called the "Hereford Arms"?—Yes.
4828. Is that in Gosford-street?—Yes, opposite where I live.
4829. Did Mr. Eaton and Mr. Hill come into that public-house as they were canvassing?—Yes.
4830. Who were with them?—Atkins, the baker, and James Mann.

4831. Was that Edward Atkins?—Yes, and Mr. Odell, and another gentleman whom I did not know.

4832. Was James Mann there?—Yes.
4833. Did Mr. Eaton and Mr. Hill, knowing you were a voter, canvass you?—They shook hands with me.

4834. Did James Mann say anything?—Mr. Eaton asked me for my vote, I told him I was on a different principle; he said he was very sorry for that; Mr. Mann told me I could not do better.

4835. In their presence?—Yes.

ALFRED OLDHAM HAYCOCK, sworn; Examined by *Mr. James.*

A. O. Haycock. 4836. ARE you a voter for this borough?—Yes.
4837. For whom did you vote?—Mr. Carter and Mr. Jackson.
4838. Were you some weeks before the election canvassed by Mr. Hill and Mr. Eaton?—Yes.
4839. Did they call upon you at your house?—Yes.
4840. I presume they asked you to vote for them?—They asked me to support them.
4841. Who were with them at the time?—Mr. Atkins and Mr. Bolton.
4842. Which Atkins is that?—The baker.
4843. Was James Mann there?—Yes.
4844. I believe you told them you thought the Conservative party ought not to have petitioned against Mr. Jackson?—Yes.
4845. Did one of those gentlemen, Mr. Hill and Mr. Eaton, ask you if you had read their speeches?—Yes.
4846. Which of them said that?—Mr. Hill.
4847. Did Mr. Hill then ask anyone to get one of the speeches?—Yes.
4848. Who did he ask?—I do not know that he asked anyone in particular; but Mr. Mann replied, and told him he had not one with him, but he would fetch me one in a few minutes.

4849. Did Mann then go out?—Yes.
4850. And did he bring you back a speech?—Yes.

4851. And did you read it?—Yes.
4852. And you voted for Mr. Carter and Mr. Jackson?—Yes.

Cross-examined by *Mr. Huddleston.*

4853. I believe Mr. Hill said if you had read the speech you would find that Mr. Ferrand petitioned, and not the party?—Yes, Mr. Hill told me that at the time.

4854. That was the speech he sent for?—I do not know.

4855. Did you read the speech?—Yes.

4856. I hope it did you a good deal of good?—It did.

Mr. James.] In relation to this proof of agency, I would refer your Lordship also to the evidence of John Shuttleworth.

Mr. Justice Willes.] I have made a note as to several persons.

Mr. WILLIAM EDWARDS EBURNE, sworn; Examined by Mr. *James*.

4857. ARE you a voter for this borough?—No, I am not.

4858. Do you know a person of the name of James Suddons?—Yes, intimately.

4859. What is he by business?—A dyer, I believe.

4860. Have you ever seen him in company with Mr. Hill and Mr. Eaton?—Yes.

4861. What were Mr. Hill and Mr. Eaton doing at the time?—It was Mr. Eaton only.

4862. What was he doing?—They were canvassing at the time.

4863. When was this?—I cannot remember the date.

4864. How long before the election?—I think about three days before the election.

4865. Had Suddons any book?—I believe he had a canvassing book in his hand, what looked like a canvassing book in his hand.

4866. How many people were with Mr. Eaton at the time?—

4867. Mr. Justice *Willes*.] Was it foolscap size?—A small memorandum book. Mr. Eaves was with him at the time.

4868. Mr. *James*.] Which Eaves?—The eldest.

4869. What is his christian name?—William.

Cross-examined by Mr. *Huddleston*.

4870. Were you a canvasser, or anything of that sort?—No.

Mr. DAVID WARD, sworn; Examined by Mr. *James*.

4871. HAVE you a vote for this borough?—Yes.

4872. For whom did you vote?—For Mr. Carter and Mr. Jackson.

4873. Do you know Mr. Henry Westrop?—Yes.

4874. Have you ever seen him with Mr. Eaton and Mr. Hill?—Yes.

4875. Where were Mr. Eaton and Mr. Hill at the time?—I was standing in the street in which I reside, and Mr. Eaton came up on Mr. Westrop's arm.

4876. Were they going from house to house?—Yes, they went from house to house.

4877. How long was this before the election?—I think it was on the 2nd of November.

Cross-examined by Mr. *Huddleston*.

4878. Where was this?—In Cromwell-street, at Earlsdon.

4879. In the day time?—Yes.

4880. Were there other people there?—Mr. Hill and Mr. Rowton came first.

4881. How many altogether?—I should think about half-a-dozen of them.

JAMES JACKSON, sworn; Examined by Mr. *James*.

4882. HAVE you a vote for this borough?—Yes.

4883. For whom did you vote?—Mr. Carter and Mr. Jackson.

4884. Where do you live?—16, Yardley-street.

4885. I suppose that would not be very far from No. 11, Yardley-street?—Not very far.

4886. Was there one of the Conservative committee-rooms at No. 11, Yardley-street?—Yes.

4887. Do you have a good view, and can you see that house from your house?—I see all that passes.

4888. Do you know Thomas Jackson, of Nelson-street?—Yes.

4889. Do you also know a man of the name of Edmund Pritchard, senior, and another of the name of Edmund Pritchard, his son, also living in Yardley-street?—Yes; right facing me.

4890. Do you also know Thomas Jackson the younger, the son of the first Mr. Jackson I mentioned?—Yes.

4891. Do you also know Jeremiah Mason, of Cock-street, a weaver?—Yes, perfectly well.

4892. Upon the Friday, the Saturday, the Monday, and the Tuesday, Tuesday being the polling-day, did you see those or any of those persons going into and out of that house?—Frequently.

4893. No. 11, Yardley-street?—Yes.

4894. For instance, on the polling-day did you see them there?—Yes.

4895. All of them?—In and out frequently.

4896. Were they passing repeatedly in and out?—Yes.

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4897. Do you know Mr. John Priest?—Yes.

4898. Have you ever seen him either there or with the sitting Members?—Yes.

4899. Which?—Both.

4900. Both going in and out of the committee room?—Yes.

4901. Where have you seen him with Mr. Hill and Mr. Eaton?—In Yardley-street, at the back of my door.

4902. Were Mr. Hill and Mr. Eaton canvassing?—Yes; there is a small factory at the back of us.

4903. There is a small factory at the back of you. Did you see Thomas Priest, and Mr. Hill, and Mr. Eaton, when they were canvassing?—Yes.

4904. Do you know Thomas Cook?—Yes, perfectly well, these 20 years.

4905. Have you seen him at all?—Yes.

4906. What have you seen Cook doing?—Canvassing, and coming in and out of the committee room as well; they were round at the back of this factory.

4907. Was he with Mr. Priest at the time?—Yes.

Cross-examined by Mr. *Huddleston*.

4908. There were a good many people going in and out?—Yes.

Re-examined by Mr. *James*.

4909. Not only were there a good many people going in and out, but were those people going in and out many times?—I saw them frequently during the day, both Friday and Saturday.

M 4

Mr. *W. E. Eburne*.

18 February 1869.

Mr. *D. Ward*.

J. Jackson.

PETER PARKER, sworn; Examined by Mr. James.

P. Parker.
18 February
1869.

4910. HAVE you a vote for this borough?—Yes.

4911. Did you vote for Mr. Jackson?—Yes.

4912. Do you know Mr. Thomas Jackson, the elder, of Nelson-street?—Yes.

4913. Did Mr. Jackson ever canvass you when he was by himself, in the first instance?—I met him in the street.

4914. Did he ever ask you to vote for Mr. Eaton and Mr. Hill?—He asked me.

Mr. Huddleston.] I object to this; this is what Mr. Jackson said.

Mr. Justice Willes.] It is an act.

4915. Mr. James.] Did he ask you to vote for Mr. Hill and Mr. Eaton; did Thomas Jack-

son, the elder, ask you to vote for Mr. Eaton and Mr. Hill?—Yes, and Mr. Pollard.

4916. He gave you something to drink, also, I believe?—Yes.

4917. After he had asked you to vote for this gentleman, did you see Mr. Hill and Mr. Eaton?—Yes.

4918. Was this Thomas Jackson with him?—Yes.

4919. Was John Priest also with them?—Yes.

4920. Did you see them going from house to house?—Yes.

Mr. Huddleston.] I must ask you not to lead this witness; you must ask what was done.

EMMA OUGHTON, sworn; Examined by Mr. James.

E. Oughton.

4921. ARE you a married woman?—I am a married woman.

4922. Do you know a man of the name of Linnet?—Yes.

4923. What is his christian name; is it John Linnet?—I believe it is.

Mr. Huddleston.] How do you know that? I must request my learned friend not to lead his witnesses; he puts into the mouth of the witnesses the christian name of the man.

4924. Mr. James.] Do you know a man of the name of John Linnet?—Yes, I do.

Mr. Huddleston.] I object to that.

Mr. Justice Willes.] She says "John,"

I believe; there never was more than one man in this world who knew all the names; he knew by giving them himself; you must form your belief as to names upon hearsay.

4925. Mr. James.] Have you ever seen him with Mr. Eaton and Mr. Hill?—No.

4926. Did you see Linnet at all shortly before the election?—I saw him on the same day as the polling was.

4927. Where was that?—In the park.

4928. With whom was he at that time?—He was alone with Robinson.

4929. Who is Robinson?—He was one as had been to poll.

JAMES SWIFT, sworn; Examined by Mr. James.

J. Swift.

4930. ARE you a voter for the city?—Yes.

4931. For whom did you vote?—For Mr. Carter and Mr. Jackson.

4932. Do you know a man of the name of Moore, a watchmaker; John Moore, a watchmaker?—Yes, I know him very well.

4933. Where does he live?—In Moat-street.

4934. Have you at any time seen him with Mr. Eaton and Mr. Hill, whilst they were canvassing?—Yes.

4935. Once, or more than once?—I have seen him twice or three times.

4936. Where have you seen Mr. Moore canvassing with those gentlemen?—The first place I saw him was in Moat-street.

4937. How long before the election?—Four or five days before the election.

4938. Where else did you see him?—In Thomas-street.

4939. Were they also canvassing then?—Yes.

Cross-examined by Mr. Huddleston.

4940. You say that you saw Moore; where did you say you saw him the first time?—In Moat-street.

4941. How many persons were there with Mr. Eaton and Mr. Hill?—Eight or nine.

4942. The other time you saw him was in Thomas-street?—Yes.

4943. Was that on the same day?—The same day.

4944. What time was it the first time you saw him?—Somewhere between 12 and 1.

4945. And the second time?—There was very little difference; it was about the same time.

4946. About the same time, in Moat-street and in Thomas-street, you saw them canvassing?—There would not be above 20 minutes difference.

CHARLES HAYWOOD, sworn; Examined by Mr. *James*.

4947. ARE you a voter for this borough?—Yes.

4948. For whom did you vote?—For Mr. Carter and Mr. Jackson.

4949. Do you know this man, John Moore, a watchmaker?—Yes.

4950. Have you at any time seen him in the company of Mr. Eaton and Mr. Hill?—Yes.

4951. What were those gentlemen doing?—They were canvassing.

4952. Where?—In Moat-street.

4953. How long before the election?—As

nigh as I can call to mind, a week before the election.

C. Haywood.

18 February.
1869.

Cross-examined by Mr. *Huddleston*.

4954. Where was it?—In Moat-street.

4955. What time in the day?—I could not say.

4956. We have it from Swift that it was about twelve or one; was not it so?—I could not say it was so late.

4957. The same time that Swift saw them?—Yes.

GEORGE HOLMES, sworn; Examined by Mr. *James*.

4958. ARE you a voter of this borough?—Yes.

4959. For whom did you vote?—For Mr. Carter and Mr. Jackson.

4960. On the Saturday before the election did you see Mr. Eaton canvassing?—On the Friday, I think.

4961. Where was he?—In Crab-row.

4962. Do you know John Linnet?—Yes.

4963. Was he with him at the time?—Yes.

4964. Was Mr. Eaton going from house to house?—Yes.

4965. Mr. Eaton canvassed you?—Yes, after he went down the yard, he was coming back down the yard, and he called at my house.

G. Holmes.

4966. Was Linnet with him at the time?—He passed by my door, Linnet did.

4967. Had he been up the court with Mr. Eaton?—Yes.

Cross-examined by Mr. *Huddleston*.

4968. How many persons were with them?—I know there were four; I think there was more; Mr. Eaton came into my house.

SARAH GIBBONS, sworn; Examined by Mr. *James*.

4969. ARE you the wife of George Gibbons?—Yes.

4970. Do you live at 94, Little Park-street?—Yes.

4971. Do you know Mr. Hollins, of Little Park-street, builder?—Yes.

4972. Does he live in a house opposite to yours?—Yes.

4973. Was there a committee-room at Hollins's at the time of the election?—I do not know that it was a committee-room; I never said it was a committee-room; I did not say committee-room.

Mr. Justice *Willes*.] What number was it?

4974. Mr. *James*.] What would be the number of Hollins's house?—Twenty-three, I think.

4975. Do you know Mr. Clare, a bootmaker, of Earl-street?—Yes.

4976. Do you also know a Mr. Pritchard, who lives in a yard at the back of Mr. Hollins's?—Yes.

4977. You say you do not know that it was a committee-room. Was there a board with a bill on it there?—Yes, there was a board, "Vote for Eaton and Hill."

4978. On the polling-day was there anything put up on the shutter?—Yes; the state of the poll.

S. Gibbons.

4979. Did you see Mr. Eaton and Mr. Hill at all go on the polling-day to that house?—Yes, I saw them.

4980. Did you also see Mr. Clare go in there?—Yes.

4981. Did you see Mr. Clare go in once, or more than once?—More than once.

4982. Did you see him any other time than the polling-day?—I did not notice him particularly.

4983. You did, on the polling-day, see him go in more than once?—Yes.

4984. Did you also see Pritchard go in there?—Yes.

4985. When was that?—On the polling-day.

4986. Once, or more than once?—More than once.

Cross-examined by Mr. *Huddleston*.

4987. Were there a great many other persons going in and out?—Yes, there were.

ROBERT OWEN, sworn; Examined by Mr. *James*.

4988. ARE you a voter for this city?—Yes.

4989. For whom did you vote?—Mr. Carter and Mr. Jackson.

4990. Do you know a man named John Smith, a coal-dealer?—Yes.

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4991. Have you at any time seen him in the company of Mr. Hill and young Mr. Eaton, one of Mr. Eaton's sons?—I have.

R. Owen;

4992. What were those gentlemen doing at that time?—Canvassing, I expect they was; they was going to different people's houses.

N

4993. Were

R. Owen. 4993. Were they going in and out?—Yes.
 4994. About the election time?—Yes; the
 18 February. Friday before the election.
 1869. 4995. Do you know William Odell?—Yes.
 4996. Was he also with Mr. Hill and young
 Mr. Eaton whilst they were canvassing?—Yes,
 he was.
 4997. Do you know a man named Edward
 Rice, of Bishop-street, a weaver?—Yes.

4998. Was he also with Mr. Hill and young
 Mr. Eaton whilst they were canvassing?—He
 were.

Cross-examined by Mr. *Huddleston*.

4999. How many, altogether, were there that
 day?—I dare say eight or nine, altogether.

JOHN GOLDEN, sworn; Examined by Mr. *James*.

J. Golden. 5000. ARE you a voter for this city?—
 Yes.
 5001. For whom did you vote?—For Mr.
 Carter and Mr. Jackson.
 5002. Do you know a man of the name of
 Thomas Cock, of Gilbert-street, a weaver?—
 Yes.
 5003. Do you also know a man of the name of
 Priest?—Yes.
 5004. John Priest?—Yes.
 5005. Did you ever see them with Mr. Eaton
 and Mr. Hill?—No.
 5006. Did they canvass you alone?—They
 came to solicit me for my vote.
 5007. Those gentlemen were not there?—No,
 they came by themselves.
 5008. When they called upon you did they

bring you anything?—They brought me a
 card.

5009. Was it a voting card?—Yes, I have one
 in my pocket; that is it (*handing the same to the
 learned Counsel*).

5010. This is the card they brought?—Mr.
 Priest brought it.

5011. Mr. *James*.] Three thousand four hun-
 dred and forty-four. That is the number on the
 register. The rest is printed "Coventry Election,
 1868. Your vote and interest is respectfully so-
 licited for Henry William Eaton, Esq., M.P., and
 Alexander Staveley Hill, Esq., Q.C." After
 Cock and Priest left you did you see them go to
 other houses?—Yes, they went to other houses.

HENRY BAND, sworn; Examined by Mr. *James*.

H. Band. 5012. ARE you an elector of this city?—Yes.
 5013. For whom did you vote?—For Mr.
 Carter and Mr. Jackson.
 5014. Do you know a person of the name of
 Westrop?—Yes.
 5015. Did you ever see Westrop with Mr.
 Eaton and Mr. Hill whilst they were canvassing?
 —Yes.
 5016. Where was that?—In Cromwell-street,
 Earlsdon, and in Arden-street.

5017. What were Mr. Eaton and Mr. Hill
 doing?—I expect they were canvassing, they
 were going from house to house.

5018. This Mr. Westrop was with them, do
 you know Mr. Westrop's Christian name?—Yes,
 Henry.

5019. Where does he live?—In Earlsdon-ter-
 race.

JOSEPH HOLLICK, sworn; Examined by Mr. *James*.

J. Hollick. 5020. ARE you an elector of this borough?—
 Yes.
 5021. For whom did you vote?—Mr. Hill
 and Mr. Eaton.
 5022. Do you know a Mr. John Burdon?—
 Yes.
 5023. Is he a watchmaker?—Yes.
 5024. When you were canvassed for Mr. Hill
 and Mr. Eaton, who canvassed you; did Mr.
 Eaton's son come to you?—Yes.
 5025. At that time was John Burdon with
 him?—Yes.

5026. Who asked you for your vote?—Mr.
 Odell and Mr. Flack.

5027. Joseph Odell was it, with young Mr.
 Eaton and Mr. Burdon?—Yes.

Cross-examined by Mr. *Huddleston*.

5028. As I understand you, it was with young
 Mr. Eaton and Odell?—Yes.

5029. How many more were there there?—
 I cannot say; there might be six.

WILLIAM ADAMS, sworn; Examined by Mr. *James*.

W. Adams. 5030. ARE you a voter for Coventry?—Yes.
 5031. For whom did you vote?—Mr. Carter
 and Mr. Jackson.
 5032. About three weeks before the polling-
 day, did two men, James Suddons and James
 Barnaele, call upon you?—Yes; about that
 time.

5033. Had one of them a book in his hand?—
 One of them had.

5034. You do not recollect which, I believe?
 —I do not recollect which.

5035. Did you see whether they went to other
 houses, or whether they came only to your house?
 —They only came to mine at that time.

5036. Shortly

5036. Shortly before the election, did James Barnacle call upon you again?—Yes.

5037. Did he bring anything with him?—He brought me a voting card.

5038. That, I believe, is the envelope (*producing the same*) that it was taken out of?—Yes.

5039. Did you see whether he had other envelopes and other cards in his hand at the same time?—Yes; and I thanked him for mine.

5040. He did not thank you for your vote, I believe?—No, I told him it was no use before; the first time he came.

W. Adams.

18 February
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EDWARD KING, sworn; Examined by Mr. *Henry James*.

5041. ARE you an elector of this city?—Yes.

5042. For whom did you vote?—For Carter and Jackson.

5043. Do you know a person of the name of Daniel Hunt Clare?—Yes.

5044. You also know a Mr. Hollins?—Yes.

5045. Upon Thursday, the 12th of November, did you see Mr. Hill and Mr. Eaton canvassing?—Yes.

5046. Who was with them at the time?—Mr.

Daniel Hunt Clare, Mr. Hollins, and Mr. John Ward, and other gentlemen that I don't recollect.

5047. Did you see Mr. Hill and Mr. Eaton with those gentlemen going from house to house?—Yes.

5048. Do you know the handwriting of Daniel Hunt Clare?—No.

E. King.

[The Witness withdrew.

JAMES KILLEN, sworn; Examined by Mr. *Henry James*.

5049. ARE you an elector of this city?—Yes.

5050. For whom did you vote?—For Messrs. Carter and Jackson.

5051. Do you know a man of the name of William Eves?—Yes.

5052. Have you seen him at any time with Mr. Hill and Mr. Eaton when they were canvassing?—Yes.

5053. When and where did that occur?—In Abbot's-lane, on the day of the nomination, between one and two o'clock.

Cross-examined by Mr. *Huddleston*.

5054. Where was Mr. William Eves when you saw him?—By the side of Mr. Hill and Mr. Eaton.

5055. On the footway?—On the footway in Abbot's-lane.

5056. Were there a good many other people there?—No, there was not.

5057. How many others?—There was Mr. Hill, Mr. Eaton, Mr. Eves, and a man of the name of Roe together. There was persons going backwards and forwards at the time.

J. Killen.

Re-examined by Mr. *Henry James*.

5058. What Roe was that?—He was a man living in the neighbourhood that canvasses that district.

5059. Do you know his Christian name?—I cannot say what his Christian name was.

5060. Where does he live?—He lives in Stephen-street.

[The Witness withdrew.

HARRY NICHOLLS, sworn; Examined by Mr. *Henry James*.

5061. ARE you an elector of this city?—Yes.

5062. For whom did you vote?—For Mr. Carter and Mr. Jackson.

5063. Do you know Mr. Thomas Jackson the younger?—Yes.

5064. I believe he is a watchmaker?—Yes.

5065. And you also know John Priest, of Gilbert-street, weaver?—Yes.

5066. Did they at any time canvass you together?—Yes; about 10 days before the election.

5067. For whom?—For Mr. Hill and Eaton.

5068. Was there another person there, a Mr. Higginbotham?—Yes.

5069. Had he a canvassing book?—Yes.

5070. Had those gentlemen voting cards?—Mr. Higginbotham had the voting cards as well.

5071. But Mr. Priest and Mr. Thomas Jackson, the younger, were with Mr. Higginbotham?—Yes.

5072. Had you a card given you?—Yes.

[The Witness withdrew.

Mr. *Henry James* inquired whether the agency of Mr. Alfred Seymour was admitted.

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Mr. *Huddleston* stated that he had already admitted the agency of Mr. Alfred Seymour.

H. Nicholls.

Mr. *Henry James* called attention to the fact, that as to the items in the accounts rendered, commencing "Ready money payments for hire of room, canvass, and polling, and making house-roll of voters, directing, and distributing, and soliciting voting cards, &c., and for canvassing, and canvass books;" as to the item, "agents, poll and check clerks, and messengers at booths, and writing clerks, messengers, and door-keepers;" and as to the item, "Miss Sabin, for use of hotel, refreshments for agents, poll and check clerks, and writing clerks, and messengers;" no vouchers or detailed statement had been delivered according to the Statute. He then stated that that was the case for the Petitioners.

Mr. *Huddleston* requested that the Witness, Theophilus Fox, should be re-called.

Mr. *Henry James* stated that Fox was not at present in court, but that he should be ready to be examined at any time.

H. Nicholls.

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Mr. *Huddleston* inquired whether Mr. Henry James would admit that Wagstaff, Farren, Cleaver, Ireland, Freeman, Makepeace, Jones, and Green had been brought here by the Petitioners, and discharged from their subpoenas, and sent home.

Mr. *Henry James* stated that the persons named had been in Coventry on subpoena, but that he was not aware whether or not they had been sent back.

Mr. *Huddleston* was heard to open the case for the Respondents.

HENRY WILLIAM EATON, Esq., a Member of the House of Commons, sworn; Examined by Mr. *Huddleston*.

H.W. Eaton,
Esq., M.P.

5073. You are one of the Sitting Members for the city of Coventry?—I am.

5074. And I believe you have represented that city in Parliament for the last three Sessions?—I have.

5075. You first stood, I think, for Coventry in June 1865?—I did.

5076. That was on the vacancy occasioned by the death of Sir Joseph Paxton?—Yes.

5077. You were then, and have been since, connected with the principal staple trade of the city?—I have for 35 years.

5078. The silk trade?—The silk trade.

5079. At that election, I believe, you were opposed by Mr. Mason Jones, and you had a majority of nearly 300?—I had.

5080. And then the constituency was very much smaller than it is at present?—Yes, it was a little under 5,000.

5081. At the general election in August, I believe, you were again a candidate with Mr. Morgan Treherne?—I was.

5082. And you were opposed by Mr. Flowers and Mr. Jones, and were then elected?—I was.

5083. And at that election you were returned at the head of the poll?—I was, and by a similar majority, I think.

5084. Mr. Treherne died, I think, in the autumn of 1867, and there was a contest between Mr. Bousfield Ferrand and Mr. Jackson?—Yes.

5085. Mr. Jackson was successful; was unseated on petition; there was a new election, and a contest between Mr. Carter and Mr. Hill; Mr. Carter was successful, and Mr. Carter sat till the end of the Session?—Yes.

5086. In the year 1868, this last year, you again contested the city in the Conservative interest?—I did.

5087. The constituency, as we heard, was then increased by nearly 3,000, amounting to 7,925?—Yes.

5088. At that time Mr. Hill was your colleague?—He was.

5089. I believe at the time that the dissolution of Parliament took place Mr. Hill was not a candidate?—He was not.

5090. I believe he declined to stand?—He did.

5091. And you and he, I believe, came into the town on the 26th of October?—On the 26th of October.

5092. Your opponents had had the advance of you by a week, I think?—They had.

5093. Mr. Seymour was your paid agent?—He was.

5094. Was there any other paid agent but Mr. Seymour?—None.

5095. What directions did you give to Mr. Seymour with reference to the conduct of the election?—I gave most positive instructions that no illegal practice whatever should be resorted to.

5096. And we understand that the contest took

place, and you and Mr. Hill were elected by the majorities which I have already mentioned?—Yes.

5097. We have had the returned expenses; have there been any more expenses paid than those which have been returned?—None.

5098. Had you any knowledge whatsoever of any corrupt practice?—None whatever.

5099. Did you in any way sanction or recognise anything of the sort?—Nothing of the sort.

5100. Have you paid or received any demands for anything beyond the returned amounts?—None whatever.

5101. Did you know (or did Mr. Hill attend to that) of the Leicester voters?—Mr. Hill and myself spoke about it, in the presence of Mr. Seymour, several times.

5102. At that time what was your position with reference to promises?—What I said to Mr. Seymour was this: "It is surely unnecessary to have those voters over; we have now a recognised majority of 160, surely they are not necessary."

5103. Did you hear Mr. Hill give the directions about the manner in which the Leicester voters should be brought over?—Certainly.

5104. What were the directions which he gave?—Mr. Hill and myself, in the presence of Mr. Seymour, said, that we could not bring those voters over at any cost or at any expense, nor could we provide any conveyance for them or pay them for their day's work, or give them anything to eat or drink on the way.

5105. That was said by Mr. Hill in the committee-room publicly, and directions were given to that effect?—It was said to Mr. Seymour by Mr. Hill and by myself; we were all there together.

5106. And those instructions were given?—They were.

5107. Had you a carriage at that time at Leicester?—No, my carriage was in Hertfordshire. I said, "If it is necessary to get a carriage I will send for my coachman and horses and carriage, and send it to Leicester."

5108. They said it was a gentleman dressed up in uniform; it was your own coachman, I believe?—It was my own coachman.

5109. Did you hear directions given that they should be taken up out of the town at Leicester and put down out of the town at Coventry, on purpose that they might not be brought near a public-house?—I did; they were not to be taken up at any public-house, or taken to any public-house.

5110. You gave directions that no payment of any kind was to be made to them?—Distinctly.

5111. And do you believe that those instructions have been carried out?—I do.

5112. Have you the slightest reason to suspect or know that those voters had one single sixpence?—Not the least in the world.

5113. There was a girl, of the name of Jane Barton, examined; did you see a black-eyed girl,

girl, or a girl whose eyes were black, in the witness-box yesterday?—I did.

5114. She said that you canvassed her husband with Mr. Hedger and Mr. Markham, and that her husband said he would vote, but could not afford to lose his time; and that either you or Mr. Hill said, "Do not put yourself about, you shall be seen to"; did you say anything of the sort?—Certainly not.

5115. There was something said, I think, about your being present at Radford, when some treating or beer, or something of that kind was going on; do you know anything of that?—Nothing at all.

5116. Did you in any way sanction any beer or meat, or refreshments of any sort, being given to voters?—Never.

5117. I believe you earnestly desired to follow the provisions of the Act of Parliament, and you had before your eyes the folly of not doing so in the petitions which had been previously presented?—I did all I possibly could against giving anyone anything to eat or drink.

5118. That is the painful necessity which is placed upon candidates for seats in Parliament now?—Yes.

Cross-examined by Mr. *Henry James*.

5119. You say that Mr. Alfred Seymour was your only paid professional agent?—Yes.

5120. Had you other professional gentlemen assisting you in the course of your election?—No, none whatever.

5121. I don't mean paid for their services, but had you other solicitors who volunteered their services and assisted you?—I don't know that there were any services rendered; but Mr. Twist called occasionally upon me, and Mr. Dewes called.

5122. Are you aware that your agent for election expenses was a clerk of Mr. Dewes?—No, I was not; I think not.

5123. Who is your agent?—A Mr. Neale, a farmer.

5124. Is he the father of Mr. Dewes's clerk?—I really do not know; I didn't know that Mr. Dewes had a clerk of the name of Neale.

5125. Do you know that his son is an articled clerk in Mr. Dewes's office?—No, I do not.

5126. Do you know young Mr. Neale?—I don't think I do.

5127. Were you consulted as to who should be your agent for election expenses?—No.

5128. Who selected him?—Mr. Hill and myself; he has acted before with me.

5129. Whoselected Mr. Neale?—Mr. Alderman Lynes introduced him to me.

5130. Would it be Mr. Seymour who would furnish to him all accounts of all your expenses?—I should think so.

5131. There would be no one else to whom he could apply for an account, but to Mr. Seymour, I presume?—Certainly not.

5132. He would be responsible to you, of course?—Certainly.

5133. And he would be your agent for that purpose; did you take a sufficiently active part in your own election to know on what system it was managed?—Certainly, I did.

5134. Was it divided into ward districts?—Yes.

5135. Had you ward managers?—There were ward managers, certainly.

5136. Had you district committees in each ward?—No, I do not think so. There were no committee-rooms or anything of that kind.

5137. When you say ward managers, may I ask you to explain, first, how many ward managers there would be?—I think there are 11 wards, and in each of those wards there was a ward manager.

5138. Only one?—There is a chairman and a deputy chairman, and two or three others of that sort.

5139. Were they chairmen and deputy chairmen of any body?—I don't know, they went about canvassing with me.

5140. When you say "chairmen" and "deputy chairmen," that conveys to my mind (perhaps erroneously) that they would take the chair on some occasions?—I only know that they are always called chairmen and deputy chairmen of those wards.

5141. Did you not also learn that there was a body over which they were chairmen and deputy chairmen?—I did not, indeed.

5142. Then all you had in each ward apparently was a gentleman who took the chair opposite a deputy chairman?—Exactly; they were merely called so. There were meetings in those wards.

5143. From whom could I get a list of those ward managers?—I should think Mr. Seymour would give them to you.

5144. Do you know them?—I think most of them; I have generally canvassed each ward with them.

5145. Is Mr. Kilbey a ward manager?—I think he is, but I really could not tell of what ward.

5146. Mr. James Kilbey?—Yes, I believe it is Mr. James Kilbey.

5147. Is Mr. Daniel Hunt Clare a ward manager?—Yes, I think so.

5148. Was Mr. James Mann a ward manager or deputy ward manager?—I think so.

5149. I will not trouble you to go through all those, but probably a list could be obtained, I presume?—Certainly.

5150. Do you know a Mr. John Askton of the Conservative Working Men's Association?—I do not, not to my recollection at the moment.

5151. Do you know a man of the name of Ashton?—I do not.

5152. He seems to be employed in folding bills and sending out bills?—I do not know him.

5153. You know Mr. Thomas Jackson, I presume; there are a father and son?—I do not know them at all.

5154. Do you know a man of the name of John Moore, a watchmaker?—No.

5155. Probably you can obtain a list of ward managers?—I will get a list from Mr. Seymour.

5156. Probably Mr. Seymour would know much more about the organisation than yourself?—Much more.

Mr. Justice *Willes*.] It is rather material to know with which of those persons the witness came into contact so as to recognise them, but they can be ticked off, because this affects the question of agency.

5157. Mr. *Henry James* (to the *Witness*).] It has been mentioned by your learned counsel, that one of your sons was at Leicester; will you give me his Christian name, if you please?—Henry.

5158. He is here, I believe?—He is here.

5159. You have mentioned the name of Alderman Lynes; is he a director of the Coventry Union Bank?—I think he is.

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5160. And

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5160. And I believe there is another gentleman, Mr. Alderman Wyley, who is also a director of that bank?—I think so.

5161. Did those gentlemen, both upon this and previous elections of yours, render you their support?—They always voted for me.

5162. They were, with deference to others, the leaders or amongst the leaders of the Conservative party here?—They were amongst them.

5163. They also, I believe, take a somewhat active part in the management of the bank as directors, do they not?—They do; that is to say I have heard so, I have no other knowledge than that I believe they do. I have no connection with the bank, I am not a proprietor or anything of that sort.

5164. I am taking it as common knowledge; did you learn at any time that the bank had a claim in relation to a sum of money which had been advanced for the purposes of the March election of 1868?—I had heard from Mr. Alick Rotherham that there was something owing to them for the last election. I had heard that Mr. Alick Rotherham had a claim against Mr. Hill for something at the last election.

5165. Did you learn from Mr. Rotherham that he had given his cheque by way of security to the bank, to be drawn against for a certain amount?—Certainly not.

5166. Probably it will be more convenient and better in every way if we just take what you did learn?—Merely that Mr. Alick Rotherham had a claim against Mr. Hill, and he came up to consult me about it, and I said, "You had better see Mr. Hill on the subject." That is all I know about it.

5167. For moneys advanced by Mr. Rotherham?—I do not know what it was for. I did not know that it was for moneys that he had advanced.

5168. You have told us that Mr. Rotherham came to consult you?—Yes; he said that he had a claim against Mr. Hill.

5169. Therefore, I presume, you went into the subject with him?—I did not, indeed, more than that.

5170. Do I understand you that all he said was that he had a claim against Mr. Hill?—Yes. He mentioned the amount, I believe.

5171. What was the amount?—I think it was about 800 l.

5172. Was that in relation to the election of March 1868?—I should think it was; it must have been.

5173. For moneys advanced by Mr. Rotherham?—I do not know whether he had advanced the money or not.

5174. Mr. Justice Willes.] Did you state that you had heard that Mr. Rotherham had given the security?—He had a claim. I did not know of any security.

5175. Mr. Henry James.] Did you learn whether Mr. Rotherham paid the money to the bank, or had paid it in any other direction?—I know nothing whatever about it.

5176. I hope you will not misunderstand my words?—Not in the least.

5177. Have you told us now all you know from your communications with Mr. Rotherham?—Everything that I know.

5178. When was that communication made to you?—I should think it must have been some short time after the March election of 1868, on Mr. Hill's election.

5179. Mr. Hill did refuse in the first instance to come forward, or at least he did not come forward as your colleague, until late in the day, I believe?—He did not. There were peculiar reasons which, I have no doubt, he will explain.

5180. When was it arranged that Mr. Hill should come forward?—I think a week or 10 days before we came down here together.

5181. Did you make any inquiry to learn whether that sum claimed had been discharged?—No.

5182. You have stated that you have paid no sum beyond the amount that is returned?—None whatever.

5183. Have you paid any sum into the bank?—I have paid 1,100 l. into the bank; that is to say, when I first came down here, Mr. Gray paid 600 l. on the part of Mr. Hill, into the bank, and I paid 500 l.; but there was an understanding between Mr. Hill and myself about the expenses of this election, and, in order that you might clearly understand it, I have not the slightest objection to place this letter in your hand, which I have no doubt you will hand to his Lordship after you have read it (*handing a letter to the learned Counsel*). This is a letter from a friend of Mr. Hill's to me.

5184. Who is the writer of this letter?—Mr. Gray.

5185. He occupies towards you simply the position of a friend of Mr. Hill's?—Yes. (*A copy of the letter was handed to his Lordship by Mr. Hill.*)

5186. Mr. Henry James (to the Witness).] Have you any objection to Mr. Leigh's seeing it?—Not the slightest. I have no doubt Mr. Hill will give it you himself fully when he is examined.

5187. Will you take that letter back (*handing the letter back to the Witness*); with reference to the paragraph numbered "1st," has that clause been carried out?—Fully and entirely.

5188. I need scarcely ask you has the "4th," too?—Entirely; this has entirely been carried out.

5189. Did you write a reply to that, or did you see the writer?—I did. I accepted it.

5190. Mr. Justice Willes.] You accepted it in all its particulars?—I did.

5191. Who is Mr. Gray?—He is a friend of my colleague's.

5192. Mr. Henry James.] I suppose I may take him as the representative and the agent in this matter of Mr. Hill?—Exactly.

5193. You have mentioned a sum of 1,100 l. which you paid into the bank?—Yes.

5194. When was that?—That was on the 27th or 28th of October, or a day or two afterwards.

5195. Would you allow me to ask you again; I think you said that Mr. Gray paid in 600 l.?—Mr. Gray paid in 600 l.; but really I do not know what for. Directly he had done so, I gave him a cheque immediately for it.

5196. May I take it, then, that you knew nothing of the repayment of the 800 l.?—Nothing. I have heard that it has been paid. I really do not know more than that.

5197. Mr. Justice Willes.] The 500 l. was paid into the bank by you, and the 600 l. by Mr. Hill?—Yes.

5198. For what?—To the account of the election agent.

5199. Mr.

5199. Mr. *Henry James*.] That letter is dated the 14th of October, I think?—Yes.

Mr. Justice *Willes*.] I cannot understand this, unless this was a loan by Mr. Hill to Mr. Eaton.

5200. Mr. *Henry James* (to the *Witness*).] A letter had been written, containing what we have read, upon the 14th of October?—Yes.

5201. The payment by you of 500 *l.* was upon the 27th or 28th?—Yes, I paid the 500 *l.* and the 600 *l.* too.

5202. But did you pay in the first instance into the bank the 600 *l.*, or the 500 *l.*?—The 500 *l.*

5203. With the knowledge both in your mind, and that of Mr. Gray, of the contents of the letter; why should Mr. Gray have paid anything into the bank?—I really do not know. I say that immediately I heard he had done so, I gave him a cheque. There was not the least reason in the world why he should have done so.

5204. Had that anything to do with the previous claim that had been made by Mr. Rotherham?—None whatever. On the contrary, it had nothing to do with anything but this simple election.

5205. But, referring to the letter, there could have been no necessity for him to do it?—There was no necessity; none whatever.

5206. Where was Mr. Gray at the time?—He was in Coventry.

5207. I am not saying it to raise a laugh; but you were not, of course, in such a position as to want anybody to assist you; I believe it was just the reverse?—To pay anything for me? No. I do not think so.

5208. That has not occurred to you lately I should think?—No, not for many years, I am happy to say.

5209. And is not likely to?—I hope not.

5210. Was Mr. Gray here?—He was.

5211. And he assisted Mr. Hill in his election, did he not?—He did; he came down for a day or two when Mr. Hill first came down.

5212. When did he repay that to Mr. Gray?—Immediately; the same day, I think. I said it was totally unnecessary, and I gave him a cheque for it immediately. He thought he had better do it; he gave me no reason for doing it.

5213. Did you remind him that the letter (perhaps you will not object to my saying this in public) rendered it perfectly unnecessary that he should have done it?—It was totally unnecessary. I said it was totally unnecessary to do this, and I gave him a cheque immediately.

5214. Did he tell you that he had done it in order that the bank persons might not know what he had written in that letter?—No, I do not think anyone does know the terms of this letter, except Mr. Hill and myself.

5215. And, of course, Mr. Gray?—Yes, I beg your pardon, I mean Mr. Gray, on the part of Mr. Hill.

5216. Was it arranged that it should be kept secret from the bank?—No, certainly not.

5217. Did you know in what way Mr. Gray had paid that money, whether out of his own private resources, or whether it had been paid in cheque, or in what way?—He paid his own cheque, I should think.

5218. Your cheque with which you paid him, I suppose?—I did.

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5219. It would be, of course, on your London banker?—It would.

5220. You would not bank here, I suppose?—No.

5221. Was it paid into the bank in the joint names of Mr. Eaton and Mr. Hill's account?—I believe it was.

5222. So far as the bank could know, therefore, it would appear to be a mutual and joint payment in the relative proportion of six to five by you and the other gentlemen?—Certainly.

5223. And of course, so far as you know, the bank, to this day, have no knowledge of the contents of that letter?—I do not think they have; indeed I am sure they have not. The letter was purely confidential.

5224. I do not wish to annoy you by asking you again; you never had mentioned to you anything at all about that claim of Mr. Rotherham since?—Never more than that it had been settled and paid.

5225. Do you know that an endeavour was made to find another gentleman to be a colleague of yours before Mr. Hill became a candidate?—No, I do not think there ever was any such endeavour made.

5226. Do you know Mr. Darlington?—Of where?

5227. Of Meriden Hall?—I do not know him.

5228. You never heard of him or anybody being appealed to, to be a candidate, because Mr. Hill would not discharge that sum of 800 *l.*?—Never.

5229. Who had the power of drawing upon the 1,100 *l.*?—Mr. Neale, the agent; I should think no one else.

5230. Did you give authority?—To Mr. Neale?

5231. To draw cheques?—Yes, certainly.

5232. As far as you know, of course, the burden of the obligation being upon you; at least, you having paid that money to Mr. Gray, a further sum had to be paid in, and you would be the person to do so?—No.

5233. Have you paid that further sum?—I paid 187 *l.* the other day, which I was asked for the other day by Mr. Seymour, for the town clerk's expenses.

5234. That would make a sum of 1,287 *l.*?—Yes, and a few shillings.

5235. Is that all that you have paid?—All at present.

5236. At present?—Yes, there is a balance of the account.

5237. You say that you have had no demand made upon you for any further sum; you have not paid all your returned accounts yet?—I have not.

5238. How is that?—Because I have not been asked for it.

5239. Who has found the money?—I really do not know. When Mr. Seymour applies to me for the balance of my account, I shall pay him, of course.

5240. I understood that the accounts returned showed the amount paid; did you understand that or not?—I understand that those are the accounts that are to be paid.

5241. Has Mr. Seymour rendered you any account?—I saw that account that was returned.

5242. Did you learn who had been paid, and to whom

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H.W. Eaton, whom there was any indebtedness?—No, I did not.
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18 February 1869. 5243. Nor did you inquire?—No.
5244. Nor did Mr. Seymour tell you?—No, he applied to me the other day for this sum of 187*l*.

5245. There would be a balance of somewhere about 100*l*. still left?—Yes.

5246. May I ask you, did you make no inquiry as to what portion of the 1,400*l*. and odd had been paid and what had not?—I did not.

5247. So that you do understand that there are to be further sums to be paid by you?—I understand that there is a balance of those accounts returned to be paid.

5248. Do you know whether this 1,100*l*. had been entirely withdrawn from the bank?—I do not think it has quite.

5249. Then there will be more than 124*l*. not paid?—I should think there would be.

5250. Did you make any inquiry at all as to what that amount was, or did you leave it to your agent?—I left that entirely to my agent.

5251. Did you learn from your agent that several sums, one of which was 500*l*. odd, he had no vouchers for, or none to produce?—I did not.

5252. Had you no discussion with him upon the subject?—None whatever.

5253. Of course, it was natural that you should leave that to your legal adviser to take the course that he thought right?—Certainly.

5254. Of course you have no time fixed when this settlement of your account is to be made?—None whatever.

5255. It is left to the period when Mr. Seymour chooses to apply to you?—Exactly.

Re-examined by Mr. *Huddleston*.

5256. I suppose the whole of that you have left entirely to Mr. Seymour, your legal agent?—Certainly.

5257. And he will be able to explain what is paid, and what is not paid, and you are prepared to give a cheque for the balance?—Certainly.

5258. Do you intend, or have you promised to give a cheque, or to pay one single farthing more than what appears in the published accounts?—Certainly not.

5259. Mr. Hill stood in March 1868?—He did.

5260. And you learn that there was on that occasion afterwards, a claim made against him by Mr. Rotherham, of 800*l*.?—Yes.

5261. And when they came to you, you referred them to Mr. Hill?—Yes.

5262. Have you learned that that money had been paid by Mr. Hill to Mr. Rotherham?—I have heard that certainly.

5263. And you have had nothing at all to do with it?—Nothing whatever, in any shape or form.

5264. Was that long before Mr. Hill ever intended to stand, or ever stood for Coventry?—It was shortly after the election of March 1868.

5265. And after that money had been paid by Mr. Hill, did you learn that Mr. Hill had declined to stand for Coventry again?—Certainly.

5266. And you had nothing whatever to do with the payment of that money?—Nothing whatever.

5267. With reference to the other arrangement, that you say was made at the time that that bears date?—It was.

5268. Did you learn that at that time Mr. Hill was thinking of standing for one of the divisions of the county of Stafford?—I understood that he had been solicited to stand for his own county.

5269. The arrangement that you had made was embodied in that?—Yes.

5270. I just want to ask you one or two questions; my learned friend asked you something about the ward managers; do you learn that the ward managers are elected by the people in the wards themselves?—I cannot say how they are elected; I know that there are ward managers.

5271. Have you anything to do with the appointment of them?—Nothing whatever.

5272. You had nothing to do with their nomination, or with their appointment?—Nothing whatever in any shape or form.

5273. I believe, as far as you know, it is done by the voters themselves?—I suppose so; I believe so.

5274. You had no voice in the matter, or influence with them, or anything?—None whatever, in any shape or form.

5275. You were asked something about Ashton; have you anything to do in the appointment of secretary, or any of the officers of the Conservative Association?—Certainly not.

5276. That is quite independent of you?—Quite so.

5277. Mr. *Henry James*.] Would you object to my having a copy of that letter?—I will place it in your own hands, if you like, for a time, and I will give you a copy of my answer to this note. That is what I think you require, and you shall have that note.

5278. Mr. Justice *Willes*.] When you learned that Mr. Hill had paid the 600*l*. into the bank —?—Mr. Gray, a friend of Mr. Hill, paid it.

5279. But that would be the same as Mr. Hill; he paid it for him?—Yes, he did.

5280. When did you learn that first?—Immediately it had been done; within an hour afterwards.

5281. On the 27th of October?—On the 27th or 28th of October.

5282. Will you let me look at the letter again?—Certainly (*handing the letter to his Lordship*); that is the original letter. It was the day after I came down that it took place.

5283. Did you, when you heard of it, give the cheque immediately?—I did within an hour, immediately; I had no idea that he was going to do it.

5284. Have you the pass-book of that account?—Yes, certainly; you mean my cheque-book.

5285. I mean the 1,100*l*.?—It is with the agent, he has that; I did not draw cheques.

5286. Mr. Neale was the person; the agent for election expenses?—Yes.

5287. But he was your agent, and I therefore thought you might have the pass-book?—He will have the pass-book.

5288. I am

5288. I am not asking you about your pass-book, that has nothing to do with it; I mean the pass-book as between Neale and the bank.

Mr. *Huddleston* stated that the pass-book should be produced.

Mr. Justice *Willes* intimated that he might think it necessary to look at the pass-book, under the special circumstances referred to in the 11th section of the Act of Parliament.

[The Witness withdrew.]

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ALEXANDER STAVELEY HILL, Esq., a Member of the House of Commons, sworn; Examined by Mr. *Gates*.

5289. YOU are now one of the Members for this city?—I am.

5290. And I believe the first time you came down here was in the election of March last year?—It was the first time that I came down here as a candidate.

5291. We have had the result of all the polls since then, but we have not gone back; I dare say you have made inquiries as to the polls before that, in the year 1863, when Mr. Morgan Treherne and Mr. Arthur Wellesley Peel contested the city?—No, I do not know those returns.

5292. It appears that the Conservatives were in a majority then; we have heard the result of the March election of 1868, and after that was over?—I was defeated by a majority of about 280.

5293. After it was over was a claim made upon you in respect of it?—About three weeks after the election there was a claim made upon me for a sum of money, which it was alleged had been expended upon that election.

5294. When was it that you settled that claim?—There was a circumstance in one's life which prevented one's being able to attend to it at that time, or it would have been settled at a very much earlier date; but I believe the final settlement of all my Coventry accounts, in fact I am sure that the final settlement of all my Coventry accounts, took place somewhere about the 6th or 7th of July, the real settlement having taken place at same time, about a month earlier, but the cheque would be dated on the final settlement of accounts on the 7th of July 1868. From that time I have entirely discharged myself with regard to Coventry.

5295. Mr. Justice *Willes*.] I understand that the 800 l. was paid off as early as the 7th of July 1868?—The 7th of July 1868. I find the counterfoil of my cheque-book (I unfortunately have not it in my pocket, but I will bring it for Mr. James, if he wants it) is marked "final settlement of Coventry accounts."

5296. Mr. *Gates*.] Was that by the payment of the 800 l.?—It was a payment of the balance of all that was due; I do not know the sum.

5297. And after that was any further claim ever made upon you with reference to the election?—Not for one penny. And perhaps I may add here, that at that time I did not know that the matter had ever been mentioned to Mr. Eaton, nor that he was in any way acquainted with the fact that there have been those claims made; in fact, I believe I had not seen or spoken to Mr. Eaton upon the Coventry election from the day that I returned up to that date.

5298. We will pass on from that. I think you did refuse several times to stand again here in the autumn, before you ultimately consented?—I have put the whole correspondence upon the subject together; they are private letters; they are letters passing between Mr. Lynes and my-

self, and Mr. Eaton and myself, and Mr. Gerard Noel and myself, and Mr. Spofforth, writing on behalf of certain persons and myself, pressing me to stand for Coventry; the first of which is dated some time, I think, in September. The first letter is the 18th of September, and the last, I think, is the 8th of October.

5299. After that last letter of the 8th of October, I think you consented to stand?—I find that the letter which came from Mr. Alderman Lynes (perhaps I may refer his Lordship to that one) is the one in which Mr. Lynes begins: "Mr. Eaton had written to two others in Coventry, that you would stand with him; this prevented a requisition, asking you to stand, as it soon got abroad that you are coming, and it is announced in to-day's 'Coventry Standard,' which I send. The committee met at Dr. Lynes' last night, and were all pleased with the announcement. Mr. Alick Rotherham told me, last week, that we could not do better than have Mr. Hill as Mr. Eaton's colleague. I summoned the chairman and managers of the wards at 10 a.m. to-day, and they are all satisfied at the result of your communications with Mr. Eaton, and will commence the canvass to-morrow." Then Mr. Lynes puts this in turned commas: "I explained at the meeting that the canvass must be worked on the voluntary principle, and that any man who promised a voter money for work performed, or any voter who received money for canvassing, &c., and who afterwards voted, subjected himself to be prosecuted for a misdemeanour." That is the end of the turned commas. "They all understand the law, and said their men would work without any promise of fee or reward." Then he goes on to speak about the Irish Church, and so on.

5300. In the whole of that correspondence is there one word adverting to any claim made upon you with reference to the previous election?—Most certainly not.

5301. Then I think you came down here somewhere towards the end of October?—Somewhere about that time. I believe it was one day in August that I agreed to stand for my own county, West Staffordshire. They pressed me very strongly to stand; but afterwards Mr. Smith Child was brought forward, in connection with Mr. Meynell Ingram, and I made up my mind not to stand for Parliament; and I refused that and three other offers to stand for different constituencies; and I went down to Westmoreland, and determined to keep myself entirely free from all election contests.

5302. About the 8th or 9th of October you came here?—Yes.

5303. Had you made inquiries about the result of the new Registration Bill in the particular constituency?—A letter which you will find returned to Mr. Lynes; in one of those letters had told us that there was an increase in the constituency of something like 3,500, and that the improvement in favour of the Conservative registration was 360.

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5304. You

A. S. Hill,
Esq., M.P.

A. S. Hill,
Esq., M.P.

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1869.

5304. You having been beaten by a majority of 280 before?—I looked upon it that the majority, in calculating the matter over in my own mind, of 280 might be fairly put down, and 40 struck off on account of its being a losing election, there being 40 or more who had not voted; and the other 40 was certainly out of the unpopularity of my standing upon the vacant seat of Mr. Jackson. If I had gone to the poll the morning I came down there would have been a majority of 600. The people gradually saw that it was not my petition, or that my party had anything to do with it, but still there was some feeling remaining.

5305. You saw, in your own mind, a clear majority, when you came down?—A clear majority of 150 or 160.

5306. Mr. Seymour was the joint agent, I think, of Mr. Eaton and yourself?—Mr. Seymour was appointed the joint agent for Mr. Eaton and myself.

5307. Had you yourself given him any instructions as to the principles upon which the contest was to be carried on?—They were in the words, as nearly as possible, that Mr. Eaton has already given.

5308. With regard to these Leicester voters, we have heard Mr. Eaton say that his own carriage and servants were sent to Leicester?—Yes.

5309. Did you give any instructions there publicly in the room, before that arrangement was made, and before any one was sent over to Leicester?—I did. I understood that the greater number of the Leicester voters were men who, living in Coventry since the last registration, had obtained work in Leicester, as work was slack in Coventry; and we discussed the carriage going in the manner Mr. Eaton has said. It was on a dull November evening, some time just as it was getting dusk; there being some six or seven persons in our sitting-room, and especially a Mr. Henry Eaton, who was going over upon the matter; I believe the words I used, as nearly as I can recollect them, were these: "Now, we shall not want these men; we are told we can win the election well without them, but as they are promised to come, and the carriage is going for them, let them come." I said this very strongly, and I saw the people were absolutely impressed with the words I was saying. I said, "Do not let them be taken up at a public-house, or be put down at a public-house, or call at a public-house, if you can help it, on the way; and, above all, let them be left behind sooner than they should have one single shilling."

5310. What majority did your canvass books show at that time?—I was told on the Sunday night, the nomination being on the Monday and the polling on the Tuesday, that our return showed a majority of 161.

5311. There was no central committee-room, we hear?—No. The room at the "King's Head" is divided into two parts, one being the public room and the other our own private sitting-room. To that public room, of course, persons went who required to be seen on any matters connected with the election; but there was no committee-room, so far as I know, and, in fact, I know that there was not. When Mr. Eaton and I first came down we said that the great expense of the country elections had been all (I believe I may use the word, and I used it then) fuddling at public-houses, and we would not have it, and we never held one single meeting at a public-house; Mr.

Eaton and I never went near a public-house, except those three instances of the outlying parishes, Radford, Willenhall, and Whitley, where we had to go sometimes about eight or nine o'clock in the evening, having no other way of seeing the voters. It would have taken nearly a week to have canvassed them without doing so, and our only opportunity of meeting them was by meeting them at those public-houses which have been mentioned. At two out of those three public-houses, at Radford, Willenhall, and Whitley, there certainly was not a glass, so far as I remember, in the room; and at the other one we adjourned from the little room where we were, in which, if I remember right, there were some five or six men sitting, drinking, and smoking their pipes, simply because the number could not be accommodated in the first room that we went into.

5312. At either of those three public houses did you or your colleague sanction any drinking or treating?—Certainly not; we each of us made a short speech, just a word or two, to each of the voters, who seemed to expect it, and came off. In one instance it lasted about 10 minutes, and in one, I think, a few minutes more.

5313. You heard that woman, yesterday, Mrs. Jane Barton, say that you canvassed her husband, and that he said he could not afford to lose his time. Did you yourself say to her what she said, that you said that she should be seen to, and that she need not put herself about, or words to that effect?—I never, to any person in Coventry, said anything of that sort. I do not pretend to recollect the woman; I have some little sort of dreamy recollection of the woman's face, but I certainly never said anything of that kind, or anything to that effect, to any person in Coventry.

5314. In the course of your canvass, of course you were accompanied from time to time by different people to show you the places?—Yes.

5315. Had either of the persons who so accompanied you on your canvass authority to approach any of the voters improperly?—Most distinctly not.

5316. On the contrary, had you given them any directions at all as to what they were to do?—It was repeated so often, that I think they could scarcely have failed to have heard it. I do not mean to say that I gave directions to each of them.

5317. Were you aware of, or did you at all sanction or approve, any improper or illegal approach of the voters?—I certainly did not.

5318. Nor were you aware of it in any way?—Certainly not.

5319. After the election we know that this petition was presented?—Yes.

5320. Shortly after the petition was presented, was there a statement put forward about your retirement?—The petition was kept a secret from us, so that we did not know that it was going to be presented, and the first intimation I had of it was, in a Monday's "Times," in which I saw, accompanied with a notice, that there was a petition; these words, "We understand that the sitting Members are about to retire." That was the first intimation that I had of the petition.

5321. Was it after that, or was it in any way due to that, that you came down and held a public meeting here?—Most distinctly it was after that, and upon that, and as far as the speech which Mr. James has quoted is concerned, I may say that

that I certainly did not intend to suborn anybody to commit perjury or to do anything of the sort. I have the speech as I read it in the "Standard," and I should like it to be handed in to my Lord: It contains those words which Mr. James quoted, but it contains other words before them, which are not in the report which he quoted.

5322. Then it was to show your determination to assert your right?—Yes.

Cross-examined by Mr. Henry James.

5323. As to the speech I read to you, I understand those words were used by you, but with a context you say?—If you will read them to me, I will find them in this paragraph which I read at the time, and which I know is a careful report of my speech.

5324. Let me read to you this passage towards the end of your speech. "Suppose that the elder vilifier of his native town" (that is Mr. Carter), "and the younger one who trod in the slimy trail" (that is Mr. Jackson), "succeeded in bringing down a Commission to inquire into the whole affair, what would probably be the result? Why, that they would probably have Coventry reported against. No doubt they would be glad to see their foul, contemptible, disgraceful jealousy appeased by Coventry being disfranchised."—I think this is much more nearly a correct report of what I said. The whole passage is, "Now I would ask what could be the result, supposing for one moment, which I don't believe, that they could unseat us, what would they gain? (Hear hear). Do you think you would not have in our places two far better men, perhaps only equally Conservative as Mr. Eaton and myself? (cries of 'No, there can't be better,' and cheers). Do you think that you would allow, that Coventry would allow, the seats vacated by Mr. Eaton and myself to be filled by Carter and Jackson, or their nominees? (tremendous cries of 'No, no'); but suppose they were to go further than that, supposing they were to get a further inquiry, and were to succeed in bringing down a commission of inquiry? Why, if Coventry was reported against, they would be glad to see it." Then came the words "Their foul, contemptible, disgraceful jealousy would be appeased by Coventry being disfranchised (prolonged groans). That is what they aim at; that is what they seek; and I ask, with no voice to represent your interests in Parliament, would it not be the last blow for the old city of Coventry? (loud cries of hear hear). One of these things must take place; either Mr. Eaton and I will come out unscathed by the petition, or some other two Conservatives will mount into our seats, or Coventry will cease to return Members to Parliament. These are the three things which may result from this petition; one of them they must have, and I believe, in their mean, contemptible jealousy, they don't care if they have the last." That is the whole passage; it is the speech of a rather angry person I admit.

5325. That says nothing about the "elder vilifier," or the "slimy trail"?—I believe there was something about that.

5326. Can you at all tell us now how those words were left out of that paper; did you correct the proof?—I saw the proof myself, but I did not correct it; I do not remember that I cut those words out, but I should have been very sorry that they should be printed if I had used them.

275.

5327. Mr. Eaton has mentioned that you contemplated at one time being a candidate for a division of your native county?—I did.

5328. When was that intention given up?—I can give you the date if you will let me send for my despatch box, because I have my announcement, which appeared in all the papers, withdrawing from the contest. It was shortly before the end of the circuit, I should think, in all probability, and therefore about the end of the last week in August.

5329. About the 30th of August?—I should think about then, but I have my farewell address.

5330. May I take this as being to some extent the result that you were requested and pressed both by gentlemen of this town, who entertain Conservative views in politics, and also by persons elsewhere, to become a candidate here?—Most certainly.

5331. And for a time you refused?—I did, till the 8th of October.

5332. On the ground that at that time you did not contemplate that your chance was so successful as it turned out to be?—No, that had nothing to do with it; I did not consider the chances.

5333. Speaking as to your probability of success, and as to the money you had spent here, did you not on those grounds decline?—I put forward those grounds to the person to whom that letter was written, who seemed to think that one must give something more than private reasons; but you will find that the private reasons are put as the primary reasons. I am quite willing to be judged entirely by the letter; it represents entirely the case as I put it.

5334. As to those objections, as regards your chances of success, you began to see that they would be better; I suppose, when the registration took place, you found, on inquiry, that you had a good chance of success?—Yes.

5335. And was not, also, another reason that you put forward here removed; namely, the expenditure?—Certainly; you will find, I think, from the letter, that that was so.

5336. Without mentioning the names of third persons, you were put in communication with Mr. Eaton, and the result was, the letter of October the 14th?—I was always, I suppose, almost every day of the week, in communication with the third person to whom you allude at that time, but I had two telegrams to ask me to come down to Coventry, which I did not answer.

5337. The result was that the letter of the 14th of October removed one of the objections you had taken to coming here?—It made me consent to stand.

5338. The terms contained in that letter made you consent to stand?—It was upon that letter that I consented to stand. I never spoke to anybody about it, and therefore the letters exactly represent what took place.

5339. I am not saying it in flattery, and you will perceive that there is a substantial reason for my saying it; probably you will admit or agree that your standing with Mr. Eaton was of some assistance and benefit to him?—I do not know that it was, further than that he had a man to stand with him who, like himself, had already contested the city; I will not say an eloquent, but an experienced gentleman. He might have found a more eloquent and experienced gentleman a great deal.

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5340. Did

A. S. Hill,
Esq., M.P.

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5340. Did you not render to Mr. Eaton assistance during the course of the election, particularly at the public meetings?—I worked as well as I could, both for Mr. Eaton and myself.

5341. And spoke?—My speeches you have referred to.

5342. You did not always, I suppose, refer to "slimy trials," and things of that description?—Not always.

5343. But you stated things as forcibly as you could, both on behalf of Mr. Eaton and yourself?—Mr. Eaton stated his own, I believe; Mr. Eaton stated his views; I never spoke without Mr. Eaton speaking also.

5344. Do you remember the fourth article of the treaty?—I have not read the letter for some time.

5345. You will find what it is (*handing a paper to Witness*) as to loyalty and truth; it is in Mr. Gray's letter; that was fully carried out, and he assisted you and you assisted him in your contest, to the best of your ability?—Yes; it is not a thing that I could call carrying out, but I hope we were both of us loyal and true to each other.

5346. I dare say when you canvassed you asked a voter to vote for Mr. Eaton rather than for yourself, and Mr. Eaton conversely did the same?—I believe we both did more than that; I believe we said, "We do not care about having the vote if you do not vote for both of us."

5347. I was going to say, working like brothers; perhaps you would not object to my saying, like Siamese twins. You published your election expenses in March 1868?—That has really gone out of my mind, and I have very little recollection about it.

5348. Could you tell me this (I am sure if you can you will tell me): was that sum of 800*l.*, or whatever it was, paid in excess of the published expenses?—I do not think that I ever saw the published expenses; I do not believe that I ever saw them.

5349. Would Mr. Alick Rotherham, as he is termed, or anybody else, know what that 800*l.* that you paid represented?—I do not know. If you ask me what I believe it represented, I can tell you; it is my belief that it went to pay a number of public-house bills, and it was that that made us so strong that we would not have any public-houses open; I believe, myself, that it went mostly, if not all, in public-house bills.

5350. Which would of course be unpublished expenses?—I suppose they were, but that I cannot tell you; it made one determine never to have a public-house opened again, or a shilling spent in that way in the election.

5351. Mr. Justice *Willes*.] Did you authorise those public-houses being opened?—No; I was not asked for it till three weeks were over, then I was asked, as a man of honour, to pay it, and I paid it. It was a lesson to me which I shall not forget. I had no doubt that the money had been paid, and therefore I repaid it to the gentleman who had paid it.

5352. Mr. *Henry James*.] Perhaps it is but due to you to say, that your payment of that money, as you have stated to-day (and I assure you I accept it from you), had nothing to do with your coming down to the election on the present occasion?—Not in the least; it was not until I saw that fourth paragraph in the petition that my mind was ever turned to that; then I asked for particulars, and you gave me the names of the

directors of the bank, which very much helped me.

5353. Is Mr. Gray a member of the bar?—Nominally so; he has been called to the bar.

5354. He was acting as your friend. Will you give your explanation why Mr. Gray should, on the 27th or 28th of October, pay that sum of 600*l.* into the bank?—Yes, I have no doubt as to what was the reason; Mr. Gray thought that if it appeared that Mr. Eaton was bearing the expenses of this election it would place me in not so good a position, and that, therefore, as even banking matters do ooze out, it would be better to place 500*l.* to Mr. Eaton, and 600*l.* to me; I have no doubt that was the reason, although I cannot say that I absolutely know it.

5355. Mr. Gray found the money himself, and none of it came from you?—None of it came from me; I believe he gave his cheque on the Bank of England for it; but I have since heard that Mr. Eaton recouped him within three hours afterwards.

5356. Then the treaty of the 14th of October was in the first instance a secret one, and this payment was made in that shape to maintain the secrecy of it?—It was as between two gentlemen; it was not to be made public.

5357. Then was not the object of Mr. Gray's payment into the bank to keep those terms secret?—It was with the object that I have told you.

5358. With the object that it might not be known?—With the object that I have told you.

5359. Was it not with the object that the directors and gentlemen of the bank, who were well known in this town, should not know that Mr. Eaton was paying in the whole amount?—I have no doubt about it.

5360. And you did not object to what Mr. Gray had done?—I did not know of it.

5361. But afterwards?—I believe I did not know it till Mr. Eaton gave his cheque, and I am not quite sure whether I ever knew it till afterwards. Mr. Gray was acting for me at the time (he was not afterwards), just that day, and the next day, and then he left.

5362. Did you afterwards take any share at all in looking at the election accounts, or were they submitted to you, as you had not quite so material an interest in them as Mr. Eaton. Did you at all investigate them?—In this November election?

5363. In this November election?—No.

5364. Mr. Seymour did not submit them to you?—No; Mr. Seymour, I think, one day in my chambers, whilst talking about the petition, produced the accounts, and I believe I looked over them, but I was not consulted upon them.

5365. It would not be called to your attention that there were not vouchers to any account?—Vouchers were not there; I knew nothing about vouchers.

5366. You are not certain whether they represent the amount paid, or an amount of indebtedness?—Not at all; I did not ask Mr. Eaton whether he had given a cheque for the balance.

5367. You knew that there were voters both at Leicester, London, Birmingham, and other places, I presume?—I don't think I knew of any London voters, except, I think, I once heard of some man being in London, but I had no clear knowledge of their being any London voters.

5368. But you knew there were out-voters at other places besides Leicester, I presume?—I had

had seen in Mr. Jackson's petition that there were out-voters at Birmingham; but I apprehended that as the registration was taking a month, the number of out-voters must be very small.

5369. It was an election upon the new register?—An election upon the new register.

5370. Was Leicester the only place that was brought to your knowledge at all that voters were to be brought from?—I believe it was.

5371. You had in your election, of March 1868, polled the non-resident voters?—I had polled some Birmingham non-resident voters.

5372. Only those?—I only knew those myself, but I know a friend of mine brought them over in his carriage.

5373. May I ask you from whom came the suggestion that the Leicester voters should be polled?—I cannot tell you; I do not think there was ever any question about it; I cannot tell you.

5374. You do not recollect when it was first mentioned to you?—I do not remember any doubt ever being thrown upon the subject. Having been counsel in the Horsham case, and having argued against such votes when the Committee decided that those votes were good, I did not think any more about non-residents.

5375. My learned friend, Mr. Huddleston, said the Horsham case was an old chest of drawers?—I will tell you the exact Horsham case, because I remember it as well as I remember anything. The wife had set up a shop in Brighton; that was the case. It is reported in one of the "Jurists"; the Horsham case is badly reported, but the facts of it were——

Mr. Justice Willes said that it was not necessary to go into this case.

5376. Mr. Henry James (to the Witness).] Was the number of Leicester voters mentioned to you?—About 20.

5377. Did you know who went over to canvass them?—I did not know anything at all about the Leicester voters until what I have told you took place upon the evening of the nomination, when Mr. Henry Eaton went over to meet his father's carriage.

5378. Did you know that a communication had been made to Mr. Burroughs?—I never heard the name.

5379. All that was more in your agent's knowledge?—We had nothing to do with the details of the election, Mr. Eaton and myself, nothing at all.

5380. To whom was left the arrangements, such for instance as dividing the city into wards, and the ward managers?—I suppose it had been divided in that way for any length of time; always.

5381. Did that previously exist?—I believe there was a small alteration this time in consequence of Stoke having been annexed to the Parliamentary borough, but with that exception that division was the same as it had been always.

5382. Who had the election of the ward managers?—That was amongst the voters themselves, I believe, but I do not know.

5383. You did not appoint them, but you were willing to obtain the advantages derived from the services of those ward managers?—Certainly.

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5384. When did you open your district committee-rooms?—I never saw a district committee-room until the polling day. I do not think there was any district committee at all; I knew nothing at all about them. I should think the ward managers would be the only persons from whom you would get any information upon the subject.

Re-examined by Mr. Huddleston.

5385. You had nothing whatever to do with the appointment of ward managers?—Nothing at all.

5386. As I understand, at the public meetings which you and Mr. Eaton attended, Mr. Eaton always spoke as well as yourself?—Always; I think hespoke quite as well as I did; he spoke more to the purpose very often.

5387. I think you say that you learned that this 800 *l.* had been expended; I believe at first you resisted the payment?—Yes.

5388. Then afterwards it was put as a question of honour, and you paid it?—I did.

5389. And when you paid that, was there the most remote notion in your mind of ever standing for Coventry again?—I had made up my mind that I never would, under any circumstances, stand for Coventry again at that time.

5390. And you paid the money, and had done with it?—Yes.

5391. Mr. Eaton had nothing at all to do with that?—No.

5392. My learned friend asked you this question; from whom the suggestion came about the Leicester voters. I suppose you could not tell me who spoke to you about any portion of the 3,761 voters?—We were canvassing the whole of the day.

5393. You were canvassing 7,000 voters?—Yes.

5394. But as soon as you heard of the Leicester voters you gave those directions, of which you have told us?—Certainly.

5395. And as far as you know, not one single sixpence, or a halfpenny, was given to those men?—Most certainly. If it was, it was against our express orders.

5396. You had no reason to believe that it was?—I had no reason to believe that it was.

5397. Mr. Henry James.] You say you have the counterfoil of that cheque to fix the date of that payment?—I have; I am quite sure now that it is the 7th of July; I have reason for remembering the day.

5398. Mr. Justice Willes.] You say that you made up your mind not to stand for Coventry again; when did you re-open the subject with yourself, and think of standing for Coventry?—On the 8th of October.

5399. Was that the first letter of the correspondence?—Perhaps your Lordship will allow me to refer to it, so as to feel quite sure (*after having referred to the letter*); I find a letter from Dr. Synes, of Coventry, to me, dated the 8th of October 1868, in which he says, "We are all very glad to hear that you are willing to try your fortune once again." These letters will show all the dates, and everything; the whole story.

[The Witness withdrew.

A. S. Hill,
Esq., M.P.
18 February
1869.

HENRY WILLIAM EATON, Esq., M.P., recalled; and further Examined.

H. W. Eaton, 5400. Mr. Justice *Willes*.] WHEN did you
Esq., M.P. hear of the 800 *l.* being due, which has been
referred to now?—I should think two or three
18 February weeks after the election.
1869.

5401. You do not refer to anything that you have heard in connection with the election of November?—Oh, no; this 800 *l.* has reference to Mr. Hill's election in March.

5402. Was anybody else brought forward before Mr. Hill consented to stand?—No one.

5403. When were you first in communication

with him, or Mr. Gray, as to his standing with you?—I was always pressing Mr. Hill, since his defeat, to stand with me.

5404. There might probably be a desire or expectation that he should stand, but I speak of a communication with him to join forces with you?—It must have been in October.

[The Witness withdrew.

[Adjourned to To-morrow, at Ten o'clock.

Friday, 19th February 1869.

BERRY and Another	-	-	-	-	-	Petitioners.
EATON and HILL	-	-	-	-	-	Respondents.

Mr. *Huddleston* stated that Mr. James had furnished him with a copy of the Report of the Proceedings on the Petition in respect of the last Coventry Election, and he did not find any mention of a deputation to Mr. Jackson. 19 February 1869.

Mr. ARTHUR SEYMOUR, sworn; Examined by Mr. *Huddleston*.

5405. YOU are a Solicitor, practising in this city?—I am.

5406. And you were appointed the paid agent of Mr. Eaton and Mr. Hill?—Yes, I was.

5407. I believe there was no other paid professional agent, except yourself?—There was no other professional gentleman engaged.

5408. And no other paid agent?—And no other paid agent.

5409. You, I believe, had the principal management of the election?—I had.

5410. Did you give strict orders to all who were engaged in it that there should be no corrupt practice of any kind whatever?—I did.

5411. Strict orders?—I did.

5412. You had received those instructions from Mr. Eaton and Mr. Hill?—I had, and I endeavoured to carry them out, both in accordance with their orders and my own feelings.

5413. Are you aware of any corrupt practice whatever having been adopted during the election?—I neither know of nor have sanctioned any corrupt practice of any kind.

5414. The working of the election, we learnt last night, was principally done by the electors themselves?—It was carried on through the medium of the ward managers, those ward managers being elected by the Registration Association, and forming a committee of the Registration Association.

5415. Mr. Justice *Willes*.] That is the Conservative Registration Association?—Yes.

5416. Mr. *Huddleston*.] Not the Conservative Constitutional Association?—No, it is a local association altogether.

5417. Mr. Justice *Willes*.] Not any central body, not any London body?—No, it is a local association; a Conservative association.

5418. Mr. *Huddleston*.] That is in each ward, is it?—There are ward managers appointed for each ward, elected by the association.

5419. And the persons forming the association are voters in each ward?—Yes; I should think that as a rule they all are.

5420. Neither the candidates nor yourself had any voice in the election of these ward managers?—Certainly not.

5421. I promised my learned friend yesterday that you would give the names of the ward managers; have you got them?—They were being copied out when I left.

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Mr. Justice *Willes*.] I should like at the same time the names of the committees. I do not know whether any of those agents were on the committees.

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5422. Mr. *Huddleston*.] Were there any committees?—I do not know of any.

5423. Mr. Justice *Willes*.] On either side?—On either side.

5424. Mr. *Huddleston*.] As I understand, the ward managers, with the assistance of volunteers, worked the thing in their own districts?—The ward managers volunteered to canvass and get up the voters in their respective wards, and of course they obtained the assistance of any volunteers they could enlist.

5425. There was no central body?—No, there was not.

5426. Mr. Neale was the agent for election expenses, was not he?—Yes.

5427. He is a gentleman who lives in the neighbourhood of Coventry?—Yes, he is a gentleman farming his own land in the neighbourhood of Coventry.

5428. My Lord wished to have the pass-book, have you got it?—

Mr. Justice *Willes*.] I do not want it now.

5429. Mr. *Huddleston*.] There are one or two items which my learned friend drew my attention to, I do not say complained of; one was a sum of 505*l.* in the election accounts, and my learned friend suggested that there were no vouchers for that; what was that 505*l.*, and how came you to put it in a lump in the election accounts?—Until after the election I knew nothing of the election accounts at all, nor of the amount of the expenditure. I knew simply that Mr. Neale had been appointed agent for election expenses, and that Mr. John Blundell, the accountant, in Coventry, was acting as his deputy and clerk. After the petition had been lodged, I immediately applied to Mr. Blundell for an account of the expenditure, and he furnished me with a rough statement. At the time when the accounts had to be rendered in accordance with the Act of Parliament, Mr. Blundell was ill, having rheumatic fever and in a very critical state, and I was not able to have access to him (he has hardly recovered from it since), and I was

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obliged, in order to save Mr. Neale from any penalty, to make out the account as best I could from the rough statement Mr. which Blundell had furnished me with.

5430. That was, to do it within the two months?—Yes, to send it in two months.

5431. You are in a condition to give full explanation of the whole of these sums?—I cannot give you an explanation of them, because I know nothing about the expenditure of them; they were ready-money payments, as I understood, for working the election in the different wards; it is an ordinary item.

5432. Posting, and bills, and committee rooms?—Delivering circulars and addressing cards, and so on; part of that work was done by myself, by my own clerks, and part in the ward.

5433. I will take you to the Leicester case; I believe you have yourself practised in the Registration Court before the revising barrister?—Yes; I have attended the Registration Court for the last three or four years on behalf of the Conservatives.

5434. And frequently there have come before you cases of questions arising out of residence?—They constantly arise; perhaps I may give you a little explanation as to the difficulty we are placed in with regard to the out-voters; similar trades are carried on at Leicester, Coventry, Derby, and Nottingham; at least trades which the weavers of Coventry readily adapt themselves to. Since the distress has been great in Coventry, a great many weavers have been out of employment, and they have gone from Coventry to Leicester, Derby, and Nottingham, and watch-makers have gone to Birmingham for employment; but in many cases leaving either their wives or goods, or something behind them, intending to return. The great question has been in the Registration Courts, as to whether—

Mr. Justice Willes.] I must not go into this; I quite know the practice as to this from the information of a gentleman of great experience, Mr. Dowdeswell; I cannot take evidence as to law.

Mr. Huddleston.] I am not suggesting that for a moment; if at any moment your Lordship thinks no explanation is required, I will stop at once.

Mr. Justice Willes.] With respect to all this, I am perfectly aware of it; I have the clearest opinion upon the 79th section; and I ought to tell you what I think of it as you have raised the point; no amount of practice can alter the law.

Mr. Huddleston.] I am not doing it for the purpose of suggesting any interference with your Lordship's discretion, but to show the state of Mr. Seymour's mind in sanctioning voters coming from Leicester.

Mr. Justice Willes.] The case you have to deal with is the case of voters going away after the 31st of July, being known to have gone away after the 31st of July, and being known to have no right to vote, yet being sent for a great distance to come up to poll.

5435. Mr. Huddleston.] I will put that at once. (To the Witness.) Would you have sanctioned the bringing of any voter from a distance if you had known that he had abandoned his residence

in Coventry?—No; there was no means of ascertaining that either.

5436. With reference to the Leicester voters, do you remember at any time seeing a telegram from a person of the name, I think, of Freeman?—No; I do not remember.

5437. A telegram of the 14th of November: "Twenty-five, or more coming; send a register by last train to-night, in care of guard; I will meet him"?—I cannot positively say whether I saw that telegram or not; I might have seen it on the Sunday evening previous to the election.

5438. Did you receive a letter from Mr. Burrows at any time?—I received a letter from Mr. Burrows, of Leicester, on Monday morning.

5439. Do you know what has become of that letter?—I believe I gave it to Mr. Henry Eaton, it having Burrows' address on the top of it; Mr. Henry Eaton went on the Monday to make arrangements at Leicester.

5440. What became of it?—I gave it to Mr. Henry Eaton.

5441. Mr. Justice Willes.] Young Mr. Eaton?—Yes.

5442. Mr. Huddleston.] What were the contents of that letter you had from Burrows; what was the purport of it?—To tell me that there were 20 or 25 Coventry voters residing in Leicester who were anxious to come over and vote for the Conservative candidates, and he wished to know whether any means of conveyance could be provided for them; I believe the letter finished up with "Please telegraph, as there will not be time to write."

5443. You received that on Monday morning?—Yes.

5444. I believe you sent these two telegrams; one is, "We are sending over to-day a friend; will call upon you in the afternoon"?—Yes; that was the first telegram.

5445. And then the next is, "Friend coming by 3.50 train from here"?—Yes; those telegrams were sent from me to Burrows.

5446. The friend mentioned here was Mr. Henry Eaton?—Yes.

5447. You did not send a register by the guard?—No; the register was sent by Mr. Henry Eaton.

5448. Did you give Mr. Henry Eaton Mr. Burrows' letter?—I did.

5449. I believe you knew that Mr. Eaton's carriage was to be at Leicester?—Yes; I understood so, from Mr. Eaton himself.

Mr. Justice Willes.] I do not think Mr. Eaton has mentioned what sort of carriage it was.

Mr. Eaton.] It was an omnibus.

Mr. Huddleston.] Was it an open omnibus?

Mr. Eaton.] An omnibus or a break.

5450. Mr. Huddleston (to the Witness).] Did you give any directions to Mr. Eaton to give to Mr. Burrows, with reference to the conveyance, or refreshment, or the payment of voters?—Yes; I gave—

5451. Mr. James.] By whom were the directions given?—I was going to explain; those instructions were given in Mr. Eaton's and Mr. Hill's private room, in Mr. Eaton's and Mr. Hill's presence.

5452. Mr. Huddleston.] What were they?—That the voters were to be brought over in a van,

van, they were not to be provided with any refreshments; they were not to meet at any public-house, and they were told that they would receive nothing for their expenses, or for loss of time; we could simply provide for their conveyance; we did the best for them we could.

5453. Did you tell Mr. Eaton to communicate that to Mr. Burrows?—I asked him to do so.

5454. Henry Eaton went over, we understand, on the Monday; on the Tuesday did you give any directions to any person to meet those voters when they came over?—I did.

5455. Who was it?—Mr. Arthur Seager; I met Mr. Arthur Seager in the King's Head-yard in the morning of the polling-day, and I told him that there were a number of voters coming from Leicester, and that I wanted somebody to go up and meet them; Mr. Seager said he would go, and the voting cards were made out for him, which he took with him.

5456. What directions did you give to Mr. Seager?—I gave him very special instructions indeed to tell the men that they could have no refreshments in Coventry; that they could not be paid for loss of time or expenses, and that they had better get back as quickly as they could.

5457. That gentleman is Mr. Seager, to whom you gave the directions?—It is.

5458. We understand that those men came and polled?—I may also tell you in reference to Mr. Seager, that I also requested Mr. Seager to go round to the different wards to tell the ward managers in the ward-rooms that those voters were expected; and I also gave him a list of the voters in each ward; and I especially instructed him to tell the ward managers that they were not to give those voters any refreshments of any kind, and that they were not to pay them for their loss of time, or for their expenses.

5459. One thing, perhaps, for his Lordship's satisfaction here; those different voters, that came over from Leicester, would belong to different wards, and would vote in different wards?—Yes.

5460. Had you any knowledge whatever of any refreshments, or any money being given to anyone of those voters?—Certainly not.

5461. Or any voter?—Or any voter.

5462. We heard two different accounts given by a man of the name of Clark, and another of the name of Denny, of their having come to your office after the election; I forget what day they said?—It was the Friday; I have a very distinct recollection indeed of the two men coming over, particularly Clark, because his appearance impressed itself on my mind.

5463. You did not know anything of him before?—I had never seen either of them before they came to my office, and represented themselves as being Leicester voters.

5464. Coventry voters from Leicester?—Coventry voters from Leicester; they expressed themselves as being particularly aggrieved that they had not received anything for their expenses, and asked me to pay them; I treated them rather curtly; I believe I told them they had come on a fool's errand, and ought to have known better than to come over, as they must know we could not pay them anything for their loss of time and expenses, and that they had better get back again as quickly as they could. I remember Clark's remarks; He said, "I shall stay until I get something." I told him he might

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stay as long as he liked, but he certainly would not get anything from me, or anybody else.

5465. You saw both Clark and Denny?—Both Clark and Denny came into my office at the same time.

5466. We heard of a person of the name of Moore who was said to have given some money to a London voter?—I do not know any such man; I never met him during the progress of the election.

5467. Do you know anything of him?—I do not; I never heard of his name until it was mentioned in the case the other day.

5468. Mr. Justice *Willes*.] Was he a ward manager?—No, certainly not.

5469. Mr. *Huddleston*.] Until his name was mentioned, had you any knowledge or acquaintance with that man?—Not at all.

5470. Had he any authority from you to pay it, or have you paid it, or sanctioned it, or anything of the sort?—Certainly not.

5471. Or ever heard of it?—Or ever heard of it.

5472. We had a man of the name of Hollins; was Hollins a ward manager?—I know Hollins, but he was not a ward manager.

5473. And he had no authority from you to give anything?—Certainly not.

5474. There was a person of the name of Herbert Jackson; had Herbert Jackson any authority from you to do anything?—No.

5475. He was not a ward manager?—No.

5476. Nor a voter?—No, I do not think Jackson is a voter; I know him by sight, but I do not think I ever spoke to him until the last few days.

Cross-examined by Mr. *James*.

5477. Were you the agent to Mr. Hill in his election of 1868?—I was.

5478. Who was the agent for election expenses then?—Mr. Neale, the same gentleman who was agent for election expenses at the last election.

5479. Mr. Neale, I understand you, is a farmer?—Yes.

5480. Is he a voter?—No.

5481. How far does he live from this city?—I think about four miles; three or four miles.

5482. Did he take any part in the election?—I saw him constantly; he was at all our meetings.

5483. What is the particular qualification of this gentleman who is a farmer, as agent for election expenses?—I do not know; I did not appoint him myself.

5484. Who did?—Mr. Hill and Mr. Eaton, I believe, on the recommendation of Mr. Lynes.

5485. Do you know whether he has any peculiar aptitude for the business?—I only know him as a casual acquaintance.

5486. And an agriculturist?—Yes.

5487. Do you know he has a son who is an articled clerk in Mr. Dews's office?—Yes.

5488. You had nothing to do with preparing the accounts of the election of 1868?—I really cannot tell you; I do not think I had; Mr. Blundell was then engaged in a similar capacity for Mr. Neale. I think he prepared the accounts, but I would not positively swear that; I might have assisted him perhaps.

5489. In what way does Mr. Blundell assist

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Mr. Neville?—I can only tell you that from what Mr. Blundell has told me, that he has received money from Mr. Neale, cheques, and that he has paid them away for him for the purposes of the election.

5490. Do you mean during the election?—During the election.

5491. What is Mr. Blundell?—Mr. Blundell is an accountant and registrar of births, deaths, and marriages.

5492. How many wards are there?—There are 11 wards and country parishes. I cannot tell you how many country parishes there are; some 24 I should think.

5493. Were those country parishes in any way grouped, or did they have a separate organization?—They had a separate organization in each parish.

5494. What was the organization in each parish as to conducting the election?—I cannot tell you very much about that, but I received information from gentlemen who conducted the canvass of the voters in the country parishes; they were not appointed by myself; I can hardly tell you how they were appointed, but they had been gentlemen who had assisted us in elections some years past.

5495. Were there committees formed in those parishes?—I think not; not in any of them.

5496. Were there parish managers, or anything of that kind?—There might be a manager in such large parishes as Foleshill.

5497. Have you had any accounts returned to you by those managers?—No.

5498. Who would have them?—Mr. Blundell.

5499. Is Mr. Blundell in Coventry?—Yes.

5500. You spoke of his being unwell; is he about?—He is well enough to come into court, if sent for.

5501. As to the wards within the city; when was it those ward managers were appointed?—The majority of them were elected, at least many of them, some years ago, when the Registration Association was first formed. Changes have taken place from time to time. Old ward managers have retired and new ones have been appointed in their stead, but I cannot give the dates when the appointments were made.

5502. Who appoints them?—They are appointed, I believe, at the annual meeting of the association.

5503. Is that the Registration Association?—The Conservative Registration Association; it is an association which was formed in 1863, I believe, to the best of my recollection.

5504. Is it maintained by subscription?—Yes.

5505. Does Mr. Eaton subscribe to it?—I cannot tell you; yes, I believe he does.

5506. Probably he does, I should think?—Most probably.

5507. With reference to the conduct of the election, had you any chairman of a committee?—No.

5508. There was no committee of any kind except those ward managers?—There was not; the working of the election was conducted by them, they having volunteered their services.

5509. We have heard of the ward manager and the deputy manager; were there two such persons in each ward?—It would depend upon the size of the ward; in the larger wards there would be a deputy.

4510. Did they call people together and assist in the election on the part of Mr. Eaton and Mr. Hill?—I cannot tell you the system adopted; they had meetings amongst themselves.

5511. In what room?—At the "Golden Cross."

5512. Did all the wards meet at the "Golden Cross"?—No; the managers would meet at the "Golden Cross."

5513. The managers of all the wards?—Yes.

5514. Who pays for the room at the "Golden Cross"?—It is charged in the account for election expenses.

5515. How soon did these meetings commence before the election?—That I cannot tell you. I was appointed on the 5th of November, and the canvassing of the electors had then been commenced some little time.

5516. Had the meetings at the "Golden Cross" commenced?—Yes, I know they had; at least I had circulars of meetings; I did not attend them myself.

5517. Were there any rooms at all taken in each ward?—I think there were rooms taken late in the election; and there would be rooms occupied in the evening most likely when the canvassers came to bring in their reports to the ward manager.

5518. When were these rooms taken?—I cannot tell you.

5519. Were they taken when you came on the field on the 5th November?—I cannot tell you.

5520. Who could tell?—The ward managers themselves.

5521. To whose discretion was it left to engage rooms?—To the ward managers.

5522. Who paid for the rooms?—The rooms would be paid for by the ward managers.

5523. And who would pay the ward managers?—Mr. Blundell.

5524. On the part of Messrs. Eaton and Hill?—Yes.

5525. They had discretion given them to take the rooms, and therefore, to that extent conducted the election in their wards?—They had a discretion to this extent; it was quite understood and arranged that we were to have no meetings at public-houses.

5526. You used the term, "The canvassers would bring in their reports;" were there canvassers canvassing for Mr. Eaton and Mr. Hill who would report to the ward managers?—The work could not possibly be done in the large wards without the assistance of canvassers.

5527. Tell me if it was so; were there canvassers out on behalf of Eaton and Hill assisting in obtaining votes for them?—Certainly.

5528. Did those canvassers receive canvassing books, or registers with the names of the voters?—I should say they would do so, but I do not know that they did.

5529. Would those canvassers return the results of their canvass to the different ward managers?—They must have done so.

5530. After the 5th of November, the results would be brought to some extent under your notice, by the ward managers returning to headquarters?—Yes; the ward managers made a general report to headquarters.

5531. To whom?—Partly to myself, and partly to Mr. John Ratcliffe, who assisted me in taking the returns.

5532. Of

5532. Of course I pay you no compliment when I say you intended these accounts truly to represent the expenses of Messrs. Eaton and Hill at the last election?—Certainly.

5533. How much of the sum of 1,400*l.* which is returned has been paid?—Between 800*l.* and 900*l.*; I cannot tell you the exact amount; I think it is 870*l.*, or something like that. I beg pardon, it is more than that now, because there is 187*l.* which has been paid since.

5534. There was a sum mentioned by Mr. Eaton yesterday, of 187*l.*?—Yes.

5535. That has been paid since these accounts were rendered?—Yes.

5536. The 187*l.* is included in the account?—Yes.

5537. We will take one item of 505*l.* as a test; can you give me any account of how much was paid for hire of rooms for canvassers, for instance, out of that 505*l.*?—I can only give you this information: Mr. Blundell supplied me, in this rough statement which I have already referred to, with the total amount expended in the different wards, and with the amount paid to each chairman; those amounts I cannot, of course, carry in my head.

5538. You can carry them in your hand by giving me the rough accounts?—I have not it.

5539. Where is it?—Mr. Blundell has it.

5540. Where is Mr. Blundell?—

Mr. *Huddleston*.] I will send for Mr. Blundell.

5541. Mr. *James*.] Did you return it to Mr. Blundell?—Yes.

5542. Did you have any vouchers from Mr. Blundell beyond those rough accounts?—Yes; I had the vouchers which I handed in to the town clerk.

5543. No others?—No others.

5544. Had you any vouchers given you of the sum of 505*l.*?—No.

5545. Did you ask for any?—I have not asked for any, for the reason I have given you; I could not apply to Mr. Blundell at the time the return had to be made.

5546. You got some return from him at the time the return had to be made, so as to make up the 505*l.*?—Yes.

5547. At that time he was well enough to see you?—Yes.

5548. When you could see him, why did not you ask him for the vouchers?—They were ready-money payments, which I considered would not be vouched.

5549. Were they ready-money payments without receipts; for instance, for the hire of rooms was there no receipt?—There would be receipts for that.

5550. Did you get them?—No.

5551. Did you ask for them?—No.

5552. Why did not you ask for them?—I do not know why I did not; I took the vouchers Mr. Blundell gave me.

5553. Did you know, at the time you were rendering those accounts, that at the previous March election a sum of 800*l.* had been left unpaid, which was subsequently paid?—I heard of it.

5554. Had Mr. Blundell assisted Mr. Neale on the previous occasion, in March 1868?—He had.

5555. You did not make any inquiry what

that 800*l.* had been paid for?—It was simply gossip; I heard about it.

5556. You did not inquire from Mr. Blundell?—I did not.

5557. Were you aware that the Statute did require that you should furnish vouchers?—I am aware that the Statute requires that vouchers should be given for payments by the agent for election expenses.

5558. As you know that some of these items, at least, could be vouched, you will not object to my asking an explanation; why did not you seek to obtain such vouchers as you could?—The information I required at that time was simply the amount of the expenditure and the nature of the expenditure. Mr. Blundell handed me the vouchers he had, and I took them with the statement he gave me.

5559. You are required to fulfil the Statute; you knew there were some vouchers you could obtain, why did not you ask for them?—At that time I was not about the duty of fulfilling the Statute; I was merely to satisfy myself, the petition having been lodged, as to the nature of the expenditure.

5560. The time came when you had to fulfil the Statute, that is you had to hand in the vouchers; why, when you came to perform that duty, did not you ask Mr. Blundell for the vouchers which you knew he had?—I did not know he had them.

5561. You say for the hire of the rooms there would be vouchers?—I say I should think there would be vouchers.

5562. Why did not you inquire whether there were?—I had no access to Mr. Blundell at that time; he was in a very critical state.

5563. You could write to him?—I wrote to him to ask him if he could give me the total amount of the expenditure, and whether any other expenses had been incurred. I received a very short note from his wife in reply, giving me two or three other items, and the total amount of the expenditure.

5564. It was upon information obtained in that way you thought you were fulfilling the Statute, by returning those accounts of Mr. Eaton and Mr. Hill?—I did it the best way I could.

5565. You say that you had no knowledge of this person, Mr. John Moore?—I do say so.

5566. You heard his name mentioned three days ago?—Yes.

5567. Have you made any inquiry as to where he lives?—I have not.

5568. Have you inquired whether he is in Leicester or not?—I have not.

5569. You do not know where he is at this moment?—I do not.

5570. Do you know whether there is more than one John Moore in Leicester, or not?—I do not; I know there is another Moore in Coventry.

5571. I may take it that, as the agent of Mr. Eaton and Mr. Hill, you have been quite quiescent upon that subject?—In what way quiescent?

5572. You have been quite quiescent on the subject of Moore's existence or whereabouts?—Yes, I have; I do not know the man, or anything about him.

5573. Do you know in which ward he lives?—I do not. Will you mention the case in which he was concerned.

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Mr. *A. Seymour*. 5574. Tooney?—I think that was in Sponstreet, St. Thomas's.

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5576. And the sub-manager?—Mr. Cox, I think.

5577. We shall see that from the list which you say you will furnish?—Yes.

5578. As to the Leicester out-voters, you said it was impossible to discover whether they had permanently left their abode here, or whether they had only temporarily done so; did you cause any inquiry to be made from Burrows as to the out-voters, whether they were about to return to Coventry or not?—I did not.

5579. All you know about them was, that in their corporeal substance they were at Leicester, and not at Coventry?—Yes.

5580. There you let your inquiry upon that subject drop?—Yes.

5581. You had polled the Leicester voters in 1868, had you not; in March 1868?—I think we had some of them.

5582. You knew nothing at all, except from rumours, what had become of the 800*l.*?—I did not.

5583. What was the day, do you recollect, of the county election; was the nomination on the Thursday?—I think it was the 23rd.

5584. I am speaking of North Warwickshire; the nomination is not at Coventry, it is at Coleshill?—Yes.

5585. Was not the nomination on the Thursday, at Coleshill?—I think it was; yes, it was; the polling was on the Saturday.

5586. The nomination would not be in Coventry?—No.

5587. Coleshill is some miles from Coventry; 14 or 16 miles?—Yes.

5588. In the direction of Birmingham?—Yes.

5589. Your recollection is, that both Denny and Clark waited upon you?—A most distinct recollection.

5590. Did they come into your room together?—Yes.

5591. And urged their claims upon you?—They did.

5592. You, of course, repudiated them; but did they urge them as a matter of right; that they were entitled to that money?—They expressed themselves aggrieved; I do not exactly remember the language they used, but that was the tenor of it.

5593. Did they claim an amount?—No, they did not.

5594. They simply asked for payment for loss of time?—Yes.

5595. They said they should remain in Coventry till they got it?—Clark said that.

5596. Did Denny say anything, do you recollect?—I cannot remember which of them spoke, but I remember that remark of Clark's.

5597. Clark seems to have made more impression upon you?—His features, and that last remark, made an impression upon me.

5598. That it was his intention to remain in Coventry?—Yes.

5599. Who has got the pass-book?—I was told yesterday that Mr. Neale had it.

5600. Where is Mr. Neale; is he on his farm?—Here, sitting behind you.

Mr. *Neale* handed it to Mr. *James*.

5601. Before Mr. Hill agreed to come to Coventry, was there any application made to a certain other gentleman of the same view in politics as he to come here?—I cannot tell you that; not to my knowledge.

5602. Did you not hear of an application made to Mr. Dorlaton?—I have the faintest idea that Mr. Dorlaton had been asked to stand, but it was the mere rumour of the streets; nothing more.

5603. Or Mr. Heygate?—I have not heard the name before.

Re-examined by Mr. *Huddleston*.

5604. One question about Mr. Neale; who happened to be the election agent for Mr. Jackson and Mr. Carter?—Mr. Davis.

5605. What was he?—A solicitor in Coventry.

5606. It is not unusual to select a person who is not a voter for the election agent?—I believe not; there is no reason why he should be a voter.

5607. It is often desirable that he should not be a voter. Mr. Neale is a gentleman farming about 400 acres of his own land?—I cannot tell you the amount; he has a farm of his own.

5608. Is there anything in the fact of a man being an agriculturalist to disqualify him for an agent for election expenses?—I do not see that there is.

5609. Or that he happens to have a son in the office of a solicitor in this city. One word about Mr. Blundell. Mr. Blundell gave you, roughly, the particulars of this sum; this 500*l.*?—He did.

5610. Did he satisfy you that he had made those payments to different persons?—He did not satisfy me; he merely gave me the account as the amount he had expended.

5611. He told you how he had expended?—Yes, that he had expended that amount in the different wards, in the ordinary expense of the ward, for working the election in the different wards.

5612. The payment of committee rooms?—Yes.

5613. Mr. *James*.] Do you mean actually paid, or owing?—Paid; I should think it would be paid.

5614. Mr. *Huddleston*.] He would give, as I understand you, a sum of money to the ward manager to pay those expenses, which were ready-money expenses?—Yes.

5615. I believe it is always desirable to pay for sending messengers, and the hiring of rooms, and that sort of thing, ready money, so as to avoid bills being sent in?—Yes.

5616. Because they otherwise accumulate and come to a very large sum?—Exactly.

5617. You say you avoided having rooms in public houses?—Those were the instructions.

5618. And the rooms would be paid for; they would be included in the sum you have mentioned?—They would.

Mr. *Huddleston*.] In Carter and Jackson's accounts, the three first items are without vouchers at all.

Mr. *James*.] Those speak for themselves.

5619. Mr. *Huddleston*.] I think you say a portion

portion only of the election expenses are paid, but do you know of any other expenses beyond the sum returned, namely, the 1,412l.?—I do not.

5620. Have you sanctioned, or do you propose to sanction, or propose to allow one single sixpence beyond that?—Most certainly not.

5621. If Mr. Blundell had been well at the time you returned the accounts, you would have put down his return to you, which you expected to get from him?—I should have got further particulars from him.

5622. And you would have lodged them?—And I should have lodged them.

5623. The only reason that was not done was on account of Mr. Blundell's ill health?—Yes.

5624. It was rheumatic fever?—It was.

5625. My learned friend asked you whether you knew a person of the name of Moore; you say you do not know anything about that man?—I do not know anything at all about him.

5626. My learned friend asked you whether you had made inquiries with respect to him; you are not conducting the petition?—Jointly, with Mr. Dews, I am.

5627. Do you know from Mr. Dews that he has inquired about him?—

Mr. *James*.] No.

Mr. Justice *Willes*.] That will not do. If you intend to call Mr. Dews, call him.

Mr.
A. Seymour.
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5628. Mr. *Huddleston*.] So far as you are concerned, you did not apply your mind to that part of the case?—I did not.

5629. My learned friend asked you whether you entered into the particulars of the residence of the Leicester voters; did you ever know of such a thing being done; you have 7,700 voters to consider?—We had information about them on the Monday morning; there certainly was no time to have made the inquiry.

5630. Mr. *Henry James* (through the *Court*).] Would that sort of circular in any way come beneath your notice (*handing a paper to the Witness*)?—I have not seen this before.

5631. But would a circular of that description?—I have not seen a similar circular to this before.

5632. You do not know by whom that would be published, or by whom it would be paid for?—I do not; I can swear quite positively——

5633. You need not use that word?—I can state quite positively that I have not seen a circular of that kind before.

[The Witness withdrew.

Mr. HENRY EATON, sworn; Examined by Mr. *Gates*.

5634. You are the eldest son of your father, one of the sitting Members for this city?—I am.

5635. Did you come down here in November, before the election?—I did.

5636. I think you had been down here, but went away, and you returned a few days before the election?—I did.

5637. On the Monday, the nomination day, did you have any communication with Mr. Seymour about going to Leicester?—He gave me a letter from Mr. Burrows.

5638. A letter from Mr. Burrows addressed to Mr. Seymour?—Yes.

5639. What have you done with that letter?—I destroyed it with a good many other letters when I got home.

5640. After the election?—After the election.

5641. Will you tell us shortly the contents of it?—"Dear Sir,—15 to 20 Coventry men, who are now at Leicester, are very anxious to record their votes for Eaton and Hill."

5642. Was there anything more in it that you remember?—I cannot exactly remember the exact words.

5643. Was that asking what was to be done?—That was asking what was to be done.

5644. Did Mr. Seymour show you a telegram also or only the letter?—Only the letter, but he sent a telegram in my presence.

5645. Did Mr. Seymour telegraph to Burrows?—He did.

5646. That is the telegram which has been read, "Friend, come by the 4.50 train," or something of that sort?—It is.

5647. Before you went were you present in the room at the "King's Head," when you heard Mr. Hill speak about these voters, and the way in which they were to be brought over?—I was.

5648. Tell us as nearly as you can what he said to you, and what instructions he gave you about the way in which they were to be brought over?—I heard him say, "We do not want them, we have a majority now of 160, but those men are very anxious, let them come over; they can come over in your father's carriage, but on no account let them be paid for their expenses or allowed any refreshment whatever."

5649. Were you to communicate that to Burrows when you got there?—I did so.

5650. You went to Leicester by that train?—I went over to Leicester by that train with my brother.

5651. Did you take that letter as an introduction to Burrows?—I did.

5652. Mr. Justice *Willes*.] What letter was that?—The letter that Burrows had written to Mr. Seymour.

5653. Mr. *Gates*.] That was your introduction to Burrows, I suppose?—It was.

5654. You had never seen him before?—Never; I had never been at Leicester in my life.

5655. Did you communicate those instructions to Burrows?—I did.

5656. About the way in which they were to be sent over?—I did.

5657. Did you see your father's coachman there?—I did.

5658. Did you give him any instructions about the way in which he was to bring them over?—I told him he was to bring them over and meet them wherever Mr. Burrows arranged, but on no account to go near a public-house, or give the men any refreshment whatsoever.

5659. Did you introduce Burrows to your coachman so as to make them both aware of your orders?—I did at the hotel at Leicester.

5660. What hotel did you go to?—I think it

Mr.
H. Eaton.

Mr. H. Eaton. was the "White Hart," but I had never been there before.
 19 February 1869. 5661. I suppose you saw your father's coachman there?—I did.
 5662. And Burrows came there too?—He came there after dinner.
 5663. And you gave him those orders in the presence of Burrows?—I did.

Cross-examined by Mr. *Henry James*.

5664. I do not understand from you that you canvassed any of those voters?—No.

5665. Had they been already canvassed?—I do not know.

5666. Did you learn how it had been ascertained that a certain number of voters wished to come over; was it Burrows that had seen them?—It was Burrows. I do not think he had seen them before I went to him on the Monday.

5667. Mr. Justice *Willes*.] What did you say as to the number mentioned in the letter?—I think it was 15 to 20, but I have destroyed the letter.

5668. Was it either 15 or 20, or were the two numbers mentioned?—The two numbers were mentioned.

5669. Mr. *Henry James*.] Is your memory as to that certain, or are you speaking with doubt upon the subject. I would just remind you that the telegraph names 25 or more coming. I do not know whether that 25 or more came. Is not the telegram of November the 14th, "Sent a register by last train." It is very likely that your memory may not be quite correct on that point?—I think he said 15 to 20 or about that number in his letter.

5670. Did you learn from him in any way how that number had been ascertained?—No, I did not.

5671. I suppose some one must have learned the views of the voters. It was self-evident to you, I suppose, that somebody had seen them?—Yes.

5672. Who was that besides Mr. Burrows?—I don't know at all.

5673. Did you learn that Mr. Burrows had?—No.

5674. You made no inquiry?—No.

5675. That is all you know about it?—Yes.

5676. Your father's carriage seems to have given way under the weight. Whose carriage was it that brought the men over?—I really do not know.

5677. Whose were the horses?—One was my own and two were my father's.

5678. You did not take them all the way to Leicester; you do not ride your horses like that. You changed your horses at Hinckley?—We changed horses at Hinckley.

5679. What horses were those that you took at Hinckley; was there a patriotic friend at Hinckley, or whose horses were they?—I do not know whose horses they were.

5680. You did not know the substituted carriage or horses?—No.

Re-examined by Mr. *Huddleston*.

5681. I suppose you only went over to deliver that message, and you have not inquired who worked it out?—No.

5682. You have paid for nothing in the shape of the hiring of the horses or carriages, have you?—Certainly not.

5683. I believe you took a register over to Burrows and gave it to him?—I did.

5684. A register that was given to you by Mr. Seymour?—Yes.

5685. Mr. Justice *Willes*.] When did you leave Leicester?—I came back that evening with my brother immediately after.

5686. Did you only leave the coachman to represent you?—Yes.

5687. Did you learn of the break down?—Yes, the next day.

[The Witness withdrew.]

BENJAMIN BURROWS, sworn; Examined by Mr. *Dugdale*.

B. Burrows. 5688. ARE you manager of Messrs. Wheeler & Co.'s elastic works at Leicester?—I am.

5689. Have you been so for 24 years?—Yes.

5690. You have never been, I believe, a voter for Coventry, though you lived there when you were a boy?—Never.

5691. I believe you are a strong Conservative?—Yes, I am.

5692. I believe you were first introduced to Mr. Seymour as a client?—I was.

5693. On the Sunday previous to the Coventry election did a man named Frederick Ward come to you?—He did.

5694. What did he tell you?—He told me there were from 20 to 25 voters, supporters of Messrs. Eaton and Hill, and he wanted to know how they could be got to Coventry to record their votes.

5695. Did he say that they had had a meeting before?—Yes, they had had a meeting before.

5696. Where?—At the "Talbot."

5697. And when?—On the Saturday I believe.

5698. Did he also tell you that they were going to have another meeting on Monday?—On the Monday night.

5699. Did you tell Ward that you would write over to Mr. Seymour at Coventry?—I did.

5700. And did you write a letter to Mr. Seymour on the Sunday?—I wrote a letter on the Sunday to Mr. Seymour.

5701. Will you tell us, as nearly as you can, what were the contents of that letter?—I believe I addressed that letter to Mr. Seymour as "Dear Sir,—I understand from a person by the name of Frederick Ward, that there are something like 20 to 25 voters, supporters of Messrs. Eaton and Hill; could some arrangements be made for the getting of the voters to Coventry to record their votes," asking him to send me an answer by telegram, as there wouldn't be time for a letter.

5702. Did you receive two telegrams on the following day?—I did.

5703. In the evening of the following day, the Monday, did young Mr. Eaton come to you with

with the letter which you had written to Mr. Seymour?—Yes, he did.

5704. Did he bring with him a register?—He did.

5705. Did he say anything to you about the voters?—He asked me whether the voters were going to have a meeting that night, and I told him I believed they were; he asked me where, and I told him where.

5706. Did he give you orders as to their not being paid anything for their loss of time or expenses?—He did.

5707. What did he say?—He said that nothing would be allowed for expenses for the voters, but a conveyance would be provided to carry them from Leicester to Coventry to vote.

5708. Did he say anything about their not meeting in the public-houses in the morning?—Yes; it was to be distinctly understood amongst the men that they were not to meet at any public-house.

5709. After he had met you did you go to the meeting at the “Talbot,” and take the register with you?—I did.

5710. Did you find the men there, and call out their names to see whether they were on the register?—I did.

5711. Did you tell them the instructions that you had received from Mr. Eaton?—I did so.

5712. That they were not to have anything in respect of their loss of time; what did you tell them about that?—Of course inquiries were made amongst the men as to how they were to get from Leicester to Coventry, and who was to pay them for their loss of time, and I said such a thing could not be entertained at all.

5713. Mr. Justice *Willes*.] Who said that?—I said that.

5714. Mr. *Dugdale*.] Who inquired as to being paid for loss of time?—I really could not say who made that inquiry.

5715. What answer did you give?—I said that question could not be entertained at all for that to be done, as it would invalidate the election.

5716. Was anything said by you to the effect that the men should be “satisfied” or “made right”?—Not a word.

5717. Nor in your presence?—Nor in my presence.

Cross-examined by Mr. *Henry James*.

5718. You have a son, have you not?—I have.

5719. I will not say as strong as yourself, but is he a strong Conservative too?—Quite so; his Conservative views are as strong as my own.

5720. You have educated him, in fact?—I don't know as to that exactly.

5721. Who paid for the van?—I believe my son paid for the van.

5722. Whose van was it?—That I really do not know.

5723. Was your son with the voters?—No.

5724. Who got the van?—My son and a non-voter.

5725. We understand that the transaction seems to have been that Mr. Eaton's carriage was intended in the first instance to bring those

men over, that that carriage broke down, and that the coachman went back?—Yes.

5726. Do you know to whom he applied in order to obtain a van?—They came to my place.

5727. Were you there?—I was not there.

5728. Then all that you know is from hearsay from your son?—Yes, from my son; that is all I know.

5729. Had you anything to do with bringing over the voters in March?—No.

5730. Did you not assist at all?—I did.

5731. You assisted in what?—In sending those voters.

5732. How many were sent?—I really cannot—

5733. I will ask you to answer this question; were they paid?—Not to my knowledge.

5734. You have heard nothing said to you about their being paid or “satisfied” for loss of time; you had something to do with those voters coming over?—Yes.

5735. And you cannot tell me how many came?—I have not the least idea.

5736. Now, I am almost appealing to your honour; to your knowledge, were not those voters satisfied for their loss of time?—Upon my honour I did not know anything of the kind; I didn't know anything about them.

5737. Who had charge of them?—I don't know.

5738. You have no belief?—I have no belief at all in the case.

5739. Did anyone put you in motion on this occasion besides this man Frederick Ward?—No one.

5740. Who is he?—He is a non-voter residing at Leicester, and working there.

5741. Is he a Coventry man?—He is a Coventry man.

5742. I think you said that the day when he first came to you was on the Monday?—On the Sunday.

5743. When you went to the “Talbot” on the Monday, about how many people were there?—I should think from 20 to 25.

5744. Was a man named Freeman there?—Yes.

5745. And Henry Parker?—Yes, Henry Parker was there.

5746. Was a person elected captain of the Leicester voters, to take charge of them?—Not particularly so.

5747. But were there not two captains; was not Freeman elected captain; that they were to obey his orders?—Freeman was.

5748. That is particularly so, is it not?—Freeman was I believe; I believe I gave instructions to Freeman to attend to the Leicester voters.

5749. When was that?—On the Monday night.

5750. At the “Talbot”?—At the “Talbot.”

5751. Did he accept that mission, whatever it might be?—Yes.

5752. Was there anyone present to whom such instructions were given?—No.

5753. Then he had the charge of them all?—He had.

5754. For what purpose?—Well, I do not know for any purpose particularly; I do not know for what purpose particularly, only to see that they came from Leicester to Coventry.

5755. They were starting for that purpose; they would look after that themselves; what was

B. Burrows.

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B. Burrows. the object of electing a captain?—I have not the least idea.

19 February 1869. 5756. How long did you stop at the "Talbot"?—I should think I would be there about an hour.

5757. Were their names called over?—They were called over.

5758. Can you tell me who it was that spoke about being paid or "satisfied" for loss of time?—No such words were used in my hearing I am sure.

5759. You misunderstand me. You have told us that somebody started the subject; that some of the men there did mention it; who was it that spoke about it?—I really cannot say.

5760. One or more than one?—I cannot answer that question I am sure.

5761. Did they appear quite satisfied when you said that could not be done?—Yes.

5762. Quite?—Quite satisfied.

5763. They were men in a poor condition of life?—They were.

5764. Were they to pay for their own refreshments?—Yes, for anything I know; I did not hear anything about it.

5765. So you represent that those men in a poor condition of life were willing to give up their day's time, and bear their own expenses in the way of refreshments, and that they appeared quite satisfied?—They appeared so to be.

5766. Cheerfully?—Cheerfully and enthusiastically so.

5767. Enthusiastically satisfied?—Enthusiastically satisfied.

5768. Did they become more enthusiastic in their satisfaction when you told them they could not be paid, than they were before?—No.

5769. They were about the same?—Yes.

5770. Then they were always enthusiastically satisfied?—They were enthusiastically satisfied.

5771. Both before you told them that they could not be paid and afterwards?—Before I told them they could not be paid; I believe that was almost one of the first questions they asked of me—

5772. Very likely?—As to how they were to get to Coventry, and how their expenses were to be paid.

5773. Then all the enthusiastic satisfaction came into operation afterwards?—Yes, afterwards.

5774. On account of what you told them?—I do not say on account of what I told them.

5775. What was it caused the enthusiasm and satisfaction after your announcement, which had not existed before?—The men appeared to be filled with enthusiasm at the idea of coming to record their votes for Messrs. Eaton and Hill, for what cause I do not know.

5776. But both the satisfaction and enthusiasm you tell me came into operation after your announcement?—Yes; that would be some time later in the evening, an hour afterwards perhaps.

5777. That question was the first question asked; I quite agree that, an hour after the question had been asked, the enthusiasm and satisfaction commenced, but they had asked the question soon after you went into the room?—They did.

5778. And they were neither enthusiastic nor satisfied till about an hour afterwards?—I did not see any dissatisfaction at all.

5779. But you told me the enthusiasm and

satisfaction came into play an hour after they came into the room?—That enthusiastic feeling which was exhibited by the men, I believe, was exhibited after I had tested the men by the register. I said, "I suppose you people are going to support Mr. Eaton and Mr. Hill," and unanimously; they answered "Yes." I then said, "I suppose the reasons for which you are making this sacrifice of time, and at such a great inconvenience to yourselves, is in consequence of the effect which the French treaty has had upon you in driving you from your homes;" and there was a shout then that it was so. That was where I observed the enthusiasm to show itself.

5780. Before you touched their tender point on the French treaty, had you told them they were not to be paid for their loss of time?—I did.

5781. That did not render them enthusiastic then?—No; I should not think it would.

5782. Then you brought them round to the French treaty?—There was no bringing round.

5783. Then had nobody canvassed them before?—Not the Leicester voters.

5784. Has any application been made to you from them, for payment for loss of time?—No.

5785. Then the subject has never been mentioned to you?—No, I think not.

5786. Come?—I have stated that it was at the commencement.

5787. But has there been an application since; has it never been mentioned to you since?—Yes.

5788. By whom?—Two or three; I think Denny was one.

5789. When was that?—I think that would be after the election some time.

5790. How soon?—Two or three days.

5791. What did he apply to you for?—If there would be anything for their services.

5792. You told them there were to be none, and they were enthusiastic and satisfied when you told them that; what had become of the enthusiasm and satisfaction?—I have never said, if you will excuse me, that they were enthusiastic when I made that statement.

5793. But they were satisfied?—They appeared to be satisfied.

5794. What did Denny say to you?—He asked me if there would be anything for loss of time, and so on.

5795. Did you remind him of what you had stated?—No; I simply said "No."

5796. Did you remind him that they went to Coventry on the terms that they were not to be paid; that was the contract?—It perhaps did not occur to me to do so.

5797. Had you forgotten it?—I do not know that I had forgotten it.

5798. Did you think of it?—I do not know that I thought of it.

5799. You simply said "No"?—Yes.

5800. Who else applied to you besides Denny?—I do not know of any one else.

5801. Did one or more than one apply?—I think not more than one or two; I do not know the names.

5802. Do you not know who the second was?—I do not.

5803. Was it Clark?—I do not know Clark.

5804. Where did these men come to you?—To our works; the Abbey Mills.

5805. Did they come together?—Together.

5806. Two

5806. Two or three days afterwards?—Yes, two or three days afterwards.

5807. Was it before or after the Friday after the election?—I really could not charge my memory with that.

5808. Did you learn from those two men that they had been to Coventry to get their money?—I did not.

5809. And you have told us now that all that passed was that they asked, if there was to be anything for loss of time, and you said “No,” and they left, and nothing more passed?—Nothing more passed.

5810. Were they enthusiastic or satisfied then?—I do not know.

Re-examined by Mr. *Huddleston*.

5811. My learned friend has been ringing the changes upon enthusiasm and satisfaction. You say you spoke to them about the French Treaty?—I did.

5812. And you learnt that that was the feeling which induced them to go over to vote for Mr. Eaton and Mr. Hill?—It was.

5813. I suppose you find that a great number of the people of Coventry who go over to Leicester, are persons who have been obliged to leave their native town, in consequence of the stress of trade?—I should say we have had hundreds call at our works, of that description.

5814. And there is a strong feeling of that description amongst that class of weavers, is there not?—There is.

5815. You say you pointed out to them, that there was nothing to be allowed?—Nothing to be allowed.

5816. Did you have strict orders not to give anything, or to allow anything?—I had.

5817. Did you know that Freeman had been summoned by the petitioners, and afterwards sent back?—Yes.

5818. Mr. *Henry James*.] Do you mean that you know it now?—I know it now.

5819. Mr. *Huddleston*.] On the Tuesday there was the election at Leicester, was there not?—Yes, there was.

5820. And there was a knock out of work then?—Yes, both elections occurred on the same day, I believe, at Coventry and at Leicester.

5821. Mr. Justice *Willes*.] Did you know anything of Parker?—No.

5822. Had you known him before the man came over?—Never; I had never seen the man before in my life, to my knowledge.

5823. Have you seen him since?—Yes, I have seen Parker since.

5824. Have you seen him to speak to him?—Yes.

5825. Has he ever applied to you for money?—No.

5826. Or had any conversation with you about the expenses?—No, he has not.

5827. Has Freeman ever applied to you about the expenses?—No, not a word.

5828. You mentioned first Denny, as having come.

to you, and then afterwards you said “they,” which makes me think that somebody else besides Denny came to you. How many came to you to know if there was anything to be had?—I believe two.

5829. Can you recollect whether the other was the humpbacked man or not?—I cannot recollect that. To the best of my recollection, I have not seen the humpbacked man.

5830. Mr. *Huddleston* (through the *Court*).] You say when the van broke down, they came to your place?—Yes.

5831. Your son was at home?—He was.

5832. And I think you answered, my friend, that your son hired the other vehicle?—He did.

5833. Mr. Justice *Willes*.] And a non-voter, as I understand?—He is a non-voter.

5834. Was he the non-voter you spoke of, or did you mean somebody else, beside your son?—Frederick Ward.

5835. Mr. *Huddleston*.] Did Frederick Ward come when the vehicle broke down?—Frederick Ward came back with the coachman and the broken vehicle to my house. I was not at home, and he was referred to my son, as an individual who would perhaps find them one. He knew nothing of the case, he knew nothing of the meeting of the men the night before. In fact the case of the Coventry election had scarce come under his notice at all.

5836. And I believe he found it?—He found a conveyance.

5837. Has he made any claim against anybody for it?—

Mr. *James* objected to the question.

Mr. Justice *Willes* overruled the objection.

5838. Mr. *Huddleston* (to the *Witness*).] Has he made any application to anybody, to be repaid the expenses of the van?—No, and never intended.

5839. I suppose of course it comes out of your pocket?—

Mr. *James* objected to the question.

Mr. Justice *Willes* set aside the objection.

5840. Mr. *Huddleston* (to the *Witness*).] I leave out the words, “I suppose” and “of course”; but have you paid for that vehicle?—I have not paid for that vehicle myself.

5841. Are you liable for it?—I do not know that I am liable for it.

5842. Have you made any claim?—I have not.

5843. Mr. Justice *Willes*.] Who paid for it?—My son paid for it.

5844. What age is he?—Thirty-two years of age, I think.

5845. Is he in business for himself?—Yes.

5846. Has he asked you to repay him?—No. My son is a grocer by trade.

[The *Witness* withdrew.

NOAH COX, sworn; Examined by Mr. *Gates*.

5847. You are a voter, I believe, for Coventry?—No; I am not a voter at all.

5848. Do you reside at Leicester?—Yes.

275.

5849. And I think you are an engine driver?—Yes, I am.

5850. Were you with Mr. Burrows on this Monday

B. Burrows.

19 February 1869.

N. Cox.

N. Cox. Monday night—the nomination night—at the “Talbot,” at Leicester?—Yes.
 19 February 1869. 5851. When the other Coventry men were present?—Yes; there was two or three and twenty Coventry men, I should think.

5852. Were you sitting or standing near to Burrows, so as to hear what was said, and to see what was done?—I sat close to him.

5853. Did Burrows speak to the men generally; of course he did not say anything to them separately, but did he say anything to the lot of them?—The men seemed to be enjoying themselves drinking, and paying for it among themselves.

5854. Did he say anything at all about their being prepared to vote?—He asked them if they were voters.

5855. Did you see him read their names out from a book or a register?—Yes.

5856. Did you hear him say anything at all, or hear anyone say anything about making them all right?—No.

5857. Or about their being satisfied, or anything of that sort?—Not a word. I sat close to, and I must have heard if it had been said; but it was not said.

5858. Did you hear one of them ask if they should be paid their expenses?—No.

5859. And, at all events, nothing was said about their being made “all right,” or “satisfied”?—No, I never heard anything.

5860. Mr. Justice *Willes*.] You are sure that nobody mentioned anything about paying for their loss of time?—No; nothing at all was said, in my hearing, and I sat close to him.

5861. And nothing was said about their not having refreshments?—No.

[The Witness withdrew.]

JAMES KILBEY, sworn; Examined by Mr. *Huddleston*.

J. Kilbey. 5862. To what ward do you belong?—To Bishop-street ward.

5863. I see you are the ward manager, or chairman of that ward?—Yes.

5864. I believe you take a considerable interest in politics, and have always been a Conservative?—I have always been a Conservative, and I take an interest in politics to some extent.

5865. I think, first in order of date, there was something said about a supper at Radford, was it?—Yes.

5866. First of all, how long was that before the election?—To the best of my remembrance, it was on the statute day in Coventry. That would be about the 12th or 13th of October.

5867. That would be nearly a month before the election?—A month and a few days besides.

5868. Was that before Mr. Hill's address had come out?—Yes; I had heard nothing of Mr. Hill's address at that time.

5869. What was this supper?—We considered it a supper for the registration.

5870. What was provided?—It has always been customary in that ward, when the men had prepared their list for the barrister, to have a supper.

5871. They did have a supper upon that occasion?—Yes, they did.

5872. Who provided the viands; the eatables?—I believe the ward men; the men who worked in the ward.

5873. Did you provide anything?—I did not.

5874. Then who paid for the drink?—There was a man went round the room, whose name was Joseph Cooper, with a plate; I saw a man put 2s. upon that plate; he handed it all round the room, and he collected a certain amount of money, but I cannot tell how much.

5875. Amongst the guests present?—Yes.

5876. The drink was paid for amongst yourselves?—Yes.

5877. Had that supper, or the payment of it, anything whatsoever to do with the election, or the election expenses?—Certainly not.

5878. Was it with reference to the coming election that that supper was given?—Not the slightest whatever.

5879. I suppose there was more trouble in the last registration than there was in any previous one?—Yes, because it was much larger.

5880. With reference to the Leicester voters, it was said or suggested that you had given Parker 40 l. to pay them; did you ever give him any such sum, or any money at all?—I do not know the man; I never saw him, and I never paid him one penny.

5881. Did you ever give any man any money to pay the Leicester voters?—Not one halfpenny; not one farthing; not anything.

5882. You say you do not know Parker to speak to?—I do not know him at all.

5883. Did you at any time see Clark and Denny?—I never did.

5884. Do you know Clark?—I do.

5885. With reference to a man of the name of Hammerton, I believe you sent that telegram to Hammerton (*handing a telegram to the Witness*), “Come by first train to ‘Stag,’ Bishop-street”?—No doubt it was sent, but I never wrote those words.

5886. I suppose you would most likely direct it to be sent; that is not your signature?—No, I never wrote those words.

5887. But you would direct a message of that sort to be sent, and no doubt it would be sent?—Yes, perhaps so.

5888. Hammerton said that you had directed him to go to the “Stag,” and that he was to have refreshments, and that you gave him a sovereign; is that true?—I did not.

5889. Neither one nor the other?—No.

Cross-examined by Mr. *Henry James*.

5890. When did you begin to act as a ward manager?—At the last election but one.

5891. You are going rather further back than I had in my mind; in relation to this election, when did your duties commence?—As soon as we heard of Mr. Eaton's address; as soon as I saw it in print.

5892. When was that?—About the 24th of September.

5893. What ward did you have?—The Bishop-street ward.

5894. Who was your colleague?—No one.

5895. Did

5895. Did you have any meetings at all of any persons in the different wards?—We did.

5896. Taking your ward for instance, where did you meet?—We met at the “Stag.”

5897. That was the house at which you met?—Yes.

5898. When did you begin to meet at the “Stag”?—As soon as we got Mr. Eaton’s address; in a day or two after I saw Mr. Eaton’s address, I called the men together.

5899. Whom did you call together?—We called parties that I thought would be able to assist.

5900. To carry on the election?—Yes.

5901. Did you keep any record of those names; do you know who they were?—No, I do not know who they were.

5902. Was there any book kept like a minute book?—No minute book.

5903. Any book?—No more than the books we began to make out, the canvass books, and the house roll books.

5904. Who has them?—I cannot tell; we do not keep those books when the election is over; I suppose they go among the waste paper, and they go out of the way altogether.

5905. Did you make no return to head quarters?—No, we did not.

5906. None at all?—No.

5907. Not to Mr. Seymour, or anyone, as to the result of your canvass?—No.

5908. How did the candidates know, then, the gross result of your promises?—There is a Mr. Radcliffe; he gets a little information from us.

5909. Does he not get all the information from you in the wards?—Well, perhaps he does; yes.

5910. Perhaps you will tell me the fact; does he or does he not?—Mr. Radcliffe called and said, “How are you going on with your canvass?” And I told him.

5911. Did you not give him the names of the persons promised?—He turns over the canvass books, and he simply takes the majority.

5912. How do they know in the central committee-room who are the persons that promised?—I hand it over to him, and I do not know what he does with it after.

5913. What do you hand over to him?—The state of the canvass.

5914. Do you hand also to him the names of the persons promised?—No, he does not take the names; only the result and the majority.

5915. How many persons in your ward had canvass books?—Perhaps 30.

5916. Did they make the returns to you?—Yes, they bring the books to me.

5917. At the end of the canvass, do you give back the books to them?—We do.

5918. Each man keeps his canvass book?—He does.

5919. Were those same persons employed to bring voters to the poll, or had you other assistants?—No other assistants; they volunteered to bring voters to the poll, and they did.

5920. Where did you get those books from?—I bought the books, and paid for them.

5921. Who paid you back?—I paid it from money which I received.

5922. From whom?—From Mr. Blundell.

5923. How much?—£. 75.

5924. He is an accountant, is he not?—I do not know what he is at all; I drew the money from him.

5925. When did you receive the 75 l.?—As 275.

soon as I wanted some money; I cannot tell you when; when I felt I wanted money I told him.

5926. Mr. Justice Willes.] Do you mean that you paid 75 l. for canvass books?—No.

5927. Mr. Henry James.] You had 75 l. in the gross?—Yes.

5928. And out of that you paid some portion for canvassing books, and other expenses?—Yes, with other expenses.

5929. When did you have that 75 l.?—I drew it at three separate times, 25 l. each time.

5930. When was the first?—I cannot tell you when; I tell you as soon as I wanted money.

5931. That is a want which may arise at any time to all of us?—I cannot tell you really; I should think about a fortnight after we had gone on.

5932. Would that be about the beginning of October?—Well, I really cannot tell you about when I had the money; I made no entry of it.

5933. You say it was a fortnight after you commenced your operations; did you commence your operations at the middle or end of September?—We commenced as soon as we saw Mr. Eaton’s address; we had one meeting first.

5934. When did you see Mr. Eaton’s address?—On the 25th or 26th of September.

5935. And you must have had this money about the commencement of October?—Perhaps so.

5936. When did you have the second 25 l.?—Perhaps a week afterwards; I really cannot tell when I had the money; I made no entries of it.

5937. When did you have the last?—I had the last about four days before the election, to the best of my knowledge.

5938. Of course you have kept an account of your expenditure?—I do.

5939. Where is it?—At home.

5940. Where is your house?—In Bishop-street.

5941. Did you make up those accounts from day to day?—I did.

5942. Did you make entries from time to time?—I did.

5943. Will you produce that account when you leave the box, that I may ask a question upon it?—With pleasure.

5944. Have you paid anything at the “Stag”?—I have not.

5945. Have you paid for the committee-rooms?—I paid for a room.

5946. The name of the landlord is Hopkins, I think?—It is.

5947. What have you paid Hopkins?—I paid him something like 10 s. per night.

5948. What was the amount you paid him?—I paid him, I think, three weeks; that would be about 6 l.

5949. But is it 6 l. you paid him or not?—That is as near as I can guess without having the book in my hand.

5950. Did you have a bill from him?—No, I had not; I never had a bill from anyone.

5951. The committee had refreshments, you know?—I do not remember it.

5952. Had you none?—I had none.

5953. And you have only paid the bare account for rooms?—That is all.

5954. Did you ask him what your account was?—I asked him what I had to pay at the end of the week, and he told me 2 l.

5955. Did you ask what that was for?—For the room.

Q 2

5956. Did

J. Kilbey.

19 February 1869.

J. Kilbey.
19 February
1869.

5956. Did you say to him, was it for the room?
—I said to him, was it for the room.

5957. And he said it was?—He said it was.

5958. There was nothing else that you had to pay for?—No.

5959. Then why did you ask whether it was for the room?—I knew it was for the room.

5960. Then if you knew it was for the room, what was the object of asking?—That was for the room I said.

5961. You took care to say, "This is for the room"?—Yes.

5962. Have you paid him anything since the election?—I have not.

5963. Have you asked him if there is any demand?—I have not.

5964. And you know of none?—I do not.

5965. Had you the committee-room on the day of the election?—No, we had not.

5966. When did you cease to have the committee-room there?—A week before the election, I think.

5967. When did you make the last payment?
—My book will show all that.

5968. Did you see that book this morning, or when did you see it last?—I do not think I have seen the book this month.

5969. How long have you known Hammerton?
—I have known him for many years.

5970. Had you had any communication with him about this election, before that telegram was sent?—None whatever.

5971. Did you direct that to be sent?—I think I did.

5972. To whom did you give the direction?—Some one came and said Hammerton would vote for us if we sent for him; he had not been written to.

5973. To whom did you give that direction?—I think to a man of the name of Rice.

5974. You had no committee-rooms at the "Stag" then?—None.

5975. What was he to go to the "Stag" for?
—Because I knew he dared not go anywhere else.

5976. Why did you select this public-house for him, which was not your committee-room, you having ceased to have that committee-room for a week?—I knew he had lived in a court called the Stag-yard, and I thought he would be best at home there.

5977. But if he was to pay for what he had, why should he not go where he liked?—He did pay for what he had; at least he did not.

5978. If he was to pay for what he had himself, why should you choose the public-house for the man?—I did it simply because he used to live in the same yard.

5979. You had no idea that you were to pay for it?—I never intended to.

5980. Nor to convey that impression to him when you used the words, "Go to the 'Stag'?"—I never intended to pay any money for Hammerton.

5981. That is not the point; did you intend to convey that impression to him?—Well, it was conveyed to him.

5982. Had you previously sent that telegram intending to convey that impression to him?—Yes.

5983. Did you see him when he arrived in Coventry?—I was voting myself, and I saw him there about the same time.

5984. You never saw him at the "Stag"?—I never saw him at all.

5985. Have you been at the "Stag" to inquire whether he has paid?—I have not.

5986. How do you know whether he has or has not paid?—Because the landlord told me so.

5987. When did you see the landlord?—I saw him last week, and he knew that Hammerton was in the town.

5988. Did you go to him or he to you?—I did not. I met him in the street; he said he heard that Hammerton was here.

5989. What did he say then?—He said he owed him some money. Mr. Hopkins first approached me and said Hammerton owed him money.

5990. Hopkins never said that, until Hammerton was in the town, immediately before this petition?—I think it was on Monday last.

5991. That was the day the petition was thought likely to commence?—Yes.

5992. What was the amount, did you learn?—He did not tell me. He said he went away and did not pay for his lodgings and for his refreshments.

5993. You never saw him at the "Stag" at all?—I never did.

5994. When you had conversation with Hammerton, having sent that telegram to him, did you learn from him that he had been at the "Stag"?—I never had any communication with Hammerton.

5995. Not at the polling-booth?—No.

5996. You telegraphed to him?—I did.

5997. Did you see him at the polling-booth?—I did.

5998. Why did you not speak to him?—I did not speak to him.

5999. But why not?—Because he did not trouble to speak to me.

6000. You directed that telegram to be sent; you saw the voter come over, and you did not speak to him because he did not trouble to speak to you?—Yes.

6001. How long have you known him?—I have known him for several years.

6002. Well?—Well, I have known him well.

6003. How long is it since you saw him?—Since I saw him last?

6004. Yes, before the polling-booth?—I could not tell you that.

6005. About how long?—I could not tell you; he is not in the town.

6006. I know he is not, and that is the reason I ask you about how long it is since you saw him?—I should think I have not seen him since the election before the last one.

6007. This is a man you have known well, a man you had not seen from March to November, and the man you telegraphed to; why did you not ask him how he was, and speak to him?—We had plenty else to do that morning.

6008. But you saw him?—He was in a crowd of people going in to vote; I saw him; there were 200 people round the booth at the time.

6009. When did you see him after that polling day?—He came to me the next morning.

6010. Where?—At my back door.

6011. Did you speak to him then?—I did.

6012. What did he say to you?—He told me he was going away, and wanted to know if I could pay him.

6013. For what?—His expenses, I presume.

6014. Did he say so?—Yes.

6015. He came to your back door?—He did.

6016. Is that the place where he usually came, or did he generally come to the front door?—The front door was not open; he came to me at half-past six or seven o'clock in the morning; I know I could scarcely see him.

6017. I understand, from what you have said already, that when he came and asked for his expenses, you swear you gave him nothing?—I did not.

6018. What did you tell him?—He asked me to pay them, and I said, "I do not pay any man that comes to vote."

6019. What was said about his expenses, about the "Stag"?—He said nothing about it.

6020. Nor you to him?—No.

6021. Not one word?—Not one word.

6022. You sent the telegram, but you said nothing to him about his expenses at the "Stag"?—No.

6023. Did he appear satisfied when you said you would not pay anything to any voter for coming to vote?—He did not.

6024. You have never heard anything from him since?—No, I have not.

6025. When did you first, to your knowledge, see Parker?—Who is Parker? I don't know Parker.

6026. Not Henry Parker, of Leicester?—I do not.

6027. Have you seen any person, called by that name, in this court?—I have not.

6028. Have you heard of him?—I have.

6029. Have you any recollection of a man, a stranger to you, coming and speaking to you in the street?—I have not.

6030. Have you had the curiosity to come and look at Mr. Parker?—In this court?

6031. Yes?—No, I have not.

6032. Has it come to your knowledge that Parker has sworn that he did meet you in the street, and spoke to you?—It has not.

6033. Do you read the Coventry papers?—I do; I have heard of Parker, one of the Leicester voters, but I never saw the man.

6034. That is not the point, and you know it; have you heard that Parker has sworn that he spoke to you in the street?—I have.

6035. When did you hear that?—The same day that he made that remark.

6036. Wednesday?—Yes.

6037. Did you go and look at Parker, or make any inquiry from him, or endeavour to discover whether it was true or not?—I thought I should like to have a look at him, but I have never been able to see him.

6038. You have not tried to find him?—No; I don't know him, and I didn't trouble.

6039. Did anyone ever call upon you about the Leicester expenses?—No one.

6040. You do not know Frederick Clark, or Denny?—I know Clark.

6041. How long have you known him?—Three years.

6042. He lived in your ward?—Yes, he did.

6043. When did he move to Leicester?—I cannot tell you.

6044. When did you lose sight of him?—Last summer.

6045. You didn't know where he had gone?—I did not.

6046. You have never seen him since?—I have seen that man Clark, because I know him.

6047. When did you see him after the summer

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when you lost sight of him?—I never saw him till the day after the election.

6048. Where did you see him?—I saw him in the street the day of the election.

6049. Had you any talk to him?—I had not.

6050. When did you see him next?—I never saw him at all, to my knowledge, till yesterday, or the day before.

6051. Did you have no talk to him?—None.

6052. Have you no knowledge of either him or Denny calling at your shop?—None whatever.

6053. Did you learn that, while you were out, anybody had called, from Leicester, to see you?—I did not.

6054. When did you send in the return of your expenses?—I never sent it in at all.

6055. How much did you expend out of the 75*l.*?—£.71 or 72*l.* I have some money in hand now.

6056. What have you done with the balance?—It is at my house.

6057. You have kept it?—Yes.

6058. Has no one ever asked you to send in a return?—Not yet. I am prepared to do so when they wish it.

6059. But nobody has ever asked you to send in any return of expenses?—No.

Re-examined by Mr. *Huddleston*.

6060. Blundell was the person who gave you the money?—Yes.

6061. And you have to account to Blundell for that money?—If he wishes it.

6062. Are you prepared to account for it?—I am.

6063. And to hand over the balance?—Yes.

6064. Mr. Blundell, I understand, has been very ill?—He has.

6065. And he has not made application to you yet?—Not yet.

6066. Was that money expended in the affairs of the election?—It was.

6067. Was any portion of it an improper payment?—Not one penny.

6068. And you can give the particulars?—Yes.

6069. You will go and fetch your book?—Yes.

6070. The telegram to Hammerton is, "Come by first train to 'Stag,' Bishop-street"; was that the place he was to go to?—Yes.

6071. Was there any suggestion that his expenses should be paid there?—None whatever.

6072. Had you any intention by that that he was to have his expenses at the "Stag"?—I know him too well to give him a penny.

6073. But had you any intention that his expenses should be paid by the candidates, or yourself, at the "Stag"?—I never meant to pay him, and I never intended to let the candidates do so.

Mr. Justice *Willes* remarked that the question was whether the telegraphic message contained a promise to Hammerton to pay his expenses at the "Stag."

6074. Mr. *Huddleston* (to the *Witness*).] You say you knew the man too well to trust him?—I did.

6075. Had he been a man who had been a witness in the former petition?—He had.

6076. You would not have trusted that man at all, I think you say?—Not the slightest whatever.

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6077. My

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6077. My learned friend asked you why you did not speak to a man at the polling-booth; how many men were there at the polling-booth at the time?—I should think 100, and perhaps more.

6078. Were you busily occupied with other voters?—I was trying to get in to vote myself at the time I saw Hammerton there.

6079. You were asked some questions about Hopkins, the landlord; have you paid Hopkins anything more than for the use of the rooms?—Nothing whatever.

6080. As I understand, you would inquire the way or the intention of the different voters in your ward, and then you would make up your book, and the result would be given to Mr. Radcliffe?—Yes.

6081. But with 7,700 voters, Mr. Radcliffe does not take down all the promises, I suppose?—Oh dear, no.

6082. He takes down the results from the different wards?—Yes.

6083. And then afterwards he makes his own calculation?—Yes, he does.

6084. Mr. Justice *Willes*.] Have you any copy of the register that you marked with the promises?—I had a register.

6085. Did you mark down the people who promised in the register?—We copy into canvass books from the register.

6086. But have you no book in which you marked the people who were going to vote the one way or the other?—They were all marked in separate books.

6087. Have you columns?—In a large ward we have perhaps 30 books.

6088. Have you columns in which you entered the way in which people were going to vote?—Yes, we have.

6089. Where are those books?—They are gone among the waste paper; we did not keep those books.

6090. Do you mean that no book has been kept showing what promises had been given to your side, and what people had stated they were going to vote for the others, and marking those that were doubtful?—We have not kept them.

6091. I do not now understand why you told Hammerton to go to the "Stag"?—I told him to go to the "Stag" because I knew that he lived up the "Stag" yard when he resided in Coventry.

[The Witness withdrew.]

JAMES SUDDENS, sworn; Examined by Mr. *Gates*.

J. Suddens.

6092. To what ward do you belong?—To Spon-street, St John's.

6093. Do you know two Birmingham voters, named Samuel Lord and James Rose?—Yes.

6094. Did you, on the polling day, give either of those voters the sum of 10 s.?—No.

6095. Or did you send them anywhere to get 10 s. of anybody else?—No.

6096. Did you introduce either of those voters to Mr. Herbert Jackson?—They went and seen Mr. Jackson, but I did not introduce them.

Mr. Justice *Willes* said the two cases had better be taken separately.

6097. Mr. *Gates* (to the *Witness*).] Did you see Samuel Lord at all on the morning of the polling day?—Not till after he voted.

6098. Did you see him before he voted?—No.

6099. Did you see him on the polling day at all?—Yes, towards two o'clock in the day.

6100. Did you introduce Lord to a man named Herbert Jackson?—I did not.

6101. Or did you say anything to him about his getting 10 s.?—No, nor about his getting a penny.

6102. Did you see Rose also on that day?—I did.

6103. Did you introduce him to Herbert Jackson?—I did not.

6104. Did you say anything to him about his getting 10 s.?—No.

Cross-examined by Mr. *Henry James*.

6105. What had you to do with the election?—Very little indeed.

6106. But what was that very little; it will take you less time to tell it than if it were more?—I went round with Mr. Hill and Mr. Eaton on the 7th of November.

6107. Canvassing?—I did not canvass, for I never went into any house whatever.

6108. Were you a ward manager or a deputy ward manager?—No.

6109. Were you in the committee room on the day of the poll?—No, I was not in the committee room on the day of the poll; not doing anything.

6110. Were you in the committee room on the day of the poll?—Yes, once I was.

6111. How long have you known Lord?—I should say three or four years.

6112. How long have you known Rose?—I never saw the man in my life, to my knowledge.

6113. Did you know that Lord was at Birmingham at the time of the polling?—Yes.

6114. How did you know that?—His wife was going away from Coventry about three weeks before the election.

6115. Then you learned that he was at Birmingham?—Yes.

6116. Do you know a man of the name of Barnacle?—I know several of the name of Barnacle.

6117. Do you know a man named James Barnacle?—Yes.

6118. Do you know a man named William Barnacle?—I do.

6119. Did you know of either of those men being over at Birmingham?—William Barnacle was.

6120. When did you know of that?—I knew he was there some time.

6121. Living there?—Yes, living there.

6122. Did you give any one the information, that Lord was at Birmingham?—No.

6123. Did you know he was coming over to Coventry?—No.

6124. To vote?—No.

6125. Did his coming, when you saw him, take you by surprise?—Yes.

6126. Quite?—I never solicited Lord for his vote.

6127. When you saw him on the day of the poll, did the fact of your seeing him take you by surprise?—Not a bit.

6128. Were you aware that you were likely to see him?—No; only I know that he had always voted on the Conservative side.

6129. Do

6129. Do you know that he had been canvassed by any one?—No, I never canvassed him.

6130. Then all you could do was to ask him how he was, I suppose?—Yes.

6131. Who was this Jackson whom you say they went to see?—I do not know who he was.

6132. You let fall the expression, "They went to see Mr. Jackson," who is Mr. Jackson?—There was a Mr. Jackson there.

6133. Who is that Mr. Jackson that was there?—I do not know exactly the gentleman.

6134. Never mind exactness; who is he?—I do not know who he is, not personally.

6135. I do not know what is the converse of personally; but what do you know about him?—I only know that he is a gentleman residing in the town.

6136. Where does he reside?—I do not know.

6137. What is he?—I do not know that personally.

6138. What is he, to the best of your belief?—I believe he is a silk broker

6139. Do you tell me that you know his name is Jackson, and that you believe him to be a silk broker, and that you do not know where he lives?—I do not.

6140. Nor where he carries on his business?—Yes.

6141. Where is that?—In Little Park-street.

6142. Then Mr. Jackson is a silk broker in Little Park-street; now cannot you oblige me with his Christian name?—I do not know it.

6143. How long have you known him?—I have known him by seeing him. I have seen him go to his warehouse a time or two.

6144. You have had no conversation with him?—No.

6145. How long have you known him?—I should say six months, something like that.

6146. You used an expression that this man went with this man Jackson; what did you mean by that?—When I saw Jackson, those two men were with him; I never took him.

6147. Was there another person there with you in the room; Mr. James Foster, in the committee room?—No.

6148. Do you know Foster?—Not James Foster.

6149. Do you know any Foster?—Yes.

6150. Was any Foster in the room with you?—Not in the committee room.

6151. Did you see any Foster that day?—Yes, Henry Foster.

6152. Where did you see him?—Agen the booth.

6153. Did you give a voting card to either Lord or Rose?—I went to the committee to fetch one for Rose.

6154. When you had got that card, did you give it to Rose?—Yes.

6155. For the purpose of his voting?—Yes.

6156. You knew he had come from Birmingham?—He told me he had.

6157. You knew him to be a working man?—Yes.

6158. When was it you first saw him with Jackson?—It was two o'clock in the day when I saw him.

6159. Where?—In Hill-street.

6160. Were they talking together?—Yes.

6161. Did you speak to Rose?—No.

6162. Was it before or after you had given him the card?—Afterwards.

6163. Did you neither speak to Jackson nor Rose?—Not a word; not a word about anything.

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6164. You did not speak?—No.

6165. When was it you had given the card to Rose?—I should say about 11 in the morning.

6166. Had you seen Jackson on that morning?—No, I had not seen Jackson then.

6167. When did you first see Jackson?—At two o'clock in the day.

6168. Was that the first time you saw him?—Yes, on that day.

6169. Were you close to him?—Not very close.

6170. Why did not you speak to Rose; you knew him?—I had no cause to speak to him.

6171. Did you not ask him when he was going back?—Not a word.

6172. Did not you introduce Rose to Jackson?—I did not.

6173. You did not know whether Rose had ever known Jackson before?—No.

6174. You knew them both before, did you not?—No, I did not know Rose before that day; I had never spoken to him in my life to that day.

6175. Had you seen Lord before, on that day?—I had seen Lord, but not before he voted.

6176. How long had you known Lord?—Three or four years.

6177. How was it, if you did not know Rose till that day, that you went and got him a voting card?—Because he asked me; he was talking with Henry Foster.

6178. He came to you and asked you if you would get him a voting card?—He was talking with Henry Foster.

6179. And he came and asked you if you would go and get him a voting card?—Foster asked me if I would go and get him one.

6180. Who told you his name?—Foster and himself told me his name was James Rose.

6181. Did you see Lord at any time with Jackson?—No, not till two o'clock in the day.

6182. You did see Lord with Jackson?—Yes.

6183. And Rose?—Yes.

6184. Both Rose and Lord somehow got in communication with Foster?—I do not know anything about Lord and Foster; I know Rose was with Foster.

6185. You say at two o'clock you saw Lord with Foster?—No, with Jackson.

6186. I beg your pardon, so you did; did you see Lord with Jackson at two o'clock in the day?—Yes, somewhere about two.

6187. And Rose?—And Rose.

6188. How far were they from the "Newdigate Arms"?—That was in Hill-street, somewhere near against the "Newdigate Arms."

6189. Were they walking in the direction of the "Newdigate Arms"?—They was.

6190. How far did you pass from those three persons where they were walking; did they pass on the same side of the street?—Yes.

6191. And not a word passed between you and them, either one of the three?—No.

6192. You did not say anything to Lord, whom you had known three or four years, as to his going back to Birmingham, or anything?—Not a word.

6193. Had you seen Lord before in the morning?—No.

6194. You had not seen him, and got a voting card for him?—No.

6195. Do I understand you, not having seen Lord in the morning, and having known him three or four years, you passed him without speaking?—They were talking together, him and Rose; they went towards Jackson.

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6196. How

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6196. How long was it before that, you had seen Lord?—I should say it was six or seven weeks from the time I had seen Lord, till that day.

6197. You had known him three or four years?—He was in Birmingham.

6198. Not having seen him for six or seven weeks you pass by him, and do not speak to him?—It is bad manners to speak to a man when he is in conversation with somebody, is not it?

Re-examined by Mr. *Huddleston*.

6199. You do not stop and speak to every man you happen to know, because you see him in the streets at election times?—No.

6200. With reference to William Barnacle, you say you believe he was over at Birmingham; had you any communication whatever with William Barnacle?—None at all.

6201. You are not a ward manager, I think?—No.

6202. You said that upon one or two occasions you were with Mr. Eaton and Mr. Hill, when they were canvassing?—I was.

6203. But you were not canvassing yourself?—No.

6204. Sometimes people go to show the way to the candidates?—I did.

6205. Were you authorised to take any part in the election at all, except so far as voting?—No.

JAMES MANN, sworn; Examined by Mr. *Huddleston*.

J. Mann.

6216. Do you act in the Gosford-street ward?—Yes.

6217. What as?—They call me ward manager, I suppose.

6218. Do you know a person of the name of Shuttleworth?—I do.

6219. He says that you promised him half-a-sovereign when the election was over, and that you would give him half-a-crown the next day?—I did not.

6220. Did you do anything of the sort?—Nothing of the sort.

6221. He said that on the Saturday you went to him, and that you nudged him on the shoulder and took him into the back kitchen, closed the door, and gave him half-a-crown, is that true?—It is not true.

6222. He says that the Wednesday after the election, you gave him half-a-sovereign, and said he was not to say anything to anybody, is that true?—It is not true.

6223. Did you either promise Shuttleworth money, or did you give him any money at all?—I did not. I neither promised nor gave him any.

6224. Did you canvass Shuttleworth?—I did.

6225. Did you give him a voting card?—Not on the first occasion; on the second.

6226. Was there a mistake in the voting card?—There was.

6227. What was the day you gave him the right voting card?—On the Saturday prior to the election.

6228. You neither promised nor gave him any money?—I did not.

6229. Do you know a person whose name is given as Villiers?—I do.

6230. Villiers says that you gave him, I think, a shilling, 5 s., and another shilling and 5 s., and that afterwards you gave him, I think, 10 s.?—I did nothing of the sort.

6231. Just tell me this, did you at any time give Villiers any money at all?—I never did.

6206. Had you any communication, directly or indirectly, with Mr. Jackson, with reference to his giving any money to either of those voters?—Certainly not.

6207. And you do not know of it?—And I do not know of it.

6208. That you swear positively?—I do.

6209. Mr. Justice *Willes*.] What had you to do with the election?—I went round some time before the election to take a house row; I went to ascertain who lived in such and such houses.

6210. You did not go to canvass?—No.

6211. You went to take the names; did you ask the people how they were going to vote?—No.

6212. Mr. *James* (by permission of the Court).] Who directed you to take the house row?—Mr. Eaves.

6213. Which Mr. Eaves?—Mr. William Eaves.

6214. You were not paid for that, I presume?—No.

6215. Mr. Justice *Willes*.] What ward?—Spon-street.

Mr. *James*.] Has your Lordship a list of deputy managers too?

Mr. Justice *Willes*.] I have got them under "Chairmen and Vice-Chairmen."

6232. Did you ever give him the sum of two half-crowns at any time?—No.

6233. Or promise him any?—Nor promised him any. I never gave him any or promised him any.

6234. Elizabeth Villiers said you gave her 5 s. in two half-crowns?—I did.

6235. You never gave Villiers any money, but you gave Elizabeth Villiers 5 s.?—Yes, and that was given me by Brown; he asked me if I would leave it.

6236. What for?—For work done on the Monday prior, at the Bishop's-street ward on the municipal election. Brown asked me to leave 5 s. for Villiers, and I did so, for working on the Monday prior, in Bishop's-street ward, on the municipal election.

6237. What was the day you gave her the 5 s.?—On Saturday, the 7th of November.

6238. That was the Saturday after the municipal election?—Yes.

6239. He said you gave it him the next day; he says he saw you on the Tuesday, and he says you asked him if he had been polled, and he asked when they would settle, and that you then gave him afterwards 10 s.; you say that is not true?—That is not true.

6240. Do you know William Jones a fish hawker?—Yes, I do.

6241. He said that you saw him, and that you said to him, "You sell fish for those parties against us, you are afraid of offending them"; that you said, "it would not take much to start you a basket; a pound or two would do it"; did you ever say anything of that sort to him?—No, nor he never said anything to me about it.

6242. You never said anything in the shape of a promise to him?—Certainly not.

Cross-examined by Mr. *James*.

6243. What are you?—A weaver.

6244. Have

6244. Have you taken an active part in elections before?—I have.

6245. Have you been a ward manager before?—They generally call me a ward manager.

6246. Have you been a ward manager before?—What would you term a ward manager; I am not chairman or anything of that.

6247. Mr. Justice *Willes*.] Have you been a ward manager before?—I took the same part now; not as chairman or vice-chairman.

6248. Mr. *James*.] Had you anyone above you, as it were, in the ward, or were you the chief manager?—I was not the chief manager.

6249. Who was?—Mr. Atkins is the chairman.

6250. Had you any money to disburse at all?—Not at all.

6251. And you have never received any money from anyone about this election?—Not a farthing.

6252. Who would keep the accounts in the board?—Mr. Atkins, I presume.

6253. You would have nothing to do with them?—I would not.

6254. Did you canvass Shuttleworth?—I did.

6255. How many times were you at his house?—Three times.

6256. Can you give me the dates?—I cannot give the dates; the first occasion was about three weeks before the election.

6257. Were you there on the Thursday before the election?—I was not.

6258. About four o'clock in the afternoon?—I was not.

6259. Were you there on the Friday before the election?—I was not.

6260. Were you there on the Saturday?—I was.

6261. The first occasion you say was three weeks before the election?—It was.

6262. The second was a Saturday?—No, the second was when I attended with Mr. Eaton and Mr. Hill, the Tuesday before the Saturday you are speaking of.

6263. The man says it was Wednesday?—It was Tuesday.

6264. You were canvassing with Mr. Eaton and Mr. Hill?—Yes, I was.

6265. What did the old man say to the sitting Members when they canvassed him?—I cannot recollect that; I simply introduced them; I said "Shuttleworth, Mr. Eaton and Mr. Hill."

6266. Was a promise obtained from him?—A promise was obtained; he told me then in my presence he should vote for them.

6267. What did you go there again on the Saturday for?—To take a voting card.

6268. Were you the deputy ward manager, the person to take out voting cards?—I found there was a mistake on the Saturday; Shuttleworth had not had his voting card; I was in the committee-room, and I said, "I will take it myself."

6269. Why should you take it yourself?—Because he should be sure of having it; I found they had neglected to do it.

6270. There are paid messengers, boys or others, to take out voting cards, are there not?—Yes.

6271. Why should the deputy ward manager take a voting card to a weaver like that?—Simply because it was left in the committee-room; I thought it had been neglected, and I took it down myself.

6272. You did not think it right to give it to one of the messengers to deliver?—There were none there at the time.

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6273. Was this the only voting card that was neglected to be sent?—No, there were several others.

6274. Why did you take this and not the others?—Because he lived near the committee-room.

6275. Did you pick it out?—I said, "Here is Shuttleworth's card that has not been sent;" and I said, "I am going home, and I will take it."

6276. What became of the others that were neglected to be sent?—I am sure I do not know.

6277. You took this one, and the others remained?—Yes; it was not the only one that was taken in the same way.

6278. You did take others?—Yes; not at that same time.

6279. When you went that Saturday, was the wife at home?—No, she was not.

6280. She was not in the house?—She was not in the house.

6281. The room opens from the street?—From the court or terrace.

6282. Was not that woman in that front room?—She was not; there is only one room.

6283. In the back kitchen?—There is no back kitchen, and no back door.

6284. There is no back kitchen in that house?—There is not any back kitchen in the house, I am informed.

6285. Who has informed you that there is no back kitchen in the house?—One of the neighbours.

6286. What is the name of the neighbour who informed you that there was no back kitchen?—Mrs. Wilson.

6287. Have you been to ask Mrs. Wilson if there is any back kitchen to the house, or did she come to you and tell you?—She heard the report of the proceedings read, and she called and told me there was no back kitchen; I said I never recollected seeing one.

6288. Did she call upon you, or did you go to her?—She called upon me.

6289. What is your recollection from what you saw in the house?—I opened the door, and I saw only one kitchen, and a fireplace on the right.

6290. What is your recollection now; is there a door that opens out of the kitchen?—There is a door that opens into the kitchen.

6291. Is there a door that opens out of the room into any place at the back?—I saw a door, I presume it was the coal-hole or the pantry.

6292. You saw a door?—One or two doors; I know there is no back door to the house.

6293. You saw a door that opened out of the room into the back part of the house?—No; I do not know where it opened to.

6294. You did not go through it?—I did not.

6295. How do you know it was not a back kitchen?—I do not know that it was not.

6296. It may be a back kitchen?—It may.

6297. You are quite sure the old woman was not there?—Quite sure.

6298. Are you quite sure you did not go out of that room?—Quite sure.

6299. How long did you stop there?—I was not in the house two minutes, I should think; I simply said, "Shuttleworth, I beg you will excuse me for not bringing your card earlier; I found it in the committee-room," and I handed it to him.

6300. Did you go there again?—I never went again.

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6301. What

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6301. What was the mistake made with the card?—The card should have been delivered on Friday instead of the Saturday.

6302. It was not that it had had a wrong number, or anything of that sort?—It was in a circular; it had not been opened.

6303. That was the mistake in relation to the card?—Yes.

6304. Have you ever seen the old man since?—I see him in this court.

6305. Have you seen the woman since?—Yes.

6306. Where?—In this court; and only twice before in my life.

6307. What are the two occasions on which you saw the woman before?—In this court, in Gosford-street, and in the house when Mr. Eaton and Mr. Hill were there; they was at dinner on that occasion.

6308. When did you see her in Gosford-street?—On Wednesday week.

6309. Had you no talk with her then?—I have never spoken to the woman in my life.

6310. About Villiers; have you been concerned in the municipal election at all?—Not in Bishop-street ward.

6311. In any ward?—I have in Gosford-street, before.

6312. This time?—It was no contest.

6313. Who is Brown, who you say gave you the 5s.?—John Brown, assistant ward manager.

6314. What part did he take in the municipal election?—He went to assist Mr. Anstey in Bishop-street ward, upon the last occasion.

6315. Did you know anything of Villiers' employment?—Not till Mr. Brown gave me this 5s.; he asked me if I would leave it as I was going up the town.

6316. When you called upon Villiers, did you know he had a vote?—Yes.

6317. Did you say anything to him about it?—I did not.

6318. You were anxious for Mr. Eaton and Mr. Hill?—Yes.

6319. You had been canvassing for them?—Yes.

6320. Why did you not say anything to Villiers about his vote?—Because he had promised.

6321. From whom did you know that?—He had promised me.

6322. You had canvassed him?—I had; he has always been Conservative ever since I have known him.

6323. When did you canvass Villiers?—I could not say exactly; I saw Villiers, and asked him for his vote and interest for Mr. Eaton and Mr. Hill, and he said "certainly."

6324. When was that?—I could not speak to dates, it was before November; in October.

6325. Would it be about the 18th of October?—It might be about the 18th of October.

6326. Did Mr. Villiers then ask you if you had anything to give him to do?—Not then.

6327. Did he at any time?—He came up to our house one morning, I said I had nothing to do with that, and he went away.

6328. It is no use my asking you what work Villiers had, you know nothing about that?—No, I know nothing at all of it.

6329. Did you ask Villiers where a person of the name of Taylor lived?—I did not.

6330. Do you know a person of the name of Taylor?—Yes.

6331. Where does he live?—In Cox-street; I forget the number of the court. I knew where he lived prior to seeing Villiers.

6332. Is that the same place that Villiers lives in?—Yes, in the same street, the opposite side.

6333. Did you ever see Villiers in the committee-room in South-street?—I did.

6334. Were you alone in the room with him?—I was not.

6335. Who were there?—Several; I could not say who they were.

6336. Cannot you give the name of one?—Smith, the doorkeeper; he made the fire, and attended to the room.

6337. Was he in the room at the time?—Yes.

6338. What was he doing?—He was simply in the room doing anything which there was to do.

6339. Was he sitting down there when Villiers called?—Smith was in the room. I knew Villiers was there some time.

6340. What was Villiers doing there?—There was a fire in the room. He was smoking his pipe; he was not doing anything.

6341. Do you represent that a man comes into a committee-room to do nothing but smoke his pipe?—He would sit down a few minutes to smoke his pipe. We would not send him away; he was there for his own purpose, not for ours.

6342. What purpose?—Simply to smoke his pipe.

6343. Do you mean that you saw no money given to him?—I am sure I saw none.

6344. In the presence of Mrs. Villiers, did not you ask her husband to tell you where Taylor lived?—I did not. I knew where he lived before that.

6345. Has Taylor had any money from you?—He has not.

6346. You never gave to anyone any shillings to give to Taylor at any time?—I did not.

6347. You never gave any to Villiers, or anyone else?—I did not.

Re-examined by Mr. *Huddleston*.

6348. You say that you knew that this man Villiers had always voted for the Conservative side before?—He had.

6349. And therefore, if he came up into the committee-room, he knew that you would not interfere with him?—He went in and out of his own pleasure; at no request of mine.

6350. Mr. Justice *Willes*.] Where was that committee-room?—I believe it was 87, East-street.

6351. A private house?—Yes.

Mr. *Huddleston* stated that he proposed to call a witness named William Nunn, to prove a statement made by Shuttleworth to him.

Mr. Justice *Willes* stated that in that case it would be necessary that Shuttleworth and Mrs. Shuttleworth should be confronted with Nunn in court. (Shuttleworth and Mrs Shuttleworth were accordingly sent for.)

FRANCIS TAYLOR, sworn; Examined by Mr. *Gates*.

6352. You live in Cock-street?—Yes.

6353. Do you know James Mann?—Yes.

6354. Do you know Villiers?—Yes.

Mr. Justice *Willes*.] Ask him whether he is a voter, and for whom he voted?

6355. Mr. *Gates*.] Are you a voter?—Yes.

6356. For whom did you vote?—For Mr. Eaton and Mr. Hill.

6357. Has Villiers brought you on one or two occasions, the sum of a shilling from James Mann?—No.

6358. Has he ever at all brought you any money from James Mann?—No.

6359. Have you known James Mann for some time?—He came to solicit my vote.

6360. Do you know when he first came to solicit your vote?—About a fortnight before the election.

6361. Have you been paid anything for your vote?—No.

Cross-examined by Mr. *James*.

6362. When did you promise your vote?—I promised James Mann a fortnight before the election.

6363. Did he come and canvass you alone, or with anyone?—Alone.

6364. Did you do any work at all at the municipal election?—No. *F. Taylor.*

6365. Nor at the Parliamentary election? 19 February 1869.

—No.
6366. Did you see Mr. Mann, to your recollection, at any time shortly before the election after he canvassed you?—No.

6367. Did you see him about Saturday the 9th of November?—No.

6368. Did not he come to your house at all?—I do not know; I was not at home.

6369. Did you hear of his coming?—I do not remember his coming.

6370. Did you hear of his coming?—No.

6371. How long have you known Villiers?—About four or five years.

6372. Have you had any money at all from him?—No.

6373. Just before the election?—No.

6374. Nor from his wife?—No.

6375. Not a farthing?—Not a farthing.

6376. For whom have you voted before; have you always voted for the Conservative candidates?—No, the others once.

6377. Mr. Justice *Willes*.] You voted once before for the Liberals?—Yes.

THOMAS HOLLINS, sworn; Examined by Mr. *Dugdale*.

6378. ARE you a voter?—I am.

6379. How did you vote?—For Mr. Eaton and Mr. Hill.

6380. We are told that one day you went with Messrs. Eaton and Hill on their canvass?—I never did.

6381. Do you recollect a person of the name of Wale?—I do.

6382. He says that you gave him some tea and sugar and a shilling; will you tell us about that?—I met him against the Union Bank, as I was going out to work; he stopped me and told me he was in very great distress; I said I was very sorry to hear it; I said I had got no money in my pocket, would a little tea and sugar be of any use to him, if so I would go to my wife and tell her to give him some; that was all that passed, and I went about my work.

6383. Was anything said about voting at all?—No; I did not know he had a vote.

6384. Had you relieved him before?—Scores of times.

6385. He came to you and told you he was in great distress, and you gave him this tea and sugar?—He met me in the street.

6386. That was purely given to him as a charity by you?—It was.

6387. You gave him a shilling too?—My wife did; I did not give it.

6388. Is your wife here?—Yes; she will tell you all about it.

Cross-examined by Mr. *James*.

6389. What are you?—A carpenter and joiner.

6390. How long have you known Wale?—Twenty-two years.

6391. When was the last time before this you say you had relieved him?—About a month ago; a month or five weeks ago.

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6392. I mean before the occasion when this tea and sugar was given?—Perhaps four or five weeks before that.

6393. What did you give him?—Some halfpence to get something to drink; he asked me for it, mind you.

6394. Do you call that charity?—He asked me for it.

6395. Do you know Clare?—I do.

6396. In Clare's presence, did you ever canvass Villiers for his vote, or did you hear Clare canvass him?—No.

6397. Were you out canvassing with Clare?—No.

6398. You never canvassed anyone with Clare?—No.

6399. You have known Wale for 22 years?—Yes.

6400. Do you mean to represent that you did not know whether he had a vote or not?—I did not.

6401. Did not you ask him?—Not the least whatever.

6402. Did you learn from Mrs. Hollins what she had given him?—When I got home to my dinner, I did.

6403. What was it?—Two pounds of sugar and some tea; two ounces, as nearly as she could make it, out of her tea-caddy.

6404. Mr. Justice *Willes*.] What had you to do with the election?—I had nothing at all to do with it; I attended no meeting.

6405. What ward are you in?—Earl-street ward.

6406. Were you a ward manager?—No.

6407. Or were you employed by any ward manager?—No.

6408. Had you any books?—No.

6409. Did you canvass on your own account?—I did not go canvassing at all.

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6410. Mr.

T. Hollins.

T. Hollins. 6410. Mr. James (by permission of the Court).] Was there a committee-room at your house?—
 19 February 1869. No.
 6411. Did not they meet there at all?—I had my own friends in several times.
 6412. Your friends?—Conservatives.
 6413. At the time of the election?—And before the election.
 6414. What did they do there?—To go through the chart.
 6415. What is that?—The names of all the voters then in the ward.
 6416. Your friends met to go through the names of the voters in the ward; how often?—They were there twice.
 6417. Did you let them have your room?—I told them to do as they liked with it.

6418. At the voting day was, "Vote for Eaton and Hill," put up on your house?—Yes; on the front, on the shutter.

6419. And the state of the poll, on the polling-day, was on the shutter?—I daresay it was.

6420. And your friends the Conservatives, came in and out?—Yes.

6421. And they had a list of the voters there that day, and a chart?—Yes.

6422. They saw who had voted, and struck them off the register?—Yes.

6423. And they went out and tried to poll those who had promised?—I cannot say that.

6424. What was the object of the register?—To see who had polled and who had not.

6425. What became of those who had not polled?—I do not know.

Mrs. HOLLINS, sworn; Examined by Mr. Dugdale.

Mrs. Hollins. 6426. ARE you the wife of the last witness?—I am.
 6427. Did you give the old man, Wale, a small quantity of tea and sugar, and a shilling?—Yes.
 6428. Were you told by your husband to do so?—I was.
 6429. Mr. Justice Willes.] You said a small quantity; how much was it?—I think it was two pounds of sugar and about two ounces of tea.
 6430. Mr. Dugdale.] Did your husband tell you to give him two pounds of sugar?—No.
 6431. That was your charity?—That was my charity.
 6432. Did his wife bring it back?—Yes, she did, the same day.
 6433. The tea and the sugar?—Yes.

6434. But not the shilling?—But not the shilling.

6435. What did she say when she brought back the tea and sugar?—She said, "Mrs. Hollins, I have brought back this tea and sugar. I cannot think of keeping it. I always drink the best lump sugar and green tea. I am very angry with my husband for asking Mr. Hollins for it. I do not like people to know I am in want."

6436. The best lump sugar and green tea does not represent a state of much destitution?—It does not.

6437. And she brought it back?—Yes; I said she could leave it. She had been quarrelling two hours over it. I said, "I am very sorry; you had better leave it, and go."

[The Court adjourned for the usual period.]

JOHN PRICHARD, sworn; Examined by Mr. Huddleston.

J. Prichard. 6438. Did you take the old man, Wale, to the poll?—Yes.
 6439. You are described as a young man, wearing a billycock hat?—I am not very young either.
 6440. Are you a voter?—Yes.
 6441. For whom did you vote?—For Mr. Hill and Mr. Eaton.
 6442. You took him to the poll?—Yes.
 6443. After you took him to the poll, where did he go to?—I took him home. His wife asked me to take care of him, because he was an old infirm person. She was afraid he would get pushed about. I took him to the poll on her wish, and took him home again on her wish, and I left him at home.
 6444. He said he was at the committee-room, and you were by when somebody put—

Mr. James.] No.

6445. Mr. Huddleston.] I think, on the cross-examination, he said Prichard was present (Mr. Huddleston read from the evidence of Wale). Was there any piece of paper given him with money in it, or anything of the sort?—Nothing of the sort.

Cross-examined by Mr. James.

6446. Did the old man sit down by the fire?—Not where I was. He may have sat by

his own fire. I never saw him in any other place.

6447. You never saw him in the committee-room?—No, I did not.

6448. Mr. Huddleston (by permission of the Court).] Do you know a man of the name of Roadnight?—Yes.

6449. Did you, at any time, give him a shilling?—Yes, for work.

6450. What work?—Wheeling my bricks and mortar for setting a grate; I employed him to do so.

6451. He said, the Thursday after the election, he saw you at a place called The Park, and you gave him 10 s., is that so?—No; I deny it. I never saw the man in The Park to my knowledge.

Further cross-examined by Mr. James.

6452. Do you know Mr. Clare?—Yes.

6453. Had you anything at all to do with the election?—Well, I had something to do, so far as regards voting.

6454. Your own vote?—My own vote.

6455. Had you anything to do in regard to other people's voting?—No, I had nothing at all to do with other people's voting.

6456. What was Mr. Clare; was he a ward manager?—Yes, I believe he was a ward manager.

6457. Did

6457. Did you ever go to the committee-room?—If I say I did not, I should speak an untruth. I have been at the committee-room.

6458. You have been at the committee-room?—Yes.

6459. What did you go to the committee-room about?—Like the rest of them; I went to see what was going on.

6460. Did you see this man Roadnight after the election at all?—I have seen him about the town scores of times.

6461. Apart from the question whether you saw Roadnight, or not, did you go into The Park

at all on the Thursday after the polling day?— *J. Prichard.*
No.

6462. You were not there?—No, I was not. 19 February

6463. In company with another person?—No, I was not. 1869.

6464. Do you wear a billycock hat?—Yes.

6465. *Mr. Justice Willes.*] Is that hat what you usually wear?—Yes.

6466. What age are you?—Fifty-four, the 24th of this month.

Mr. James asked that *Mr. Kilby's* book should be produced.

Mr. DANIEL HUNT CLARE, sworn; Examined by *Mr. Gates.*

6467. ARE you manager of Earl-street Ward?—Yes, I am.

6483. When you so employed him, you paid him small sums?—Yes.

Mr. D. H. Clare.

6468. Do you know Roadnight?—I do.

6469. Did Pritchard bring him to your house before the election?—I believe he did.

6484. Had that anything to do with his vote?—I never asked him for his vote.

6470. Are you a voter?—Yes.

6471. For whom did you vote?—For *Mr. Eaton* and *Mr. Hill*.

6472. You took an active part for them; are you a strong Conservative?—I am what they call a strong Conservative.

6473. Did *Mr. Pritchard* bring Roadnight to you some time before the election?—He did.

6474. What took place when Roadnight was brought up to you?—He says, "I have brought Roadnight"; he said, "this man is Roadnight"; he says, "I have just been down to my tea, and I saw him come out of the office of the relieving officer.

6485. How much did you give him altogether?—I think, as far as my memory serves me, I gave him 1 s. 6 d. one day, and I think 2 s. for another day, and I think I gave him 1 s. another day; I think altogether it amounted to about 10 s., and I think he did about five days' work.

6486. Did you say anything to him a day or two before the election, about giving him two days' work?—Not a word.

6487. *Mr. Justice Willes.*] What was the work?—Distributing some bills.

6488. *Mr. Gates.*] You think about five days' work in all?—I should think that would be the outside.

6475. Then what did you do?—He told me he had been to the relieving officer for relief, and he would not give him anything; he had had no food or firing in his house for two days, and the relieving officer refused to give him any.

6476. What did you do for him?—He said that the relieving officer told him he was to come up on the next Wednesday, and he would give him a note to go into the house.

6477. You took him to a provision dealer and relieved him, did not you?—I did.

6478. What did you give him?—I believe two loaves; I gave him a pound of lard and two ounces of coffee. I am not certain whether it was I or *Prichard* that gave him two pounds of meat.

6479. Was anything said by you or *Prichard* in your presence to him about his vote?—Not a word.

6480. *Mr. Justice Willes.*] When was this?—This was on Friday evening, as far as my memory serves, three weeks or a month before the election.

6481. *Mr. Gates.*] You got him some employment in distributing bills and cards, did not you?—He came to my house on the following Monday, and asked me if I could give him a job. I says "If you do anything for me on the election, you will have to do it on the voluntary principle; if you insist upon payment, and you vote; if you insist upon my paying you and you vote, you subject yourself to prosecution."

6482. Did you send him anywhere then for work, or anything of that sort, or put him on for so many days?—No, he came down to me at intervals, perhaps two or three days between the time, and he asked me if I could give him something to do; I said "There are some more bills, if you choose to take them out you can."

6489. Did you say to him "You know who you will vote for," when you employed him, or paid him on any of those occasions?—No; because I told him at first, if he insisted upon payment and he voted, he would render himself liable to prosecution.

6490. Did he say to you he was to be set down for two days' work; and did you say "All right"?—No.

Cross-examined by *Mr. James.*

6491. As we hear, you were one of the ward managers?—Yes.

6492. Did you have a sum of money from anyone to disburse in the election?—Yes.

6493. How much did you have?—£. 10.

6494. From whom?—From *Mr. Blundell*.

6495. Have you rendered any account of that?—I have not.

6496. How much of it did you spend?—I think my account amounts to about 18 l.

6497. Then they owe you 8 l.?—Yes.

6498. Have you applied for it?—No.

6499. Why?—*Mr. Blundell* said I need not trouble about it; he should come for the account.

6500. When did he say that?—When he brought me the money.

6501. When did he bring you the money?—I cannot say when; it was before the election.

6502. Before the election *Mr. Blundell* brought you 10 l.?—Yes.

6503. What did he tell you then about the rest of the money if you spent more?—He said nothing about anything more.

6504. Then you, out of your own pocket, spent 8 l.; why have not you applied for it?—I expected *Mr. Blundell* would call for the account, and then I should have asked for it.

- Mr. D. H. Clare. No. 6505. He has never called for the account?—
 19 February 1869. 6506. Where is your account?—I have it in my pocket.
 6507. Will you let me see it?—(*The Witness handed it to the learned Counsel.*)
 6508. Show me Roadnight's name in it?—Roadnight's name is not in it.
 6509. Show me the entry of the payment of this money to Roadnight?—It is included in there as messengers; a good deal is entered at the same time.
 6510. I see this is put "messengers" (that would be in pencil), "chart clerk, 1*l.* 10*s.*"?—Yes.
 6511. You have no particular items of that I suppose?—Roadnight is included in messengers.
 6512. It is included in your knowledge but his name is not down?—No.
 6513. When did you make that entry, before or after the election, "messengers, chart clerk"?—After the election.
 6514. You trusted to your memory?—No, I put it down directly after the election; the chart clerk is the one employed on the polling day.
 6515. How much did you pay the chart clerk?—Ten shillings.
 6516. The 1*l.* is composed of sums paid to several people?—I say 10*s.*; is not there any one else besides the chart clerk?
 6517. "Messengers, chart clerk, 1*l.* 10*s.*;" if you paid the chart clerk 10*s.* there would be 1*l.* for the messengers?—The 1*l.* would go to the messengers.
 6518. As to these, you trusted to your memory? No, I put them down when I paid the money.
 6519. Where?—I included them together.
 6520. This was done after the election?—As soon as the election was over.
 6521. The money was given to Roadnight before the election; you trusted to your memory so far?—I did so far as Roadnight was concerned.
 6522. Did you put down the names of any messengers anywhere?—No.
 6523. You trusted to your memory, so far as all the messengers were concerned?—There were only two.
 6524. Who was the other?—He lives down Nib's yard, the butcher's, in Little Park-street.
 6525. Had you known Roadnight before the election?—No.
 6526. Pitchard told you that he had seen him come out of the relieving officer's?—Yes.
 6527. What are you?—A shoe manufacturer.
 6528. You do not mean to represent a person tells you that he has seen persons coming out of the relieving officer's house, is there any reason why you should relieve the wants of all those persons?—It would if that was the only case I ever did relieve.
 6529. If it was the fact that the person was seen coming out of the relieving officer's house, what claim had that person upon your charity?—I am not aware that he has any claim.
 6530. You contemplated his being employed,

because you told him if he did any work at the election he must do it on the voluntary principle?—Yes.

6531. Did you tell him you were a supporter of Mr. Eaton and Mr. Hill?—I did not.

6532. What was said about his doing work at the election that caused you to say, "If you do any work you shall do it on the voluntary principle"?—That was on the Monday; I relieved him on the Friday.

6533. He came back to you?—It was on the Friday evening I relieved him.

6534. You relieved him because he was in your view in great distress?—Yes.

6535. Did you expect this man who was in great distress to do work on the voluntary principle?—He asked me to find him work before the election; I told him I could not give him work if he insisted upon payment; if he insisted upon payment and he voted he would subject himself to prosecution.

6536. And he did work?—And he did work.

6537. And you paid him?—I did.

6538. And you thereby subjected him to prosecution?—I did not ask him to vote.

6539. You knew he was a voter?—I did.

6540. Did you expect when you paid him the 1*s.* and 2*s.* that he would not vote in consequence of your paying him?—No, nothing was said to him about his vote.

6541. You did not tell that he was not to vote?—No.

Re-examined by Mr. Huddleston.

6542. As I understand you, you mentioned to him at the commencement that if he was paid he could not vote?—I did.

6543. You say whatever you gave him, and at every time that you gave it, you never at any time asked him about his vote?—Never.

6544. As to this 10*l.*, I see you have here an account of the different sums that you have expended?—I have.

6545. Have you left that account till Mr. Blundell would come?—Yes.

6546. Do you say Mr. Blundell has been very ill?—Very ill.

6547. First of all stationery, 1*l.*, circulars for convening meeting, 15*s.*, hire of room, 16*s.*; that was the room where you met, and you paid for it at the time?—Yes.

6548. That is the course, to pay for the rooms at the time to prevent bills running up?—Yes.

6549. You have not added it up?—Yes.

6550. What is the size of your ward?—As far as my memory serves me, there is close on 300 voters.

6551. Those are the whole expenses of that ward?—The whole expenses.

6552. The whole expenses of [house-row lists and stationery, and rooms, and cards, and everything of that sort?—Yes.

[The Witness withdrew.

JOHN PRICHARD, called again; Examined by Mr. Huddleston.

J. Prichard. 6553. Did you take that man Roadnight to Mr. Clare?—Yes, I met Mr. Clare in Little Park-street.

6554. You met the man coming out of the relieving officer's?—Yes; I saw him pushed out into the street.

6555. What

6555. What did he say when he went to Mr. Clare?—It was me mentioned to Mr. Clare about him.

6556. What did you mention about him?—I asked Mr. Roadnight, when I saw him pushed out, what was the matter; what was up; he said he had been to ask Mr. Kendrick to give him relief. He said he had had nothing, neither him, nor his wife, nor his family, nor wife's sister; he had not had anything for two or three days, not a bit of fire, nor a bit of food to eat. I told him I was very sorry for him, and I said, "Come with me and I will give you some tea;" I took him and gave him some tea, and he told me and my wife what was the matter; that he had had nothing for two or three days, and he began

to cry. I said, "I will go and see a gentleman; I will see if I can get you a little assistance till such time as he would be able to go up to the parish." I did so, and going up Little Park-street I met Mr. Clare. I told him the circumstance, and Mr. Clare said he would do what he possibly could for him.

6557. Do you know Clare?—Yes, because I work for him.

6558. Have you known Mr. Clare relieve persons in distress at times?—Yes, I have known him to do it on several occasions.

6559. Out of charity?—Yes, out of charity.

[The Witness withdrew.

WILLIAM HENRY BARTON, sworn; Examined by Mr. *Dugdale*.

6560. ARE you the husband of Jane Barton, who has been called in this inquiry?—Yes.

6561. Have you a vote for this city?—Yes.

6562. Who did you vote for?—Mr. Hill and Mr. Eaton.

6563. Do you recollect Mr. Hill and Mr. Eaton coming to canvass you?—He came to thank me for my vote; I promised it three weeks ago.

6564. Did they come to canvass you?—

Mr. Justice *Willes*.] Is there any use calling this person against his wife; he is

already in conflict with the evidence of the two Members. You put him in the box for Mr. James to answer. I do not like a husband to be unnecessarily examined against his wife.

Mr. *James*.] Ask him whether he had any money.

6565. Mr. *Dugdale*.] Had you any money from the Hedgers?—No.

[The Witness withdrew.

Mr. HENRY HEDGER, sworn; Examined by Mr. *Dugdale*.

6566. ARE you a voter for this city?—Yes.

6567. Who did you vote for?—Mr. Eaton and Mr. Hill.

6568. Did you go to Barton's house to canvass him?—I did not.

Cross-examined by Mr. *James*.

6569. Are you the Mr. Hedger that received a telegram from a person of the name of Hooper, in London?—No.

6570. Do not you know a person of the name of Hooper, in London?—I do not.

6571. Is there another Hedger, who took an active part in this election?—Yes.

6572. Who is that?—My son.

6573. He is in Coventry?—Yes; he is obliged to mind my business when I am here.

6574. Do you know whether your son knows a person of the name of Hooper?—He does not.

6575. Mr. Justice *Willes*.] Is his name Henry James?—William James.

6576. Mr. *James*.] Who is Mr. Hedger, of Broadgate, Coventry?—I am Mr. Hedger, of Broadgate, Coventry.

6577. Just look at that (*handing the telegram to the Witness*); I daresay you know a person named Hooper?—I do not.

6578. Did you receive that telegram about the election time?—No, my son did.

6579. How do you know that?—Because I have seen the telegram.

6580. Do you know who used the name of Hooper?—I do not; a stranger to me.

6581. Who lives at 17, Warwick-street, Regent-street?—That I cannot tell you.

6582. Has your son been in London lately?—No.

6583. Did you ask your son who Hooper was?—I did not; I think, like myself, he did not know who the party was.

6584. He is quite unknown to you?—Quite.

6585. You were known as a person who took an interest in the election?—Yes.

6586. And you canvassed actively?—I do not know about actively; I had the gout, so I could not get out, and I could not have been very active about it.

6587. You know nothing about two men coming from London; two voters?—No.

6588. This was quite an enigma to you; you gave it up, I suppose?—It was not to me.

6589. You saw it?—I did.

6590. You gave it up?—Yes, I could not explain it.

6591. Nor your son?—That I cannot tell.

[The Witness withdrew.

JOHN LINNET, sworn; Examined by Mr. *Gates*.

6592. WHAT are you?—Up to Christmas last I had filled a situation of 28 years' duration; I am now doing a bit of business on my own account.

275.

6593. Are you a voter?—Yes.

6594. Who did you vote for?—Mr. Eaton and Mr. Hill.

R 4

6595. Do

J. Prichard.

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*W. H.
Barton.*

*Mr.
H. Hedger.*

J. Linnet.

- J. Linnet.*
19 February 1869.
6595. Do you know a voter named Thomas Neale?—Yes.
6596. Did you call there the night of the nomination, about nine o'clock, with Fawson?—Yes.
6597. And ask him whether he had made up his mind to vote?—Yes.
6598. What did he say?—He did not make me any immediate answer, but his wife proceeded to talk, being of a talkative turn.
6599. Did you say to Neale himself, "It will be worth a week's work if you vote for the light blues"?—No, I did not.
6600. And did Mrs. Neale say to that, "What do you call a week's work?" and then did you say, "He does not earn a sovereign, does he"?—No.
6601. Did you say that you would give him that, or make it as good as that, if he voted for the light blues?—I did not.
6602. Will you tell us, in your own way, what it was that passed between you then?—The mention of the sovereign emanated from the wife.
6603. Will you tell us how?—I cannot swear to the exact words; she said something amounting to this: that we could give her a sovereign for that little china dog, if we thought it well; she knew how these things were done.
6604. Was that a voluntary observation made by her to you?—It was.

6605. Then did you leave them?—I started about going, but Fawson not following me immediately I went back, and I told her it was evident to me that she did not mean her husband to vote without being paid, and as that was no part of my business, I must bid them good night.

Cross-examined by Mr. James.

6606. You are a ward manager?—No.
6607. You had no accounts to render?—I had not.
6608. I understood you to say that nothing was said about your asking what the man would earn in a week, or what his wages would be, or anything of that kind?—No, certainly not.
6609. Do you mean to say it is true what you have stated?—I do.
6610. Mr. Justice Willes.] What are you?—I suppose I may be called deputy-manager.
6611. I mean out of politics, what are you?—At Christmas I vacated a situation that I had held for 28 years; I am now doing business on my own account; I am a buyer and seller of ribbons.
6612. What were you during those 28 years?—I was with a ribbon manufacturer, an old firm in this city.
6613. What name?—Ratcliffe.

CHARLES FAWSON, sworn; Examined by Mr. Gates.

- C. Fawson.*
6614. ARE you a voter?—Yes.
6615. For whom did you vote?—For Messrs. Eaton and Hill.
6616. Did you call with Linnet upon the Neales on the nomination night?—I did.
6617. Did you see Mr. and Mrs. Neale, both?—Yes.
6618. Will you tell us what took place; when you went in there you asked for Neale's vote I suppose?—I went for a different purpose very likely from Linnet; Linnet I believe went to ask him if they had made up their mind who to vote for.
6619. What did you go for?—I went for money owing to me.
6620. You did not go to ask about their vote?—No, I had nothing to do with the election.
6621. Did you hear the conversation between Linnet and the two Neales?—Yes; Mr. Linnet did ask if they had made up their minds for whom they would vote, and instead of answering she stated that her husband had been ill with a fever, and he ought to have something for it; for the loss of time I understood her to say.
6622. Did you hear anything said about a chimney ornament?—Mr. Linnet answered her and said that would be bribery; afterwards she says, "Damn it, man, could not you buy this dog?"
6623. Pointing to something?—It was a small ornament taken from the shelf.
6624. Did she suggest the worth of it?—I fancy she said 1*l.*; I would not swear to that; I would not be very particular upon that.
6625. What did Linnet say or do then?—He said it was bribery still; he had no power to do so—to offer any money.
6626. Did this take place; did Linnet say to her it would be worth a week's work if her husband would vote for the light blues?—I did not understand him to say so.
6627. Did she say, "What do you call a week's work?" and did Linnet answer, "He does not earn a sovereign, does he"?—I did not hear him say anything of the sort.
6628. Were you there all the time?—Yes.
6629. When Linnet turned to go, you remained behind a little?—Only a little.
6630. Did Linnet go on to say, "I will give you that, or make it as good as that for you"?—I never heard him say anything of the sort.
6631. Mr. Justice Willes.] What are you?—A watchmaker.
6632. Were you at all concerned in the election?—Not in the least.
6633. Except as a voter?—Except as a voter; I never solicited anyone in my life.

Mr. James asked again for Kilby's accounts.

Mr. Justice Willes.] I have been thinking that Kilby ought to have been here an hour ago with the books; he ought to have brought them instantly, if he did not desire a reflection to be cast on his absence; he ought to have produced the book to Mr. James.

JAMES KILBY, called again; Examined by Mr. *Huddleston*.

6634. How long have you been here?—A quarter of an hour.

6635. Were you here before lunch time?—I was.

6636. How long were you here before lunch; you went to get your book; how soon after you went away, did you come back?—I was gone 20 minutes.

6637. Were you here after that till lunch time?

—Yes, I have been here a quarter of an hour now; my reason for being away was, that my wife is very ill, and of course I had some conversation with her while I was away.

6638. Is that your book?—Yes (*producing the same*).

J. Kilby.

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THOMAS JACKSON, sworn; Examined by Mr. *Dugdale*.

6639. ARE you a voter for this city?—Yes.

6640. For whom did you vote?—For Mr. Eaton and Mr. Hill.

6641. Do you know Horsfall?—Yes.

6642. Did you see Horsfall about a week before the election?—I did not.

6643. Did you ever say to him, about that time, “I hear you are in very great distress,” and you could get him work at the Elastic Factory?—I did not.

6644. Did you ever see him on the Saturday, the following day on which he alleges you offered him assistance?—No.

6645. Did you give him 2s. 6d. in the street?—No.

6646. Did you see him on the Monday after the Saturday which I speak of, and say that you would give him 10s. after the election was over?—No.

6647. Did he go to the “Swanswell Tavern” with you on the Friday morning after the election?—No.

6648. Did you see him at the “Swanswell Tavern” on the Friday morning after the election?—I did not.

6649. Did you tell him the previous day to call at your house to go with you to a gentleman at the “Swanswell Tavern”?—I did not.

6650. Did you ever tell him to say nothing about it?—Not at all.

6651. Did you ever give him 10s., or 2s. 6d.?—Never; I never gave him 2s. or 2s. 6d.

6652. You never gave him anything?—No.

Cross-examined by Mr. *James*.

6653. Are you one of the ward managers or deputy ward managers?—Yes.

6654. Which?—A deputy ward manager.

6655. You did not have any money?—No.

6656. None at all?—None at all.

6657. You did not receive any from anyone, nor have you any claim?—I did not.

6658. You know this man, Horsfall?—Yes, I do.

6659. Did you know that he was in distress at the time?—I did not.

6660. Did you speak to him?—I did not speak to him.

6661. You say that you gave him nothing; that you did not speak to him, and that you had nothing at all to do with him?—Yes.

6662. You never went with him anywhere?—I never went with him anywhere.

6663. Was anything at any time said as to his putting out some bills, or anything of that kind?—No, not to me.

6664. Mr. Justice *Willes*.] What ward were you manager of?—The Jordan Well Ward.

6665. I have Dowling as deputy ward manager; were you another?—You may call me deputy ward manager, or something of that sort.

6666. What are you by business?—I am a watchmaker by business.

6667. Are you a journeyman watchmaker, or have you a place of your own?—I have a place of my own; I have one apprentice and one man.

6668. How long have you had that place?—Four years I think now; I was in business before, but things went bad with me so far as trade, and I had to go out of the watchmaking trade, and then I commenced it again.

T. Jackson.

THOMAS JACKSON, jun., sworn; Examined by Mr. *Dugdale*.

6669. ARE you the son of the last witness?—Yes.

6670. Are you a voter for Coventry?—Yes.

6671. For whom did you vote at the last election?—For Mr. Hill and Mr. Eaton.

6672. On the nomination morning were you

at the “City Mill Inn” with Joseph Horsfall, a ribbon weaver?—No.

6673. Did you pay for gin-hot for him, and for eight or nine other persons there?—No.

T. Jackson, junior.

[The Witness withdrew.

EDWARD WAKELIN, sworn; Examined by Mr. *Dugdale*.

6674. WHO are you?—Wakelin, of the “City Mill.”

6675. You are the landlord of the “City Mill”?—Yes.

6676. Are you a voter?—Yes.

6677. For whom did you vote?—For Mr. Eaton and Hill

6678. Do you recollect Friday, the 20th of November?—Yes.

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6679. Did Mr. Horsfall come into your house at all that day?—Not to my knowledge; he is a stranger to me. I never knew him.

6680. Were you in your house serving in and out all day?—Yes; I was waiting in the bar.

6681. Was there any gin-hot consumed there at all that day?—There was not.

E. Wakelin

[The Witness withdrew.

JOHN ASHTON, sworn; Examined by Mr. Gates.

J. Ashton. 6682. ARE you a voter?—I am.
 19 February 6683. For whom did you vote?—Eaton and
 1869. Hill.

6684. I think you are the secretary to the Constitutional, or to some Conservative working association, are you not?—I am.

6685. Do you know a voter of the name of Richard Kilpack?—I do.

6686. Did you see him a few days before the election; on the 13th of November?—I did.

6687. Did you have any conversation with him about the way in which he was going to vote?—Yes.

6688. Just tell us what took place?—I asked him whether he would vote for Eaton and Hill; he said he thought not.

6689. Did he say to you that he thought of going away the next day, as he had been out of work; and did you say, "You had better make up your mind, and come and see me in the morning"?—I did.

6690. Did he come?—He did not.

6691. Did you afterwards see him again?—I did not; I saw him again the same night, but he was to see me the next morning.

6692. He did not come the next morning?—No, he did not.

6693. Did you have any more conversation with him after that before the election?—I returned to his house again, seeing the distress he was in, and I left them 1s. to buy them some bread.

6694. Did you tell him that if he would vote for Eaton and Hill you would see him well through the winter?—No.

6695. And that there were many gifts at Christmas, and that you would see that he had some, or words to that effect?—No.

6696. Do you know an old man named James Everett?—I do.

6697. Did you speak to him about which way he was going to vote?—He spoke to me.

6698. Will you tell us what took place between you both?—He said the Liberal party had used him very ill; they had never given him a gift at all, and without they did give him one he would leave them. I says, "I will see what I can do for a gift for you."

6699. Did you say to him, that if he would go on your side you would find him employment for four days, at 5s. a day?—No.

6700. Nor anything at all to that effect?—Nothing at all.

6701. Were you thinking of the Christmas gifts and the Christmas presents?—Yes; that was the result of the conversation and nothing more.

Cross-examined by Mr. Henry James.

6702. Are you secretary to the Conservative Association?—I am.

6703. What are you by business?—I was a weaver, but I am not now.

6704. What do you do?—I travel as well as being secretary to the association.

6705. Do you travel in business?—Yes; I

travel with spirits on commission, and I fill up my time at the association.

6706. Then you come back from your travelling, to the association?—Yes.

6707. Are you paid by the association?—I am.

6708. What does Mr. Eaton subscribe to the association?—Five guineas, yearly.

6709. You seconded Mr. Eaton, once, did you not?—No.

6710. Never?—Never.

6711. Did you go to London on a deputation?—Never.

6712. They give you more honour than is due to you, apparently; did you tell this man, Everett, that you would see about the gifts, at the time you were seeing him about his vote?—I did not.

6713. Had you asked him to vote for Mr. Eaton and Mr. Hill?—Never.

6714. But you were seeing him about his vote?—Never.

6715. What did you go to him for, then?—He came to me.

6716. Did you never call upon him?—Never.

6717. Never at all?—Never.

6718. Did you call upon Kilpack?—I called upon Kilpack, twice the same night.

6719. Was that to canvass?—No; I was not canvassing.

6720. What did you call upon him for?—A person came to the room to me, and asked me to wait upon him; and I done so.

6721. For what purpose?—Why, to ask him if he would vote for Eaton and Hill, in the first instance.

6722. That is something like canvassing, is it not?—No; I consider a man who goes canvassing goes out with a book of some kind or other, and I refrain from doing so.

6723. If you go to ask a man for his vote, you do not consider that canvassing?—I think not.

6724. Then the book makes the canvass?—No; the canvass, is of course, a man going out for the day.

Re-examined by Mr. Huddleston.

6725. What are the subscriptions to the Conservative Association?—It is to provide a room and papers for working men, to come and sit and read; nothing more.

6726. What other gentlemen subscribe to it?—Many gentlemen who I see around me now; guineas, half-guineas, five shillings.

6727. And that is spent in a room, and fire, and lights?—Yes, it is expended on fire, gas, salary, and rent, and other little matters connected with the association.

6728. It is not spent on the election in any way?—Certainly not; not one penny.

6729. And you, I think, you say yourself, did not canvass?—I did not.

[The Witness withdrew.]

JOHN BURDON, sworn; Examined by Mr. *Gates*.

6730. ARE you a voter?—Yes.

6731. For whom did you vote?—Mr. Eaton and Mr. Hill.

6732. Do you know a voter named George Brown?—Yes.

6733. Are you the manager, or deputy-manager of any ward?—I am not a manager.

6734. What are you?—Well, I might be perhaps termed a manager, but I don't know, I am sure.

6735. Where do you live?—At Foleshill; I am not a manager.

6736. Mr. Justice *Willes*.] But why might you be called a manager?—Just simply because I went round with one or two to see one or two of the voters.

6737. Mr. *Gates*.] In what ward are you?—It is not a ward; it is a parish; the parish of Foleshill.

6738. You do not belong to either of the wards of the city?—No; I live at Foleshill, about a mile or a mile and a quarter from Coventry.

6739. You say you know a voter named George Brown?—Yes, I do.

6740. Did you know which way he was going to vote?—Yes; he had promised us to vote for Mr. Eaton and Mr. Hill, without asking.

6741. Did you see him on Thursday, the 12th of November?—Yes; I did.

6742. Was that in Coventry?—No, it was not; it was at Foleshill.

6743. Did he say anything at all then about voting?—He said that he did not think he could stay to vote, for he was going to Manchester; he had a letter come from his sister, and he was going to Manchester.

6744. Did you say anything to him then about making it worth his while to stay?—No; that was all the words that passed that day.

6745. Did you say to him that if he staid, his time should be given to him, and his fare back, or anything of that sort?—No; I said nothing about it; I saw him on the Friday morning, the 13th, the day afterwards, at 10 o'clock. He had been into the town, he said. He says, "I am going to Manchester, I am going by the 12 o'clock train." I was at the top of the Cross, with a man of the name of Yardley, and when I saw him, it was a quarter past 12. I said, "Are you going to Manchester?" He says, "I am too late for the train." We walked down Hereford-street, and then he said he should like to go into the Market Hall. We went into the Market Hall, nothing was said about money, or anything of the kind. He had asked whether the party

could keep him; he said, he should like to stay to vote for Eaton and Hill, if the party could keep him over Tuesday; he asked me, if they could. I said, "No, they could not," for I had never heard anything about any money affairs at all.

6746. Did you upon that occasion say, you would give him his time and pay his fare back to Manchester?—No; I had no promise of money for anyone. I could not make any promise; It was not in my power to do so.

Cross-examined by Mr. *Henry James*.

6747. Did you go in the first instance to canvass George Brown?—I did not canvass him, because I saw him several times, and he says, "Am I on the Register?" and I says, "You are." He says, "I shall vote for Eaton and Hill."

6748. You did go from person to person trying to get votes?—I did; I went to several houses.

6749. You had a canvassing book given you?—No book was given me; I made out a book of my own.

6750. From the register?—Yes.

6751. Where did you get the register from?—Well, I had it at the Registration Court.

6752. What were you doing at the Registration Court?—I looked after the voters at the registration.

6753. Who employed you to do that?—The Registration Association.

6754. Were you paid for it?—Was I paid for the registration?

6755. Yes?—I was paid for attending at the court.

6756. What were you paid?—I think it was 5 s.

6757. For how many days?—Five shillings for two days, I believe.

6758. You were paid nothing afterwards, of course, at the election time?—No, not a half-penny, I will swear.

6759. Did you learn from Brown that he had got a pass to go to Manchester?—Yes.

6760. Did you try and persuade him to stop?—No.

6761. You never told him if he stopped he should lose nothing?—No.

6762. But have a pass found him?—No.

[The Witness withdrew.

WILLIAM YARDLEY, sworn; Examined by Mr. *Gates*.

6763. ARE you a voter?—No.

6764. Do you know Burdon, the last witness?—Yes.

6765. Were you with him on the Thursday and on the Friday when he saw George Brown?—I was.

6766. Did you hear the conversation that took place between them?—I did.

6767. Did Burdon ever say to Brown that he would give him his time if he would stop and vote, and pay his fare back to Manchester, or anything of that sort?—No, nothing of the kind.

[The Witness withdrew.

J. Burdon.
—
19 February
1869.

W. Yardley.
—

JOHN BROWN, sworn; Examined by Mr. *Dugdale*.

- J. Brown.*
 19 February 1869. 6768. WHAT are you?—I am a druggist by trade.
 6769. Are you a voter?—Yes, I am.
 6770. How did you vote at the last election?—For Mr. Eaton and Mr. Hill.
 6771. Do you know a blind man, called William Jones?—I have known him for years.
 6772. He says that you offered him a load of coals, and you suggested that 1*l*. would do him good when setting up his basket of fish?—I did not.
 6773. Tell us what did take place?—I called upon him asking for his vote. He told me he wished to vote with us, but the screw had been put upon him by his own side. Therefore I said I would not press him any farther, and I said, “Jones, rather than sell my vote at that price I would collect for you,” but not among ourselves. He said directly afterwards, “If I vote for you I shall lose the coals at Christmas”; then I said to him, “Then I would turn out, and try and get them elsewhere.”
 6774. Did you promise him or offer him 1*l*. in any shape or way?—Most decidedly not.
 6775. He says, also, you gave him 6*d*. for something to drink?—I did so; I was sorry for the man’s position; it was not the first I gave him by any means.
 6776. Then afterwards you left him?—I left him and I have not seen him since.

Cross-examined by Mr. *Henry James*.

6777. Are you a ward manager or deputy ward manager?—I believe I am called so.
 6778. But are you so?—I believe I am.
 6779. You are in conjunction with James Mann in the same ward?—Yes.
 6780. Did you call, with James Mann, upon this blind man, Jones?—I did.
 6781. For the purposes of canvassing?—Just so.
 6782. I suppose you had your canvassing-book as deputy manager?—Undoubtedly.
 6783. Did you canvass him in the presence of his wife?—Undoubtedly I did.
 6784. Was anything at all said about stocking his basket of fish?—I told you what I said, that I would turn out if I were him and get 1*l*.
 6785. Did you say anything about stocking his basket with fish?—Certainly not.
 6786. What did you say about turning out and getting 1*l*.?—I said to him that rather than sell his vote at the price he was getting I would turn out and get 1*l*.
 6787. How was he to get the 1*l*.?—Well, I

should fancy from the position the man showed himself to me to be in, anybody would help him to get 1*l*.

6788. By what means?—Among his friends.
 6789. Begging?—Yes; I would rather do it if I was in the position he was, if I had been that way.
 6790. You thought it better that he should get the 1*l* by begging than that he should vote for Mr. Carter and Mr. Jackson?—Just so, under the circumstances.
 6791. Two witnesses have stated that you offered him a load of coals; do you mean to contradict it?—I deny it, most positively.
 6792. You suggested that he should get the load of coals?—I said, “Rather than I would vote for Mr. Carter and Mr. Jackson under compulsion I would try and get them elsewhere.”
 6793. Where was he to get them elsewhere?—There were lots of Conservatives and Liberals besides the one that was going to give him the coals; it was charity, these coals.
 6794. Your idea was that if he did not vote for Mr. Carter and Mr. Jackson, but voted for Mr. Eaton and Mr. Hill, he could go and get the coals?—No; I said, rather than sell his vote at that price.
 6795. But you wanted him not to vote for Mr. Carter and Mr. Jackson?—Just so.
 6796. Then what you suggested to him was that he should vote for Mr. Eaton and Mr. Hill?—Oh, dear no.
 6797. What did you call upon him for?—To ask him for his vote for Mr. Eaton and Mr. Hill. He told me then he decidedly wished to vote for us, but the screw had been put upon him by certain parties, and he felt that he could not do so without, perhaps, losing his livelihood.
 6798. Did you not then suggest to him that he should vote for Mr. Eaton and Mr. Hill, and get his coals elsewhere?—No; certainly not; I told him it would be much better as far as his position was concerned to vote for Mr. Carter and Mr. Jackson; I have not seen him since.

Re-examined by Mr. *Huddleston*.

6799. After you told him that, you did not ask him again?—Decidedly not.
 6800. Mr. Justice *Willes*.] You asked him to vote for Mr. Eaton and Mr. Hill?—Just so.
 6801. He said he was going to vote for Mr. Carter and Mr. Jackson against his will, and that he would lose something if he did not?—Just so; that is it.

[The Witness withdrew.

JAMES MANN, recalled; and further Examined by Mr. *Huddleston*.

- J. Mann.*
 6802. We have had Mr. Brown here who said that he canvassed Jones, the blind man, with you?—He did.
 6803. Do you recollect anything being said about his vote?—We asked him for his vote and interest on the part of Messrs. Eaton and Hill, and he said, under the present circumstances he could not promise them; but he said he should have liked to support them, but he had friends who assisted him in different ways, and gave him coals at Christmas, and so on. Mr. Brown said that under the circumstances he would not press for his vote, in fact, he should not ask him again; he gave him 6*d*. and we left; and he distinctly said that the 6*d*. had nothing at all to do with his vote.
 6804. Brown was telling us that something was said about the man saying that he would not get his coals at Christmas?—I understood Jones to say,

say, that they had given him some coals at Christmas, meaning Liberal friends.

6805. The last Christmas or the Christmas to come?—He did not say whether it was last Christmas or the Christmas to come.

Cross-examined by Mr. *Henry James*.

6806. Did you hear Mr. Brown say that Jones

had better not sell his vote in that way?—I do not recollect Brown saying that.

6807. And that he had better turn out and get his coals elsewhere?—I do not recollect Mr. Brown saying that.

6808. Or get it elsewhere, or get coals from other people; you do not recollect his saying that?—No.

[The Witness withdrew.

J. Mann.

19 February
1869.

JOHN PRIEST, sworn; Examined by Mr. *Gates*.

6809. ARE you a voter?—Yes.

6810. And for whom did you vote?—For Eaton and Hill.

6811. Do you know another voter named Thomas Milliner?—I do.

6812. Did you call upon him with Mr. Cooke?—Yes.

6813. Will you tell us, in your own way, what took place when you and Cooke called upon him for his vote?—On the first occasion we delivered a bill, and on the next occasion we took a house-roll, and took the number of the house where he lived; we went to his house in the ordinary way that it is done along with other houses, and when we had done so, we gave up that book and we had nothing to do with Mr. Milliner, or any other man.

6814. Did either you or Cooke call him out, and ask him whether he could go with you for four or five days?—We never called him out at all, but spoke to him in his house.

6815. Did you ask him whether he could go with you for four or five days?—We never asked him any questions at all.

6816. And did you tell him he could have 5 s. a-day?—No; I deny that.

6817. Did you tell him he had a wife and family to consider, and that it would be better than being idle?—No; I never did.

6818. Did you say to him that if he would not go out, and you could depend upon him, you could give him 5 s.?—I had not 5 s. myself, nor five pence; I could not offer him 5 s.

6819. Then you say that you made use of no such language whatever?—I made use of no language of the sort.

Cross-examined by Mr. *Henry James*.

6820. Are you manager or deputy-manager?—I am no manager at all; I am only an ordinary man.

6821. Are you in the habit of going to the committee rooms?—I do not know the committee room; I have been in a committee room, but I am no manager.

6822. What do you mean by saying that you do not know a committee room, and you say that you have been in one?—I have been in the committee room years back, but I saw no name of a committee; I was in the house at the last election.

6823. I suppose you got your canvass book from there?—I never had a canvass book.

6824. Had Cooke one?—I can answer for myself; I had a house-roll book, but I had taken down the names myself.

6825. You know that messengers were employed?—Yes; I know that messengers were employed.

6826. At how much a day?—I cannot tell, I do not know at all; I had nothing.

Re-examined by Mr. *Huddleston*.

6827. The house-roll book is the book which is made for the purpose of ascertaining the order in which the voters lie?—It is not made out; it is just the number of the house where a person lives.

6828. The object is to know where to call?—As a matter of course; it is not made out, it is a house-roll book, it is a plain book.

[The Witness withdrew.

J. Priest.

THOMAS COOKE, sworn; Examined by Mr. *Gates*.

6829. ARE you a voter?—Yes.

6830. Did you vote for Eaton and Hill?—Yes.

6831. Are you a manager or deputy-manager in your ward?—No.

6832. Were you with Priest, the last witness, making the house-roll list on the 9th November?—Yes.

6833. Do you recollect going to Thomas Milliner's house?—Yes.

6834. Did you go into it or not?—Yes; into it.

6835. Did either you or Priest call him out and ask him whether he would go with you for four or five days?—Certainly not.

6836. Did you further add, either of you, that it would be for 5 s. a day?—No, nothing of the sort.

6837. Did either of you say to him that he had got his wife and family to consider, and that it would be better than being idle?—No.

6838. Were you close by Priest at the time?—Yes.

6839. Did you hear Priest say to him that if he would not go out, and you could depend upon him, he would get 5 s. a day?—Certainly not.

6840. Or anything to that effect?—Nothing of the sort.

[The Witness withdrew.

T. Cooke.

CHARLES EDWARD VERLING GOATE, Esq., M.D., sworn; Examined by Mr. *Dugdale*.

- C. E. V. 6841. I BELIEVE you are a Surgeon or Physi-
Goate, Esq. cian?—Both.
— 6842. Do you know a man of the name of
19 February Mayne, who has been mentioned in this inquiry?
1869. —I do.
6843. Have you been attending him?—I
have.
6844. Has he talked to you about his having
had anything for his vote?—He has frequently
stated that he has not.

Mr. *Henry James* objected to the ques-
tion.

6845. Mr. *Dugdale* (to the *Witness*).] Have
you conversed with his wife about it?—I
have.

Mr. *Henry James* renewed his objection.

[The *Witness* withdrew.

JOHN SMITH, sworn; Examined by Mr. *Dugdale*.

- J. Smith. 6846. ARE you a voter?—Yes.
— 6847. What is your profession?—I am a Coal
Merchant.
6848. For whom did you vote at the last elec-
tion?—Eaton and Hill.
6849. Are you a ward manager or deputy
ward manager?—Not at all.
6850. Do you know a man of the name of Ed-
ward Jackson, a weaver?—Yes.
6851. Did you and a man named Wheeler go
to see him before the election?—Yes.
6852. Is it true that after some conversation
Wheeler said that he could give him four days'
work if he would vote for Eaton and Hill?—
No.
6853. What was it that did take place?—I
met him, and it was the first time I had met him
since he had lost his wife, and I sympathised
with him in his loss. I had known him all my
lifetime, and he was in different circumstances
from what I had known him, and I felt deep
sympathy for the man. I asked him about his
work, whether he had got any work to do, and
he said he had not. I said, "Who are you
going to vote for this time, Jackson?" and he
said, "Well, I do not know; I have not made
up my mind." I said, "Shall you vote for the
Liberal party again?" and he said he did not
know; he had not made up his mind; he would
see me again about it.
6854. Did you promise him anything at all
if he would vote?—Nothing at all.
6855. Then it is utterly untrue that either
you or Wheeler ever said you would give him
four or five days work if he would vote for Messrs.
Eaton and Hill?—Yes, utterly untrue.
6856. Did anybody say to him, "Come along,

you may as well have two or three pounds"?—
No.

6857. Mr. Justice *Willes*.] Was anything said
about two or three pounds?—No.

6858. Not by anybody?—Not a word.

Cross-examined by Mr. *Henry James*.

6859. You were an active supporter of Messrs.
Eaton and Hill?—Well, I took an interest in
their return; but no further than having served
them all the time they had come here.

6860. And you have taken an interest in this
petition, I think?—Not at all.

6861. Have you not been to see any of the
witnesses for the petitioner?—Not at all; not
one.

6862. You have not been to see Shuttleworth?
—No.

6863. Did you not speak to him?—I met him
in the street; I met him now, and I said, "Good
afternoon, Shuttleworth."

6864. That is all you said to him?—That is
all I said to him.

6865. Did you go to speak to this man Jack-
son about his vote?—No, I never went to his
house; I do not know where he lives.

6866. But when you saw him in the street,
you asked him how he was going to vote?—I
asked him whether he was going to support the
Liberals again.

6867. Did you ask him to vote for Mr. Eaton
and Mr. Hill?—I do not think I did.

6868. You say you said nothing at all to him
about work?—Nothing at all.

[The *Witness* withdrew.

JOHN WHEELER was called; but did not appear.

SAMUEL HUNT, sworn; Examined by Mr. *Dugdale*.

- S. Hunt. 6869. ARE you a voter?—Yes.
— 6870. For whom did you vote at the last elec-
tion?—Mr. Eaton and Mr. Hill.
6871. Are you a ward manager or deputy
ward manager?—Well, I did the registering for
the ward.
6872. You are not a manager?—No.
6873. Did you see Edward Jackson on the
30th of October?—I did not.
6874. Did you see him on the Tuesday fol-
lowing the 30th?—I did not.
6875. Did you offer him any work, or press
him to have work if he would vote for Mr.
Eaton and Mr. Hill?—I did not.

Cross-examined by Mr. *Chandos Leigh*.

6876. You say you are not a ward manager;
have you canvassed at all for Mr. Eaton and Mr.
Hill?—No.

6877. Did you canvass at all with Mr. Eaton
or Mr. Hill?—No.

6878. Did you see Jackson at all during the
election?—Oh, I might see him; he was often
about the streets.

6879. Did you ever have a talk with Jackson
about the election?—No.

6880. Nor never mentioned it all?—No, I
never spoke to him about it.

[The *Witness* withdrew.

JEREMIAH MASON, sworn; Examined by Mr. *Gates*.

6881. WHAT are you?—A Weaver,
 6882. Are you a voter?—Yes.
 6883. Did you vote for Eaton and Hill?—
 Yes.
 6884. Do you know another voter named
 James Lamb?—Yes.
 6885. And he has a brother named John
 Lamb, has he not?—Yes.
 6886. Did you see John Lamb, the brother,
 the Wednesday week before the election?—No.
 6887. Did you see him, at all events, shortly
 before or after that time?—Not to my recollec-
 tion; I never see him at all.
 6888. Did you ever, at any time, say to the
 brother John that you could help him to a pound
 or two, and ask him to mention it to his brother?
 —No.
 6889. On the 4th of November, did you see
 James Lamb himself?—No.
 6890. At all events, did you see him and have
 any conversation with him anywhere about that
 time?—Not to my recollection.
 6891. Did you promise to get him four or five
 days' work, and say you could get him one or
 two pounds for it?—No, I have no power of
 doing anything of the sort.
 6892. Did you say that you would do it?—
 Never.

Cross-examined by Mr. *Henry James*.

6893. You know both John Lamb and James
 Lamb, do you not?—Yes.
 6894. You did take a little interest in Mr.
 Eaton and Mr. Hill's election, did you not?—
 Yes.
 6895. Did you ask people for their votes?—
 No, not one.
 6896. Did you go out canvassing with Mr.
 Eaton and Mr. Hill?—No.

6897. Never with those gentlemen when they
 were canvassing, or asking for votes?—No.
 6898. That you say positively?—That I say
 positively.
 6899. Nor either of them?—Nor either of
 them.
 6900. Nor young Mr. Eaton?—Nor young Mr.
 Eaton.
 6901. Then what interest did you take in the
 election?—Nothing beyond taking a few cir-
 culars out.
 6902. Who gave you the circulars?—Mr.
 Patterson.
 6903. That you were not paid for?—No.
 6904. Do you recollect James Lamb coming
 and speaking about your buying some sleys?—
 Never.
 6905. That was never mentioned?—That was
 never mentioned.
 6906. What did he come to you about, about
 ten days before the election?—He never came to
 me at all.
 6907. How long was it before the election that
 you ever saw James Lamb?—Well, I could not
 say.
 6908. Did he never call upon you, say within
 a month, of the election?—He never called upon
 me upon any occasion.
 6909. Nor John Lamb?—Nor John Lamb.
 6910. Neither one nor the other?—Neither
 one nor the other.
 6911. Mr. Justice *Willes*.] Are you in work
 at present?—Yes, I have got work at present.
 6912. Were you in work at the time of the
 election?—No, I was not, and that made me go
 out doing all I could for the benefit of the cause
 in that respect.

[The Witness withdrew.

J. Mason.
 —
 19 February
 1869.

JAMES BARNACLE, sworn; Examined by Mr. *Dugdale*.

6913. ARE you a voter for Coventry?—Yes.
 6914. For whom did you vote at the last elec-
 tion?—Mr. Eaton and Hill.
 6915. There is a man named John Hall, who
 says that he saw you on the day of the polling in
 the "Newdegate Arms"?—I was there.
 6916. Did you see John Hall there?—I could
 not say that I did.
 6917. Did you give him a voting card, and
 ask him to go and vote for somebody else?—No.
 6918. Do you know anything at all about it
 except seeing him by accident in the "Newde-
 gate Arms"?—No.
 6919. Did you promise him 10 s., whether he
 voted or not?—No.
 6920. William Sedgeley, another man, says he
 saw you in the "Newdegate Arms"; did you
 give him a card, or ask him to personate any-
 body, or offer him anything for so doing, or for
 voting?—No.

Cross-examined by Mr. *Henry James*.

6921. You do know John Hall, do you not?—
 By sight.
 6922. You never spoke to him in your life, did
 you?—Well, I might have spoken to him in my life.
 275.

6923. Any of us might; but have you?—
 Well, I could not say that I have.
 6924. Could you say you have not?—Well, I
 should not like to swear I have not; but not to
 my knowledge.
 6925. Where do you live?—I live at 119,
 Spon-street.
 6926. Where were you on the Sunday before
 the election?—I really could not tell you where
 I was exactly on the Sunday.
 6927. Do you know Locker's-lane, at Foles-
 hill?—Yes.
 6928. Were you at Foleshill on the Sunday?
 —No, I do not believe that I was.
 6929. Can you tell me where you were?—I
 was in Coventry, in Spon-street.
 6930. Upon your oath, did you not see John
 Hall in Locker's-lane, at Foleshill, upon the
 Sunday?—No.
 6931. You swear that?—Yes.
 6932. Did you tell him that there was a job
 for him; to come to the "Newdegate Arms" upon
 the Tuesday, at eight o'clock?—I never told him
 anything of the kind.
 6933. Did you see him on the Sunday?—No.
 6934. That you are positive about?—Yes.

J. Barnacle.
 —

- J. Barnacle.* 6935. And therefore, of course, you never could have told him then (and I presume you will say at any time) to come to the "Newdegate Arms"?—No.
6936. What were you doing at the "Newdegate Arms"?—I went there to see the state of the poll.
6937. What time was that?—I should think it was about half-past nine o'clock.
6938. Were there people breakfasting there?—No.
6939. Was there no eating and drinking going on?—I saw none.
6940. Who keeps it?—Thomas Eves.
6941. Did you hear anything said about a voting card of a man of the name of John Dyce?—No.
6942. And you never saw John Hall after the poll, did you?—No.
6943. Nor say one word to him?—No, I never said anything to him.
6944. Have you a brother of the name of William Barnacle?—Yes.
6945. Where does he live?—He is living in Coventry now.
6946. Was he in Birmingham at the time of the election?—Yes, he was residing in Birmingham at the time of the election.
6947. Did he come over here on the polling day?—Yes, he was here; he came here to see his friends; he had been away some time.
6948. So he chose the election day when he would be most likely, I suppose, to find them at home, and to talk to them and see them?—Yes.
6949. And he did come over, and you saw him?—Yes, I did.
6950. At the "Newdegate Arms"?—No.

6951. Where did you see him?—I saw him in Spon-street; he came to my house.

6952. When did he go back?—He went back on the same day—no, the day after.

Re-examined by Mr. *Huddleston*.

6953. You had nothing whatever to do with that man Hall?—No.

6954. Mr. Justice *Willes*.] What is this "Newdegate Arms"?—It is a public-house, in Hill-street.

6955. Was there a committee-room there?—No, they called there with the state of the poll from the "King's Head."

6956. Did you say 'Thomas Eves was the landlord?—Thomas Eves is the landlord of the "Newdegate Arms."

6957. What had you to do with the election?—Nothing at all.

6958. Were you employed in any way?—No.

6959. What took you to the "Newdegate Arms"?—I went there to see the state of the poll, to see how we were getting on, as they called there before they took it into the committee-room.

6960. Did you see Hall there at all?—I might have seen him there, but I could not swear that I did; there was a great number of people there; I daresay there were 30 or 40 people there.

6961. Was William Eves or Charles Eves there?—I did not see either of them there.

6962. Was there any ward manager, or deputy-ward manager there?—I could not say; I do not know.

[The Witness withdrew.]

CHARLES STUART BLENKARN, sworn; Examined by Mr. *Huddleston*.

- C. S. Blenkarn.* 6963. WERE you engaged at the last election?—I was.
6964. What as?—A scrutineer.
6965. For Messrs. Eaton and Hill?—I was.
6966. Do you recollect a man of the name of Paul coming up with a polling-card in John Dyce's name?—I remember some party, but I do not know what the man's name was.
6967. Did you challenge him?—I did.
6968. On the part of Messrs. Eaton and Hill?—I did.
6969. And in consequence of that his vote was rejected?—It was.

Cross-examined by Mr. *James*.

6970. What became of the card?—What card?

6971. Did he not produce a voting-card?—I do not know whether he produced a voting-card or not; I did not notice those matters.

6972. What did you notice? You called yourself a scrutineer; did you not observe that?—The scrutineer's book was marked that the party was in America; and the remark I made to him when he presented himself was, that he must have come by telegraph, as he was in America that morning, and he must have got there very quickly.

6973. How did you know that he was in America that morning? You must have got at

it very quickly. Did he produce no card?—Not that I am aware of.

6974. Did he say his name was John Dyce?—He did.

6975. And no card was produced, that you saw?—Not that I am aware of; I do not know whether he produced a voting-card or not.

Re-examined by Mr. *Huddleston*.

6976. The scrutineers have a book with observations in it?—Yes.

6977. And the names of the different voters?—They have.

6978. And where they live and all that sort of thing?—Yes.

6979. And opposite this was the word "America"?—Yes.

6980. And when you saw that man you rejected him?—I did, no matter what party he came from.

6981. Whether he came with a card or not, when you saw "Dyce," you knew that the man was in America and you rejected him?—I did.

6982. Mr. Justice *Willes*.] You did not know what side he was going to vote upon?—I did not; I objected to him before the question was answered.

[The Witness withdrew.]

CHARLES EVES, sworn; Examined by Mr. *Gates*.

6983. ARE you a voter?—Yes.

6984. For whom did you vote at the last election?—Mr. Hill and Eaton.

6985. Do you know a voter named Alfred Paine, a dyer?—I know a person of the name of Paine.

6986. Did he come and speak to you two or three weeks before the election about some bait for fishing?—A person of the name of Paine called to ask me if I wanted any baits in September.

6987. Did you ask him whether you should put him down for four days' work, or did you tell him that you could put him down for four days' work, if he would vote for Eaton and Hill?—No.

6988. And that the days would be at 5 s. a day?—Nothing of the kind.

Cross-examined by Mr. *Henry James*.

6989. You are a deputy manager, I think?—Yes.

6990. And Mr. William Eves is a manager? *C. Eves.*
—Yes; my father.

6991. Have you a brother of the name of Thomas?—No. 19 February 1869.

6992. Is he any relation?—My uncle.

6993. And he keeps the "Newdegate Arms"?—Yes.

6994. He was rather an active supporter of Mr. Eaton and Mr. Hill, I think, was he not?—I believe he voted for them.

6995. Nothing else?—That I do not know.

6996. Were you at the "Newdegate Arms" on the day of the polling?—No.

6997. Mr. Justice *Willes*.] Do you know of any attempt at personation?—No.

6998. What are you?—A watch manufacturer.

[The Witness withdrew.

WILLIAM BARNACLE, sworn, Examined by Mr. *Huddleston*.

6999. WERE you at Birmingham during the last election?—Yes.

7000. Are you a voter?—No.

7001. There is a man of the name of Lord, who says that he saw you at Birmingham; did he?—Yes.

7002. Did you give him 1 s. 6½ d.?—I lent him the money. He said, he wanted to come to the election, and I lent it him.

7003. Was that out of your own pocket?—Yes.

7004. Do you know Rose?—Yes.

7005. Did you ever tell Rose that he had better go over; that it would be all right; that he should be well satisfied?—No, I did not.

7006. Nor anything of the sort?—No.

Cross-examined by Mr. *Henry James*.

7007. How long had you been in Birmingham before the election?—Two or three months.

7008. Working there?—Yes.

7009. You have not been in Coventry within those two or three months?—No.

7010. You had no letter, I suppose, nor any communication with anyone in Coventry, shortly before the election?—Not the slightest.

7011. Not from anyone?—No.

7012. Did you know how many Coventry voters came over from Birmingham the morning that you did?—I do not know that. *W. Barnacle.*

7013. Were there several?—Well, I believe there was.

7014. About how many, do you think?—There might be two or three.

7015. Those are several, certainly; but were there more than that?—Not that I am aware of.

7016. What train did you come over by?—I was in Coventry by about 11 o'clock.

7017. Were there other persons that you knew besides Rose and Lord at the train?—They did not come in the same train with me at all; I never see them come, and I do not know when they came.

7018. What did you come over to Coventry for that election day?—To see my brother and my friends.

7019. And you went back the next day?—Yes.

1720. Mr. Justice *Willes*.] You did not try to vote?—No.

7021. Mr. *Henry James*.] Did you go to the "Newdegate Arms" at all?—No.

[The Witness withdrew.

WILLIAM DICKENSON, sworn; Examined by Mr. *Huddleston*.

7022. YOUR name was vouched, just now, as being the manager of the ward of Spon-street, Saint Thomas's?—Yes.

7023. Did you know anything of a man of the name of Moore?—I knew him.

7024. Had he anything to do with the election?—Not to my knowledge.

7025. Did you give him any directions or authority or anything of the sort?—No.

Cross-examined by Mr. *Henry James*.

7026. You were a manager of the ward, were you not?—Yes.

275.

7027. What money have you received?—£. 55 from Mr. Blundell. *W. Dickinson.*

7028. Have you rendered an account?—No, I have not.

7029. Where is your account?—I can fetch it, if it is required.

7030. Did you put down everything you spent from time to time?—Yes.

7031. From whom did you receive the 55 l.?—From Mr. Blundell.

7032. When?—Well, I could not tell you exactly when, but it was previously to the election.

7033. In one sum?—No.

T

7034. Did

W. 7034. Did you have any interview with Mr. Blundell since the election, or have you seen him at all?—No, I have not.
 — 7035. Is the balance of the account in your favour or against you?—There is about 9*l.* difference.
 19 February 7036. In which way?—In my favour.
 1869. 7037. You have the 9*l.*?—No; I want 9*l.* more.
 7038. They owe you 9*l.*?—Yes.
 7039. So you spent 64*l.*?—Yes; 64*l.*
 7040. Instead of 55*l.*—Yes.
 7041. Why have you not applied for it?—Because on account of Mr. Blundell's illness; I thought it would come eventually, if I made an application for it.

7042. As manager of the ward you knew that the election agent was sending in the accounts?—I was never applied to for it, and I expected Mr. Blundell would have sent round for it.

7043. Have you the account made out?—Yes, I have it at home.

7044. Was there an advertisement put in the paper asking all claims and bills to be sent in?—I believe not.

Re-examined by Mr. *Huddleston*.

7045. How many voters are there in the Sponstreet St. Thomas Ward?—There are 1,102, I believe, on the register.

7046. And this 64*l.* covers the whole expense?—Yes.

7047. You have your account?—Yes.

7048. And you can go and fetch it?—Yes; shall I fetch it?

7049. If you please.

[The Witness withdrew.]

JOHN BROWN WHEELER, sworn; Examined by Mr. *Dugdale*.

J. B. 7050. ARE you a voter?—Yes.
 Wheeler. 7051. For whom did you vote?—For Hill and Eaton.

7052. Were you along with John Smith, coal dealer, and did you see Edward Jackson before the election?—Yes.

7053. A weaver in Brewery-street?—Yes.

7054. Are you a manager or deputy manager?—No.

7055. Did you tell Jackson that you would get him four days' work if he would vote for Eaton and Hill?—No.

7056. Did you say anything about giving him 2*l.* or 3*l.*?—No.

[The Witness withdrew.]

JOHN BLUNDELL, sworn; Examined by Mr. *Huddleston*.

J. Blundell. 7057. You, I believe, have been very ill, have you not?—Yes.

7058. Are you a voter?—I am.

7059. Did you vote at the last election?—I did.

7060. For Eaton and Hill, I believe?—I did.

7061. What were you at the election?—I was nothing particular, except that I paid the accounts for the agent of election; bills, and so on.

7062. You received the cheques, I believe, from Mr. Neale?—Yes.

7063. Does that book (*handing a book to the Witness*) show the money that you received; what did you receive from Mr. Neale?—I can tell you (*referring to a book*); I received 1,000*l.* in the whole, in several sums.

7064. In what sums were they?—On the 28th of October, one cheque for 350*l.*; November the 4th, three cheques for 200*l.*; the 12th, two cheques for 100*l.*; the 14th, three cheques for 350*l.*

Mr. Justice *Willes* remarked that the Witness had not been assailed as to his disposition of the money.

7065. Mr. *Huddleston* (to the *Witness*).] Did you receive strict orders that no improper payments were to be made?—I did.

7066. And did you take care that you transmitted those orders to the persons to whom you gave the money?—I did.

7067. We understand that a sum of 505*l.* was put down, "Payments for hire of rooms, canvass, polling, making house roll list of voters, directing and distributing and soliciting voting cards, addresses, and handbills, and for canvassing out-voters, and canvass books." How is that sum

made up?—It was paid in the various wards and the out parishes, for the purposes you have mentioned.

7068. And for no other purposes?—For no other purposes.

7069. Have you got the accounts as far as you have been able to get them?—I have.

7070. Did your illness prevent your inquiring about them all?—Well, it did interfere with my getting the accounts in.

7071. Just let me look at the accounts you have got to make up that sum of 505*l.*?—This book will show you the various wards and the sums in each.

7072. What is this "Bailey"?—That is Bailey-lane Ward, that is the first ward.

7073. What is "J. N."?—That was John Newark.

7074. And he had 5*l.*?—He had 5*l.*

7075. For the purpose?—Of the legal expenses of the ward.

7076. What is the size of Bishop-street Ward?—I should think it has about 1,500 voters.

7077. I see that Mr. Kilbey had three sums of 25*l.* each, that is 75*l.*?—Just so.

7078. And I think he said that something was due to him?—I have not been able to see him respecting the accounts.

7079. You have been ill?—Yes, I have.

7080. Broadgate Ward, who is that?—That is Mr. Clair, I think.

7081. No, it is "H. H.," I think?—It is Mr. Hedger, he had 30*l.*

7082. Then there is Cross Cheping Ward; at any rate here is a list of all the persons, and that makes up, I think?—The sum total is 505*l.*, including the out parishes.

7083. Are

7083. Are you aware of any improper payment of any character whatsoever?—I am not.

Cross-examined by Mr. *Henry James*.

7084. What are you?—I am an accountant and house agent.

7085. Those accounts are not very complicated, are they?—No, they are not.

7086. Had you anything to do with the election of March 1868?—Yes.

7087. This book, I think you will agree with me, only shows the sums you have paid to each person?—Nothing more.

7088. Can you give me the amounts that you received from the different ward managers?—I have not had any account rendered.

7089. From anyone?—Not from anyone.

7090. All this shows is, that at certain times, I presume mostly before the election, you gave out certain sums?—I did.

7091. Have you the slightest idea of the expenses of Mr. Eaton and Mr. Hill, at the last election in 1868?—Nothing more than what the published account shows.

7092. But where did you get the results of the published account if you had no accounts in from the ward manager?—Those sums which I paid I guess were expended, or nearly so; I paid them in various sums as they wanted them; they had expended the sums that I had given them before.

7093. Supposing Mr. James Kilbey has a claim against you of 25*l.* more than the 75*l.* he has had from you, do you know whether he has that claim or not?—I do not.

7094. And you do not know whether any one of the other 11 ward managers has any claim or not?—I do not.

7095. Suppose for instance that those 11 managers had all a claim of 20*l.* against you more than you paid, which they may have, Mr. Eaton and Mr. Hill may be called upon for 220*l.* more than you have returned?—They may have, but I do not know that they had any claim against me.

7096. Why did you not ask them whether they had a claim, before you returned that as fulfilling the statutory requirement?—I concluded that the money I gave them was quite sufficient to meet all their expenses, and that they did not require any more, and had none to return, as they did not come to me.

7097. Then you returned that as being the expenses, without knowing really what had been spent in any one ward?—Yes.

7098. Now let us dissect it; how have you arrived at the sum of 505*l.* as representing the things that are put against it, such as messengers, hire of rooms, and so forth; have you any analysis of that?—I have not; I merely gave it to them as they required the money to meet their expenses.

7099. Who guessed at that 505*l.*?—It was not a guess; that was the money actually paid.

7100. But you paid more than that?—Not for the wards.

7101. Is that more than you had paid into the wards?—That is the exact sum.

7102. Then you put that down as being the 275*l.*

exact sum, without having particulars from the ward managers?—I did. *J. Blundell.*

7103. And you got no receipts, and made no inquiry?—I did not. 19 February 1869.

7104. Mr. Seymour has told us this morning that you have rendered him a rough account, as he termed it, from which he made out these accounts; did you give him any other accounts whatever, except the amount of the sums you had paid out?—And of the bills I had paid.

7105. Are those bills in addition to those sums that you paid out?—Yes.

7106. Was any account given of the 505*l.* items?—I gave the amount paid into the various wards; I had no control over the money after it left my hands.

7107. But as to the mode of expenditure by the persons to whom you gave the money to expend, have you given any account whatever to Mr. Seymour?—I have not; I have had none returned to me.

7108. Have you been about lately?—I have not been about these six weeks.

7109. Have you come out of your house for the first time to-day?—I have been about a day or two; I have been about in a car or a cab for a day or two, but not more than three or four times for this month.

7110. Anyone would have known where to find you this last month or six weeks, I suppose?—Yes.

7111. You have not been able to roam about?—No, I have not.

Re-examined by Mr. *Huddleston*.

7112. I believe you have been suffering from rheumatic fever?—Yes.

7113. At the time the accounts were made up by Mr. Seymour, were you capable of leaving your bed?—I was not.

7114. How long before that had you been confined with rheumatic fever?—I should think about a fortnight.

7115. If this illness had not come upon you, would you have gone into the accounts of the different ward managers, so as to have returned them to Mr. Seymour?—I should, undoubtedly.

7116. You say there was a rough account of 505*l.* which was money that you actually paid to the different ward managers; and they are in this book?—Yes.

7117. You have had experience in electioneering?—I have.

7118. Would that sum, so divided amongst the different wards, fairly represent the legitimate expenses of each ward?—Yes; I consider it a very moderate sum for each ward for the time the election business was about.

7119. Just let me see that rough account that you showed Mr. Seymour?—This is the rough account that I rendered to Mr. Seymour (*producing a document, and handing it to the learned counsel*); that is the detailed account of the whole expenditure.

7120. Then those are other sums which you expended?—Yes, those are the bills.

7121. And the vouchers are given to Mr. Seymour?—To Mr. Seymour; here is a continuation of that account; that was made at the time I was ill in bed, from my dictation. I could not make it up myself.

7122. Mr.

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7122. Mr. *Henry James (through the Court).*] Do you know whether the ward manager of Broadgate Ward is Mr. William James Hedger?—No.
7123. It is so returned to us?—It is Mr. Henry Hedger; I saw him; he was about. His

father might have deputed him to act for him, but I considered his father was the ward manager.
[The Witness withdrew.]

Mr. *Huddleston* stated that that was the case for the respondents.

JOHN SHUTTLEWORTH was recalled, and confronted in the witness-box with *James Mann*.

J. Shuttleworth.

7124. Mr. Justice *Willes (to Shuttleworth).*] LOOK at that man (*pointing to Mann*); what do

you say of him?—He was the man that gave me the money.

[The Witness withdrew.]

ELIZABETH SHUTTLEWORTH, recalled; and further Examined.

E. Shuttleworth.

7125. Mr. Justice *Willes.*] Is that the man you spoke of (*pointing to Mann*)?—Yes.

[The Witness withdrew.]

EMMA WILSON, sworn; Examined by Mr. *Huddleston*.

E. Wilson.

7126. Do you live next door to the Shuttleworths?—Opposite.

7127. Of course you know them very well by sight, at all events?—Yes.

7128. Do you remember the Friday before the election?—Yes.

7129. Did you see anything of Mr. Shuttleworth then?—Yes; I seen him there several times.

7130. Did you see James Mann at all go into the house?—Not on the Friday.

7131. Did you see him go there on the Saturday?—Yes.

7132. Do you know where Mrs. Shuttleworth was then?—Mrs. Shuttleworth was gone out.

7133. About what time of the day was it that you saw Mann go there?—Between three and four o'clock; getting towards dusk.

7134. Did he go in?—Yes.

7135. When Mrs. Shuttleworth went out, what did she do with the key of her house?—She left the key at my house.

Cross-examined by Mr. *Henry James*.

7136. Is your husband a voter?—Yes.

7137. For whom did he vote?—For Mr. Eaton and Hill.

7138. Is Mrs. Shuttleworth in the habit of leaving her key at your house?—Yes, frequently, till this last fortnight.

7139. What day of the month was the polling-day?—I cannot remember what day of the month it was.

7140. What day of the week?—On a Tuesday.

7141. When Mrs. Shuttleworth left her key with you, how soon was it before Mr. Mann came there on the Saturday?—On the morning.

7142. Who got the key from you?—Mr. Shuttleworth, between three and four o'clock in the afternoon.

7143. What became of you; did you stop in your house?—Yes.

7144. How soon after he got the key did you see Mr. Mann there?—In a few minutes.

7145. Were you in your house all the time between the time when you got the key and the time that you saw Mann?—Yes, I was at the door, cleaning my doorway.

7146. And I suppose also looking at Mr. Shuttleworth's door?—Yes.

7147. And you saw that she did not go in?—She was not in.

7148. You took particular note of that?—Yes, because I saw her come home at night.

7149. But you saw her come home frequently; when did anyone first come to you and ask you about this?—Well, there has nobody been to me.

7150. Have you been to anyone?—No.

7151. How did they know that you stood at your door cleaning it and saw her come in?—I will tell you. Mr. Shuttleworth came over a few minutes after Mr. Mann had gone, and said—

7152. I do not want to know what Mr. Shuttleworth said to you, but my question to you is, when you first told anyone, or anyone came to you, about your having seen Mr. Shuttleworth there on the Saturday?—I told one of the shop-mates yesterday.

7153. You recollect thoroughly that it was on the Saturday?—It was.

7154. Do you know that he was there on other occasions besides the Saturday?—No.

7155. You only saw him once?—No.

7156. And you did not see him on the Friday or upon the nomination day?—No.

7157. It came to your mind, but are you quite sure that it must have been the Saturday?—I have thought of it several times before yesterday, but I have never said it to anybody.

7158. What made you think about it several times before yesterday?—Because there have been such rumours about.

7159. You heard it said that Mr. Mann had been to Mr. Shuttleworth to give him money?—No; I never heard that he had been to Shuttleworth to give any money.

7160. What were the rumours about?—That Mr. Shuttleworth was going to pledge his word that he had had so much money on the Saturday.

7161. Did you know that he had had the money on the Saturday?—Yes.

7162. Did you know that it was rumoured too that Mrs. Shuttleworth was present?—Yes.

7163. And

7163. And then you recollect in your mind that she was not present?—Yes.

7164. And you said nothing about it to anyone?—Not till yesterday.

Re-examined by Mr. *Huddleston*.

7165. You say that you know that this was the Saturday because Shuttleworth came over and said something to you after Mr. Mann left; what was it that Mr. Shuttleworth said?—

Mr. *Henry James* objected to the question.

Mr. Justice *Willes* overruled the objection.

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7166. Mr. *Huddleston* (to the *Witness*).] What was it Shuttleworth said to you?—He asked me for some water for his tea, and he said his wife had not come home, and he did not know when she would come home.

7167. And you are sure that that was on the Saturday before the polling day?—Yes.

[The *Witness* withdrew.

JOHN SHUTTLEWORTH, re-called; Examined by Mr. *Huddleston*.

7168. WHEN was it you first went and made a statement to Mr. Kirby?—He came to our house.

7169. After you made the statement to Mr. Kirby, did you go into the workhouse?—It was before that.

7170. You made the statement to Mr. Kirby's clerk first, did you not, and then you went into the workhouse after?—Yes.

7171. Mr. Wheatley is the master in the workhouse, is he not?—He is the overlooker.

7172. Did you ask Mr. Wheatley to let you go out of the workhouse, as you had something on your mind? (*The Witness hesitated.*)

7173. Did you say so?—I did not ask him. He said as he could send me with a man as was on the ground to a gentleman in the town.

7174. Did you tell him that you had something on your mind?—I told him that I had.

7175. That you had something on your mind?—Yes.

7176. What was it?—Well, I do not know; I was confused.

7177. When you got out of the workhouse were you going to Mr. Dewes's office?—A man of the name of Greenway went with me.

7178. Were you going to Mr. Dewes's office?—I did not know where he was going to take us to; he took us there.

7179. Did you meet Mr. Nunn? (*The Witness hesitated.*)

William Nunn was directed to stand up.

7180. Mr. *Huddleston* (to the *Witness*).] Did you see that gentleman (*pointing to Nunn*) when you came out of the workhouse, as you were with Greenway? (*The Witness hesitated.*)

7181. Did you see him?—Yes, I see him.

7182. Did you tell him that you wanted to make a clean breast of it, and that you were

going to Mr. Dewes's office?—No, I did not say that.

J.
Shuttleworth.

Cross-examined by Mr. *Henry James*.

7183. Who is this man Greenway that came to you?—He is a man working at the workhouse.

7184. Did he ask you to go anywhere?—Mr. Wheatley told me that he could send him with me.

7185. Did he say where to?—To a gentleman in the town, but he did not say who.

7186. Did Mr. Wheatley first speak to you about it?—He spoke to me first; he sent one of the men, and told me to come up to him.

7187. And then he told you that he would send Greenway with you to a gentleman in the town?—Yes.

7188. Did they take you anywhere before they took you to Mr. Dewes's office?—I went with them to the "King's Head."

7189. With Greenway?—Yes.

7190. Did they give you anything to drink?—We had some drink in the tap-room.

7191. You, I suppose, did not, of course, pay for it; did Greenway pay for it?—No; it was brought in.

7192. Whom did you see at the "King's Head"?—I see two or three, but I did not know them, or three or four in the place we were in.

7193. Do you know who they were?—I did not know.

7194. How much did you have to drink at the "King's Head"?—A pint, I think, or perhaps two pints.

7195. And then they took you to Mr. Dewes's?—Yes.

7196. What is your age?—I am 69.

[The *Witness* withdrew.

ZACHARIAH WHEATLEY, sworn; Examined by Mr. *Huddleston*.

7197. ARE you the overlooker at the workhouse?—Yes.

7198. Was this man Shuttleworth in the workhouse?—No; he was working in the yard, in the stone-yard.

7199. As a pauper, or how?—He had three days' work there.

7200. Did he ask you anything, did he ask permission to go out?—Yes; he did.

7201. Will you tell us what took place?—On the 11th and 12th of this month, he asked me my
275.

opinion about a paper that he had signed in reference to Mr. Mann.

Z. Wheatley.

7202. Who?—Shuttleworth.

7203. At Mr. Kirby's office?—He did not tell me he had signed one but in reference to Mr. Mann, and that he was very much troubled in his mind ever since he had done it, and he says, "What would you do in the matter?" I says, "If there is anything on your mind make a clean breast of it." He said he would, but how was he do it? "The best thing," I says, "you can do is to go
to

S. Wheatley. to that gentleman in Hay-lane; I dare say he will take down your evidence, and you can make a clean breast of it.”

19 February
1869.

7204. Hay-lane is Mr. Dewes's office?—I expected that was the place.

7205. And then did he go away with Greenway?—He went away with Greenway, and 32 more that day.

Cross-examined by Mr. *Henry James*.

7206. Have you a vote?—Yes.

7207. For whom did you vote?—Eaton and Hill.

7208. And you were rather active in the election, and you asked people to vote for them?—Certainly not.

7209. You did not speak to anybody on the subject?—Never.

7210. But you voted for them?—I voted for them.

7211. You, of course, did not give Greenway any money to pay for drink?—Certainly not.

7212. You knew Mr. Dewes was collecting evidence on the part of the sitting Members?—I knew he was connected with it.

7213. But you knew he had charge of the petition?—I knew he had something to do with it.

7214. That was the reason you told the man to go there?—I did not tell him to go there until he asked me where he had better go, and I said “To that gentleman in Hay-lane.” I did not say Mr. Dewes's office.

7215. To which gentleman did you refer?—The gentleman in Hay-lane; I expect it was Mr. Dewes.

7216. Who else was it but Mr. Dewes?—I do not know that it was anybody else but Mr. Dewes.

7217. You knew it was Mr. Dewes?—I expect it was Mr. Dewes.

7218. Had you any doubt about it?—No.

Re-examined by Mr. *Huddleston*.

7219. But what you said was that he had better go down to the gentleman in Hay-lane?—Yes.

[The Witness withdrew.]

WILLIAM NUNN, sworn; Examined by Mr. *Huddleston*.

W. Nunn.

7220. DID you meet that man Shuttleworth with Greenway?—I met him in the King's Head-yard on Friday morning.

7221. What did he say to you?—He said the paper he had signed was all false, and that he wished to make a fresh statement.

7222. What are you?—A grocer by trade.

7223. Living in this town?—In this town.

7224. And a voter?—And a voter.

7225. For whom did you vote?—For Mr. Eaton and Hill.

Cross-examined by Mr. *Henry James*.

7226. Did you see anybody else at the King's Head-yard at that time?—There were several in the yard.

7227. Do you know whether Shuttleworth had had anything to drink at the time?—I do not know at all; he followed me down to Mr. Dewes's office, and it was there that Mr. Dewes said he would have nothing to do with it.

7228. Did he appear to you to be at all in drink?—Not at all.

[The Witness withdrew.]

GEORGE TAYLOR, sworn; Examined by Mr. *Henry James*.

G. Taylor.

7229. WHAT are you?—A Surveyor.

7230. Have you been to this house of Shuttleworth's?—Yes.

7231. Does that correctly represent the ground

floor (*handing a plan to the Witness*)?—It does.

7232. Have you made that plan to-day?—Yes.

[The Witness withdrew.]

Mr. Justice *Willes* asked Mr. James whether he intended to make any point upon the treaty contained in the letters.

Mr. *James* replied in the affirmative, and stated that there were only two letters which he thought it necessary to refer to, but he had the result of these letters sufficiently upon the evidence of Mr. Staveley Hill.

Mr. Justice *Willes* stated that the letters must be put in regularly. The same were read as follows:

“14 October 1868.

“My dear Sir,—I saw Hill last night, and promised I would call upon you to-day *re* Coventry. I had a good deal to attend to, however, and could not get into the city.

“My object in seeing you was to arrive at an understanding which hereafter could admit of no doubt. Hill having left this in my hands, it would be false delicacy on my part to ask you to let us have a letter from you, clearly defining, no matter how briefly, the basis upon which we stand.

“I take it to be as follows:

“First, that Hill, under no eventuality, is to pay anything but his own personal expenses. Second. That no matter what course the election may take, you will bear him harmless in all election expenses. Third. That should any question arise during the contest as between you and him, it shall be referred to some mutual friend named by yourself, whose decision shall be final. Fourth. That you mutually agree to be loyal and true to each other.

“Nothing

"Nothing can be clearer than this, I think, and if you so understand it, then kindly write me a line to that effect; I will keep a copy of this letter, and will ask you to do the same. 19 February 1869.

"I shall be at the 'Dolphin,' Southampton, for some days, so kindly address your reply there; I have had very satisfactory letters from Messrs. Lynes and Rotherham, who seem in great feather as to our success.

"H. W. Eaton, Esq., M.P."

"I am, faithfully yours,
"Frederick Gray.

"15 October 1868.

"My dear Sir,—In reply to your note, dated yesterday, which has been forwarded to me here, I think there can be no possible misunderstanding between Mr. Hill and myself as to the basis upon which he has consented to contest Coventry with myself; I think your statement of our understanding to be perfectly correct, and I accept it in all its particulars.

"As you suggest, I will keep your note, which I consider binding.

"Believe me, yours very truly,
"Henry W. Eaton.

"Frederick Gray, Esq."

Mr. *Huddleston* was heard to sum up the evidence on the part of the sitting Members.

Mr. *James* was heard in reply.

WILLIAM JAMES HEDGER, SWORN.

7233. Mr. Justice *Willes*.] ARE you a District Manager?—No.

7234. You are the son of the district manager?—Yes.

7235. Was it then your father who was the district manager?—My father.

7236. What is your father's Christian name?—Henry.

7237. What is your name?—William James; there is a mistake in the list. They have had it for some time "William James Hedger," instead of "Henry Hedger."

7238. Did you receive that telegram (*handing a paper to the Witness*)?—Yes.

7239. Who is Mr. Hooper?—I cannot say who he is; I will give you an explanation respecting this.

7240. First answer my question; had you ever any business with Mr. Hooper?—No.

7241. Were you very much surprised to receive that telegram?—Well, I was going to give you an explanation.

7242. I want first to have my questions answered. Were you very much surprised?—No; not after the letter I received first.

7243. You received a letter?—Yes.

7244. Where is the letter?—I cannot find it; it was some time before the election taking place, that I received a letter from him, brought by two men, two of the body of commissionaires; two serjeants. He had sent them to me to detect bribery and treating during the election, and they were here about a week.

7245. Are they the two men referred to in the telegram?—Yes.

7246. Those are the men that are referred to in that letter?—Those are the men.

7247. Had they any reference to the two men who came down, as we learn, from London to vote?—No nothing whatever.

7248. Nor to any voters?—No.

[The Witness withdrew.

Adjourned to To-morrow, at Ten o'clock.

*W. J.
Hedger.*

Saturday, 20th February 1869.

Mr. *James* was further heard in reply.

20 February 1869.

COVENTRY ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

COVENTRY ELECTION PETITION.

(1869.)

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DROGHEDA ELECTION.

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TAKEN AT

THE TRIAL

OF THE

DROGHEDA ELECTION PETITION.

(1869.)

*Ordered, by The House of Commons, to be Printed,
19 February 1869.*

REPORT - - - - - p. iii

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R E P O R T.

PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Drogheda,
between Sir F. Leopold McClintock, Petitioner, and Benjamin Whitworth,
Respondent.

THE Petition (a copy of which is hereto annexed) between the aforesaid parties came on for trial before me at Drogheda on the 15th, 16th, 18th, and 19th days of January 1869, and thereupon I determined as follows :—

First. That Benjamin Whitworth, Esq., is not duly elected a Burgess to serve in the present Parliament for the borough and county of the town of Drogheda.

Second. That said election for said borough and county of the town of Drogheda is a void election.

Third. That Benjamin Whitworth, Esq., was, by himself and by his agents, guilty of undue influence at the said election for said borough and county of the town of Drogheda.

Fourth. That a system of intimidation was organised and carried out at the last election for the said borough and county of the town of Drogheda, subversive of the freedom of election, and outrages were committed which were calculated to deter, and did, in fact, deter a considerable number of voters from exercising their franchise at the last election.

Fifth. That Benjamin Whitworth, Esq., shall pay the costs of this Petition.

And I do accordingly hereby certify to the Right Honourable the Speaker of the House of Commons—

First. That the said Benjamin Whitworth, Esq., is not duly elected a Burgess to serve in the present Parliament for the borough and county of the town of Drogheda.

Second. That said election for said borough and county of the town of Drogheda is a void election.

Third. That Benjamin Whitworth, Esq., was, by himself and by his agents, guilty of undue influence at the said election for said borough and county of the town of Drogheda.

Fourth. That a system of intimidation was organised and carried out at the last election for the said borough and county of the town of Drogheda, subversive of the freedom of election, and outrages were committed which were calculated to deter, and did, in fact, deter a considerable number of voters from exercising their franchise at the last election for said borough of the county of the town of Drogheda.

Dated this Twenty-fifth day of January, One thousand Eight hundred and Sixty-nine.

WILLIAM KEOGH,
One of the Judges on the Rota for the trial of
Election Petitions in Ireland.

This certificate is accompanied by a copy of the evidence given at the trial, as taken by the shorthand-writer of the House of Commons, sworn by me pursuant to the Statute.

WILLIAM KEOGH.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION for the County of the Town of Drogheda, holden on the 18th November 1868, being the day of Nomination; the 20th November 1868 being the day of Polling; and 21st day of November 1868 being the day of the Declaration of the Poll.

THE PETITION of Sir *Francis Leopold McClintock*, of No. 21, Merrion-square North, in the County of the City of Dublin, Knight, Captain in Her Majesty's Royal Navy, whose name is subscribed.

1. Your Petitioner was a candidate at the above election.
2. Your Petitioner states that the election was holden on the 21st day of November, in the year of our Lord 1868, when Benjamin Whitworth, Francis Brodigan, and your Petitioner were candidates, and the Returning Officer has returned Benjamin Whitworth as being duly elected.
3. Your Petitioner states that upon several days immediately preceding the election addresses and speeches of an exciting and inflammatory nature were delivered in the public streets of Drogheda by the said Benjamin Whitworth and several other persons, in his presence, and with his knowledge and consent, for the purpose of urging and inciting a number of persons to use force in order to intimidate and prevent the electors from voting for your Petitioner or the said Francis Brodigan, and to compel them to vote for the said Benjamin Whitworth.
4. A large number of men and women were hired by the said Benjamin Whitworth, or with his knowledge and consent, for the purpose of intimidating electors in order to induce them to vote for the said Benjamin Whitworth, or to refrain from voting for your Petitioner or the said Francis Brodigan.
5. Several members of the Roman Catholic priesthood improperly exercised their spiritual influence over many of the electors for the purpose of constraining them to vote for the said Benjamin Whitworth, and to prevent them from voting for your Petitioner or the said Francis Brodigan.
6. Upon the 18th day of November 1868, the day of the nomination of candidates, the Court-house, where the election was to be held, was taken possession of by a riotous mob, consisting of the friends and supporters of the said Benjamin Whitworth, who made an attack upon your Petitioner and his proposer and seconder, and several other of his supporters, and by actual force expelled them from the Court-house, inflicting severe bodily injuries upon them.
7. Upon the 20th day of November 1868, being the polling day, several thousand persons, friends and supporters of the said Benjamin Whitworth, armed, some with fire-arms and others with bludgeons and sticks, attacked voters who wished and had promised to vote for your Petitioner, and inflicted very severe wounds and other bodily injuries upon them, and forcibly prevented many of them from recording their votes, and also attacked a large escort of cavalry, infantry, and police, who were acting as an escort for the protection of voters, and caused such terror and alarm in the minds of the electors, that many who had promised to vote for the said Francis Brodigan, and some who had promised to vote for your Petitioner, were induced, by intimidation, to vote for the said Benjamin Whitworth; and many electors who had promised to vote for your Petitioner, and had come long distances to do so, and were most anxious to do so, if they could, without risk of their lives, were deterred from going to the poll and recording their votes.
8. Your Petitioner charges that the offence of undue influence at the said election was committed by the said Benjamin Whitworth and a great number of other persons, with his knowledge and consent; and that an organised system of intimidation and violence was established by the said Benjamin Whitworth and his friends and agents; and that the said Benjamin Whitworth could at any time have restrained the rioters from acts of violence if he had been willing to do so.
9. Your Petitioner alleges that if the electors had been allowed to vote according to their wishes, without any intimidation or coercion, your Petitioner would have been returned at the above election as a Burgess to serve in Parliament for the said county of the town of Drogheda.

Wherefore your Petitioner prays that it may be determined that the said Benjamin Whitworth was not duly elected or returned, and that the above election was void.

F. L. MCCLINTOCK.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Friday, 15th January 1869.

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Rev. William Disney Rowe - - -	10	Captain John Hunter Knox - - -	24
Mr. William Henry Filgate - - -	12	Captain R. M. Jephson - - -	25
Henry Alexander Hamilton, Esq. - - -	13	Mr. Frederick St. Clair Ruthven - - -	26
Mr. Richard Macabe - - -	17	Mr. Michael Kelly - - -	28
Mr. Samuel Derkins - - -	20		

Saturday, 16th January 1869.

Samuel Hannah, Esq. - - -	30	Hall Breedon, Esq. - - -	40
Mr. Thomas Iddon - - -	31	William Morris Reed, Esq. - - -	41
Mr. Frederick Charles Bigger - - -	32	Mr. John Devine - - -	42
Mr. Montague Maxwell Carpenter - - -	32	Mr. John Usher - - -	45
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Monday, 18th January 1869.

Patrick Ternan, Esq. - - -	58	Rev. James Powderly - - -	78
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Benjamin Whitworth, Esq., M.P. - - -	61. 73	Rev. Thomas Matthews - - -	82
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MINUTES OF EVIDENCE

TAKEN before the Right Honourable Mr. Justice *Keogh*, on the TRIAL of the ELECTION
PETITION for the BOROUGH of DROGHEDA, at the Court House, Drogheda.

Friday, 15th January 1869.

McCLINTOCK	-	-	-	-	-	-	-	-	Petitioner.
WHITWORTH	-	-	-	-	-	-	-	-	Respondent.

Mr. *McDonogh*, Q.C., the Hon. *David Plunkett*, Q.C., and Mr. *Ryland*, appeared as Counsel for the Petitioner. Mr. *P. J. Mayne* appeared as Agent, 15 January 1869.

Mr. *Denis C. Heron*, Q.C., Mr. *Christopher Pallas*, Q.C., and Mr. *Hamill*, appeared as Counsel for the Respondent. Mr. *Henry Clinton* appeared as Agent.

Mr. *McDonogh* was heard to open the allegations of the Petition.

THOMAS PLUNKETT CAIRNS, Esq., sworn; Examined by Mr. *Plunkett*.

1. I BELIEVE that you are a Magistrate for the county of Meath?—I am.

2. And an elector of the town of Drogheda?—Yes.

3. The election for the town of Drogheda being held on Friday, the 20th of November, 1868, do you recollect on the Tuesday week preceding that Friday meeting Sir Leopold McClintock?—I think it was on the Wednesday.

4. The 11th?—Yes.

5. You came down from Dublin?—I went on the arrival of the half-past 11 train, to the station.

6. Then, just say what occurred shortly after your arrival in Drogheda?—I was introduced to Sir Leopold McClintock, and subsequently met him at a meeting of Conservatives, who came together for the purpose of hearing his views upon political matters.

7. And he was adopted, I believe?—He was at that meeting adopted by the Conservatives as their candidate, and resolutions were passed.

8. Mr. *Heron*.] What was the date of that?—On Wednesday, the 11th of November, one week before the day of the nomination.

9. Mr. *Plunkett*.] Then, I believe that Sir Leopold McClintock returned to Dublin?—He returned to Dublin on that evening, and returned here on the following Friday morning.

10. That was the 13th?—Yes.

11. Did you again meet him?—I met him 27.

again on the arrival of the train, and accompanied him with some other gentlemen on his canvass for a part of the town on the south side of the river. T. P. Cairns, Esq.

12. How was he received?—He was very well received upon that occasion.

13. Was there any violence?—Not the slightest disposition to violence, and no incivility offered.

14. Did you pursue the canvass on the next day, or did he pursue it in your company?—I was with him for a very short time on the following day, but he pursued it, I understand, with others.

15. Whilst you were him, how was he received?—He was very well received, civilly and respectfully.

16. Well, then, Sunday intervening, were you with him on Monday?—Yes, on Monday, accompanied by several gentlemen, we proceeded to canvass West-street.

17. Will you tell his Lordship how he was received on Monday?—There was a very different feeling exhibited then; much more disposition to interfere with our canvass. We were hooted as we went from house to house.

18. Will you tell his Lordship how Sir Leopold was received in West-street?—I say that there was distinctly much more disposition shown to interfere with our canvass, and they hooted us from house to house. A mob attended us during our canvass, who were evidently hostile.

19. Did you recognise any individuals among that

T. P. Cairns, Esq.
15 January 1869.
that mob?—Not amongst those composing the mob. Upon coming out of Davies's shop, close to this in West-street, there was some disturbance. I was one of the last of my party who left the shop, and I found a great deal of excitement amongst the mob immediately about the door. Mr. Henry Moore, of West-street, was one of our party, and I saw him. I understood from those around me —

20. Mr. *Heron.*] Just say what you saw yourself?—I saw Mr. Verdon and Mr. Clinton amongst the mob.

21. Mr. *Plunkett.*] Who is Mr. Clinton?—Mr. Clinton is Mr. Whitworth's conducting agent; Mr. Verdon is also a solicitor.

22. Did you observe their conduct then?—They were talking to Mr. Moore in a very angry and excited way. I could not hear the substance of what they said, but I heard Mr. Verdon call out, "We will have no Orangemen here." I then proceeded slowly along to this Town-hall, and I remonstrated with Mr. Verdon upon the impropriety of urging the townspeople.

23. Was Mr. Clinton also present?—He was present in the first instance, but whether he continued I do not remember.

24. What did he reply?—He replied that it was Mr. Moore's fault, that the disturbance had arisen from him. I then crossed over from here to Peter-street, through the mob, with great difficulty; an attempt was made to knock me down from behind. I stated to the mob who surrounded me upon that occasion that we wished merely to have fair play, and to have the contest carried on fairly and openly. I think Mr. Gardner, the sub-inspector of police, was present on that occasion, if I do not mistake.

25. Was Sir Leopold McClintock's canvass continued the next day?—That was on Monday.

26. On the Tuesday?—I did not take a very active part on the next day. After that we consulted, and came to the conclusion that it was a hopeless proceeding to canvass in the town, from the state of the mob.

27. In what way was that Tuesday employed?—On the Monday evening after this occurred, we proceeded to canvass some of the out-voters in the country, and on the Tuesday we were occupied the greater part of the day in the tally-rooms, and I canvassed some voters here and there through the town. I did not afterwards attempt a house-to-house canvass.

28. You have already told us that you came to the resolution that it was useless to do so?—Yes.

29. Where were you on the Wednesday, the next day?—I went to Dublin on the Tuesday evening, for the purpose of voting for you and Sir Arthur Guinness.

30. I am much obliged to you for that; and on Wednesday?—I came down by the first train on Wednesday morning.

31. And you arrived in Drogheda, when?—I came here to the nomination.

32. Will you describe to his Lordship the state of affairs which you found?—I found the candidates and their friends assembled on the steps of the court-house; a *cordon* of police drawn up immediately in front, and a large and very excited mob in the street; I pushed through the police and took my place as well as I could on the steps, and I got next the Reverend Mr. Doyle, a Roman Catholic clergyman; he was in a very excited state, and shouted out as loud as he

possibly could at intervals, "Down with the Orange faction;" I remonstrated with him, and said I was not an Orangeman, nor did I know of an Orangeman there; he said, "It is no matter, you have the old Orange blood in you," or words to that effect; there was an egg thrown apparently at Sir Leopold McClintock, who occupied the highest step of the court-house door; after a delay of I should suppose about 10 minutes, one half the door was opened and a terrific rush ensued; I struggled to get in with the others, when Mr. Doyle to my surprise seized me by the coat, and assisted me in, saying, "You are an honest fellow at all events."

33. He said it to you individually?—He said it to me individually; I rushed in here, and occupied a position between the bench and that door, about where Mr. Gardener is at present standing (*pointing out the same*). The sub-sheriff was within a yard or two of me; I found that I was separated from my party, but so great was the crowd that I found it impossible to get back to them; a scene of the greatest possible confusion then ensued; the whole body of this house was filled with a riotous violent mob of the lowest order of society, and a great number of them appeared tipsy; the mob appeared to be divided between Mr. Whitworth and Mr. Brodigan, but by far the greater number appeared to be in Mr. Whitworth's interest; I did not hear a single voice raised on behalf of Sir Leopold McClintock amongst the mob; we were crushed to the greatest possible extent, so much so as to become extremely alarming; the noise was so great, that though the sub-sheriff was within two yards of me, I was unable to say whether he read the writ; I heard him calling upon the people to hear the writ; I also called out with him for the purpose of endeavouring to make an impression upon the crowd; after a short time I saw Mr. James Matthews raised on a bench, and he appeared to be addressing the audience, but I was unable to hear one word he said; subsequently other gentlemen were raised into a similar position, and appeared also to attempt to address the audience, but not a single word of what they said was audible to me.

34. How close were you at that time to them?—I was at that time immediately behind that brass rod (*describing the same*), and a gentleman was speaking from where his Lordship is now.

35. Will you explain to his Lordship the circumstances under which you left the court-house?—The mob surged and swayed over these benches, and on one or two occasions fell over the parts of the bench where the respectable part of the community were, and at times they surged and swayed over, and fell over, the tops of those on the bench, and those underneath seemed to be in great danger; I heard some one say that Mr. Cottington had fallen over, and was in danger of being suffocated; I then forced my way out as well as I could for the purpose of getting the assistance of the police to assist in rescuing, but I found that I had been anticipated, as somebody else had got them; a small number of the police came in; by this time a good number of the respectable part of the assembly had commenced leaving.

36. Did you see Sir Leopold McClintock at that time?—Not then; I was looking about anxiously for him and his other supporters, and I could not see him for some time; after some little time I found him on the step outside the

side door, and I placed myself behind him; when I returned, after going for the police, I met the high sheriff somewhere adjoining the side door, and I asked him what had taken place; he stated that the candidates had been proposed and seconded, and he asked me who had (I am not quite sure whether it was) "seconded" or "proposed" Sir Leopold McClintock; he was in doubt as to the one or to the other; I told him; he also asked me as to a poll having been demanded, and I said "To prevent any mistake I demand it now;" when he said that would be sufficient; this occurred at that side door leading to the court and not in the court-house itself.

37. When you met Sir Leopold McClintock, what happened?—I found him standing immediately outside the side door. I placed myself immediately behind him so as to admit of the mob passing out. One man from amongst the mob came up to me and commenced screaming and yelling in a violent way, and threatening me and ordering me to leave that. He came within a few feet of me. I took no notice of him for some time, until I saw he was becoming so violent that he would probably assault me, and I then shut my fist in his face and threatened to knock him down if he touched me. The high sheriff came up shortly afterwards and used his influence to get those men out of the building.

38. How did you leave the court-house?—We then proceeded to the door of the court-house, and found such an angry mob in the street that we had to obtain an escort of police to force our way across it.

39. Was Sir Leopold McClintock with you at that time?—I am not certain whether he formed one of our party, but his immediate supporters were with us, and I think he was. We had to force our way literally through the crowd, so thick was it. As I got outside the edge of the crowd, on the opposite side of the street, a man ran across and deliberately struck me across the shins, endeavouring to knock me down. He was arrested, but subsequently discharged at my desire.

40. How were you principally employed on the Thursday?—There was no attempt at a house-to-house canvass on the Thursday either. I canvassed with Sir Leopold McClintock several voters on cars in the town and neighbourhood.

41. Was there excitement in the town of Drogheda on that day?—There was.

42. Was it greater or less than before?—I could not show my face without being hooted and insulted in every possible way, but up to this time I had seen no stones thrown.

43. Will you say what occurred on the day of polling after you left your own house?—I left my house about half-past seven, accompanied by Sir Leopold McClintock and several friends, and we proceeded into the town. With regard to the arrangement for bringing the voters into the town, I should have said that I made them with the stipendiary magistrate on the Thursday. I then waited on the stipendiary magistrate; they first called at Sir Leopold McClintock's tally-room to see what protection was required. I gave particulars of the numbers of voters and the roads they were expected to come by, and arranged as to the escort of police.

Mr. *Heron* objected to the opinion of the magistrate being given as evidence.

44. Mr. *Plunkett* (to the *Witness*).] What did they do?—I endeavoured to impress upon them the necessity of a large escort by the half-past 11 train, as we expected a great many voters by it. On the Friday we proceeded to the tally-rooms; on coming towards the town we were met by a crowd of girls.

45. At what o'clock was this?—Between seven and eight on the Friday morning; those girls were apparently factory hands, with green boughs. As soon as they recognised us on the cars they hooted and yelled, and threw dirt at us; there were no stones convenient. I proceeded to the tally-room and found that a voter who had freely promised to vote, and who had been in my employment for a great number of years, was absent, though he had promised to be there to meet me.

46. What was his name?—Patrick Boyle.

Mr. *Heron* objected that this name had not been mentioned until now, and applied that a list should be furnished to the Counsel for the Respondent.

Mr. Justice *Keogh* said that the Petitioner ought to be prepared with a proper list to guide the Respondent in his defence, and that if it was intended to go into any cases *ultra* those mentioned by Mr. McDonogh in his opening speech, a list of the names had better be furnished at once to the Counsel for the Respondent, with the names of those persons by whom they were alleged to have been unduly influenced.

47. Mr. *Plunkett* (to the *Witness*).] Now will you tell us about those you expected at the tally-room?—I proceeded on an outside car, accompanied by Mr. Charles Smyth, from the tally-room to my brewery. When approaching the building I observed a crowd of factory girls, a great many of them with green boughs. I also saw the Rev. Mr. Matthews, of St. Mary's; when passing, he came quickly over to the side of the car in which I was and "boo'd" in my face very loudly; immediately the crowd of girls commenced stoning us, and followed us with volleys of stones all along James-street, striking the car several times.

48. What o'clock was this?—This was about eight o'clock; they followed us all along James-street. I then drove down to my brewery, and the girls assembled on the road commanding it, and commenced pelting volleys of stones whenever I appeared, and also breaking the windows; I saw the voter, and asked him why he had not come up as he had promised; he said he was alarmed—

Mr. *Heron* objected to a private conversation between the witness and the voter being given as evidence.

49. Mr. *Plunkett*.] Where was this conversation?—In my yard.

50. Was any one else present besides yourself and those voters?—Not immediately present.

51. Did you leave the yard afterwards?—I left the yard without the voter; I did not urge him to come. I attempted to leave the yard, but in every instance when I attempted to leave the yard I was saluted with volleys of stones, curses, &c., and after making several attempts I was obliged

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obliged to send the carman with a note requesting that some police might be sent to remove the mob. After a delay of about 20 minutes, the mob left their position, and I returned to the tally-room.

52. Did you observe anything as you passed through James-street?—I saw the Reverend Mr. Matthews, with a large mob, following us up Paddock-lane as I passed round James-street.

53. How were they conducting themselves at that time?—They were cheering Mr. Whitworth.

54. Did they take any notice of you?—No; I escaped their notice; they were going in an opposite direction.

55. Then will you say what was the state of the town subsequently to that time after eight o'clock?—I then returned to the tally-room, and in the course of about an hour or so I voted here, accompanied by one or two others; on passing to and from the booth I was insulted, and cursed and hooted.

56. Did you go alone to the tally-room?—I was accompanied by two other voters. The violence of the mob from this time increased considerably; so great was it that at I think about 10 o'clock we considered it necessary to apply —

57. Mr. *Heron*.] Say what you did?—I was one of those who joined in applying for an escort of police, as arranged on the preceding day with the stipendiary magistrate; we got that escort, and subsequently to that every voter that was supposed to be obnoxious to the mob, or well known to them, was sent down in the centre of a police escort; I watched some of them going, from the window, and I saw the mob striking at them over the guns of the police; over the police.

58. Mr. *Plunkett*.] Did you see any clergymen at that time?—I saw a Roman Catholic clergyman.

59. Do you know who he was?—I was informed —

Mr. *Heron* objected to this being received as evidence.

60. Mr. *Plunkett* (to the *Witness*).] Have you since learnt his name?—I have learnt his name to be the Reverend Mr. McKee. I saw him taking off his hat; my attention was attracted by a noise in the street, and I saw a large mob, the majority of them armed with large sticks, coming in a very tumultuous way up Peter-street; this gentleman apparently leading them up. As they passed our tally-rooms they groaned and shouted, and brandished their sticks, shaking them at those in the windows.

61. Was there any stone throwing?—There were some stones thrown at the windows, but not many.

62. As to those voters whom you were expecting to arrive, what happened?—The voters expected by the 10 o'clock express, and the mail, and the half-past 11 o'clock train had not arrived up to this. There was a rumour that there was very serious rioting in the direction of the railway, and we were looking out anxiously for them.

63. Did you see anything of that yourself?—I was looking out anxiously for the expected body of voters from the train. I observed the escort coming round the corner of James-street.

On looking through the window of the tally-room I had a complete, though distant, view of it.

64. Will you tell his Lordship exactly what you saw?—I saw the Hussars in front and at the sides, and an immense mob opposing their progress in Shop-street. I saw a great number of sticks in the air, whether brandished or thrown I could not say, close up to the Hussars. There was a halt on the bridge. I saw a Hussar's horse rear up, and they were thrown into disorder, and the Hussars retreated; and I saw the infantry formed across the bridge. I then heard a report of a shot. The mob fell back about 50 yards, and I saw a body lying in the intervening space. The Hussars then charged up Shop-street, clearing it with extraordinary rapidity. Two of the horses fell at the turn, and the infantry subsequently charged. I saw an umbrella held up from amongst the body of people who were with the military; it was literally torn to shreds with stones. Shortly after this a number of our voters rushed into the tally-room in a most excited state, bleeding from wounds inflicted on their way from the railway, and some of these in the tally-room were engaged for some time in dressing their wounds.

65. What was the conduct of the people outside at that time?—There seemed to be less disposition to violence after the shot was fired.

66. Immediately?—Immediately.

67. After the voters reached your tally-rooms, what happened?—We then discussed —

Mr. *Heron* objected to discussions of any kind being received as evidence.

68. Mr. *Plunkett* (to the *Witness*).] What was the result of your discussion?—The result of the discussion was that Sir Leopold McClintock applied for an escort to bring the voters back to the railway station, as he considered it unsafe.

Mr. *Heron*.] You must only say what was done.

69. Mr. *Plunkett*.] Did he obtain that escort?—The resident magistrate did not apply for some time; there was a delay of a considerable time owing to the resident magistrate being engaged, as we understood. He came after some delay, both Captain Talbot and Mr. Hannay; and Sir Leopold McClintock, I think, stated what he required, namely, an escort for the voters back to the station. Captain Talbot said —

70. Was that escort provided?—No; he declined giving it, and suggested that we should remain there till dusk.

Mr. *Heron* objected that the opinion of the resident magistrate was not evidence.

Mr. Justice *Keogh* ruled that the opinion of the resident magistrate could not be given.

71. Mr. *McDonogh* (to the *Witness*).] But what did he do?—He left us without an escort.

72. Mr. *Plunkett*.] Did those voters who arrived from Dublin all vote? —

Mr. *Heron* objected that this must be proved in a more regular way.

73. Mr. *Plunkett* (to the *Witness*).] Do you know whether they all left the tally-room?—Not nearly the number who were expected arrived. There was a list of 30 made out.

Mr. *Heron* objected that legal proof must be

be given that a particular voter had not voted.

Mr. *McDonogh* submitted that this was good evidence of general intimidation, if the witness knew of his own knowledge that the voter was not able to leave the tally-room.

Mr. Justice *Keogh* ruled that some names must be mentioned, as if the witness was not able to mention the names, he could not say whether or not the persons in question were voters.

74. Mr. *Plunkett* (to the *Witness*).] Do you recollect the names of any of the voters who were in the tally-room at the time?—Mr. William Jameson, my cousin, and Major Smythe, and Mr. St. George Smythe, and the Rev. Mr. Rowe also.

75. Did those gentlemen leave the tally-room; did the Rev. Mr. Rowe leave the tally-room to go to the polling-booth?—Not that I am aware of; a number of others—

Mr. *Heron* objected to a number of persons being referred to unless the names were given.

Witness.] A number of other voters arrived subsequently, also injured, later in the day; amongst them one old gentleman who, I was informed, was Colonel Fairclough. He, amongst others, returned to the railway station in a covered car, accompanied by some of Mr. Whitworth's friends. I should have mentioned that Mr. Whitworth and several of his friends came up some time after the scene on the bridge to our tally-room and offered their services in protecting our voters to the booths.

76. Mr. Justice *Keogh*.] Who did so?—Mr. Whitworth and several of his leading supporters; the high sheriff, Mr. Frank Chadwick, and Mr. Richard Bradwell.

77. Mr. *Plunkett*.] At what time of the day was this?—I should say it was between two and three o'clock; but I would not swear very positively as to the exact hour.

78. Do you know, of your own knowledge, whether Sir Leopold's officers were withdrawn from the booths or not?—Yes.

79. Mr. *Heron*.] Were you at the booth?—I was not. I never left the tally-room after I voted, from the state of the streets.

80. Mr. *Plunkett*.] Did you see them in the tally-room?—I saw in the tally-room several of the people to whom I had seen books given in the morning, and whom I knew to be clerks employed there, and I heard them state that they had closed their booths.

81. Was that before or after Mr. Whitworth came with his friends to escort you?—Some, I think, before and some after.

82. Mr. *Heron*.] Are you sure?—I would not swear one way or the other. The greatest alarm prevailed in the tally-room for the next couple of hours. We were seriously apprehensive—

Mr. *Heron* objected to the witness's apprehensions being received as evidence.

Mr. Justice *Keogh* ruled that the witness might state the effect produced upon his own mind.

83. Mr. *Plunkett* (to the *Witness*).] Were any stones thrown at your tally-room windows?—

Some were thrown during the day at intervals. I was seriously apprehensive of danger in passing through the streets on my return home.

84. Did you see any violence from the windows of the tally-room?—Yes, there was a man assaulted.

85. Did you see it yourself?—I saw it, but not the details of it.

86. Do not say anything which you did not see yourself?—Of course not. I heard that a man was arrested and had been released again. I went down to Captain Gardner, and asked how it had happened that he had released him. I subsequently returned home, accompanied by Mr. Frank Chadwick, through the town, who volunteered to give me a safe convoy.

87. Mr. Justice *Keogh*.] Who is he?—He is a supporter of Mr. Whitworth's; Mr. Mayne being accompanied by the high sheriff.

88. Mr. *Plunkett*.] Was he one of Mr. Whitworth's friends?—He was. When I returned to my office the following day I found the windows completely smashed, both some of the shutters and some of the sashes, and I found a quantity of stones inside, one a stone weighing nine pounds, and much larger ones lying in the area beneath.

Cross-examined by Mr. *Heron*.

89. I believe that Sir Leopold McClintock's address appeared first on the 14th of November. Will you look at the "*Drogheda Argus*" (*handing a Paper to the Witness*), and say did it appear before; look at the date to refresh your memory?—I am not sure. The 11th was the day on which he came down.

90. I know that?—I think there was a special edition of the paper (but I am not certain) during the election, and it appeared on the Wednesday.

91. Is that your recollection?—I will not say so.

92. Did his address to the independent electors of Drogheda appear before the 14th of November?—To the best of my recollection, it was placarded before that. Do you mean appeared in the papers or in placards?

93. I mean did it appear in print?—I believe it did.

94. What is the earliest date you will fix for that?—Either Wednesday evening or Thursday morning, the 11th and 12th.

95. Before Sir Leopold McClintock had addressed the electors, had you been trying to get a Conservative candidate?—Yes.

96. For a long time?—How long?

97. I mean for a fortnight or three weeks before that time?—Yes.

98. And had failed?—Yes.

99. Had the privilege of standing for the representation of Drogheda been offered to Mr. McClintock?—Yes.

100. To whom had it been offered; had he been here with Mr. Mayne to see the chance of a Conservative getting in?—Yes.

101. How long was that before Sir Leopold's address?—About a fortnight.

102. Had he declined the honour?—He had.

103. In addition, had you and the other supporters of the Conservatives here offered the privilege of the candidature to Captain Pepper?—Not to my knowledge.

104. Was there any candidate who came here, calculated

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T. P. Cairns, Esq. calculated the numbers and departed?—Not to my knowledge.

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Mr. McDonogh objected to this as being irrelevant.

105. Mr. Heron (to the Witness).] This is the last question I will ask you on the subject. How long before Sir Leopold McClintock stood had you and the other Conservative gentlemen been trying to find a candidate?—I cannot fix a time.

106. Were you a month trying?—What do you mean by “trying to find a candidate?”

107. Trying to induce a candidate to stand at the election; you understand that?—I do not quite understand what you mean by “trying to get a candidate.” We were, of course, looking to the results of the last registry; we were anxious to get a person.

108. Anxious to get a candidate?—Yes.

109. On the morning of the polling did any other people come down from Dublin besides electors in your interest?—Not to my knowledge; but I believe there did.

110. Had you been with Mr. Mayne on the previous day to the railway station, to the telegraph office?—I had.

111. And were you and Mr. Mayne together when the telegram was sent to Dublin?—I was.

112. The telegram for persons to come down who were not electors?—Yes.

113. How many?—I heard 50. If you will allow me, I will state the transaction shortly to his Lordship; I am quite ready to do it, and I should have done it before but I omitted it.

114. That is the use of cross-examination; to bring out what is omitted unintentionally?—On my way into Drogheda, on Thursday morning, I was informed by Mr. Mayne that he expected a number of assistants the following day to assist his tally-men in the booths and in protecting the voters to and from the tally-room to the booths, and he discussed with me whether he could get accommodation for them in Drogheda that night. As we agreed that there would be very great difficulty in that, he asked me what was the earliest train he could get them down by the following morning. I told him the first train I was aware of was the mail at half-past eight; I said that was too late, and I proceeded to the railway station to ascertain the first train by which those men could be got down, who, I understood, were under 50. I was informed there was a goods train which arrived about eight o'clock and left at about six o'clock, but Mr. Symington could not say whether passengers would be taken by that train; he offered to telegraph to Dublin to ascertain whether passengers could be taken by it or not, and we waited till the telegraph should be replied to. While waiting, Mr. Mayne inquired what the expense of a special train would be, and he said it would be eight or ten pounds, and Mr. Mayne then sent a telegram to some person in Dublin (whom I don't know), ordering a special train for those assistants in order to have them down in time for the opening of the poll. I subsequently got a communication from Mr. Symington, stating that a third-class carriage would be given by the mail train.

115. What was the name of the person to whom the telegram was sent?—I am not aware.

116. Were you ever aware?—No; I did not see the telegram.

117. Do you mean to say that you did not know?—I did not see the telegram.

118. Do you mean to say that you did not know?—I did not see the telegram; I am not certain at this moment; I have my suspicions, of course.

119. I ask you now to give your suspicions?—Am I to give them? I may guess; it was sent.

120. I ask you to whom you now believe that the telegram was directed?—I believe it was directed to some one in Sir Leopold McClintock's interest at Dublin.

121. Do you not now in your heart believe you know the name of the person?—I am not certain at all.

122. Whom do you suspect?—Am I to answer that, my Lord?

123. Mr. Justice Keogh.] Oh, yes?—I rather think that it was to Mr. McClintock in Dublin; that is merely my guess.

124. Is that Mr. McClintock at the Custom House?—Yes.

125. What is his Christian name?—Alexander, I think.

126. Where were the 50 men to be procured?—In Dublin.

127. But from what place in Dublin?—I do not know.

128. Do you not believe that they were to be procured at the Conservative committee-room?—I do not believe anything of the sort.

129. Did you know what was to be paid to those men?—No.

130. Did you know that they were to get 1*l.* 2*s.* 6*d.* a piece?—No.

131. Did you see that some of them have since sued for their money and recovered it?—No.

132. Do you mean to say that you did not hear that?—No.

133. You have not seen it in the paper?—No, I did not notice it.

134. You were, of course, on Sir Leopold McClintock's committee here?—There was no committee; I was one of his prominent supporters.

135. Were you an active supporter, and did you canvass for him and do your best for him, backing your party like an honest Irishman?—I did, decidedly.

136. That is, you canvassed for him and with him, and did your best for him?—Yes.

137. On Mr. Mayne's statement, of course, you sanctioned the chosen 50 coming from Dublin?—Yes.

138. Were they to come with sticks?—I heard nothing of the sort.

139. Were they to come with sticks?—I believe not.

140. Did you see any of them when they came?—I saw some whom I believed to be them in the tally-room.

141. Had they sticks there?—No.

142. Were they taken from them?—They did not look like men who usually carry sticks. Some of them were old quiet looking men in the rank of clerks.

[The Witness withdrew.]

The Reverend JOHN FRANCIS MORETON, sworn; Examined by Mr. *McDonogh*.

143. ARE you a Clergyman of the Established Church?—Yes.

144. Is yours a vicarage or a rectory?—A vicarage.

145. Where?—In the diocese of Lismore; the vicarage of Rathlone.

146. Are you a registered voter of the town of Drogheda?—I am.

147. Did you come to this town for the purpose of recording your vote?—I did.

148. Had you promised any of the candidates?—I had promised Sir Leopold McClintock.

149. When did you leave Dublin?—The day before the polling.

150. When did you leave your own house?—I left my own house before that day; I stopped with a friend on the way.

151. On the day of the polling did you come to this town?—I did.

152. At about what hour did you reach the Drogheda terminus?—I came by the half-past eight train; at about 10 o'clock, I suppose; at 10 or 11.

153. Did any other gentleman accompany you?—The Reverend Thomas Wallace.

154. Was he a voter also?—He was.

155. Was there anybody else?—Several were in the train, but not with me.

156. Upon reaching the terminus, what appearance presented itself to you?—Everything was quiet at that time, but there were symptoms of disturbance on account of the large number of police that were about.

157. Did you see the resident magistrate?—Not at first, but soon afterwards.

158. That was Mr. Reed, I believe?—Yes.

159. Did you proceed to the town of Drogheda at that time?—No; we were advised to wait.

160. Did you wait accordingly?—Yes.

161. Until the next train?—Yes.

162. Did you happen to see what escort of military or what civil force there was there at the time when you were advised to wait?—

Mr. *Heron* objected that the advice was not evidence.

Mr. *McDonogh* supported his line of examination.

Mr. Justice *Keogh* reminded the learned counsel on both sides that as the facts of the case were to be dealt with by the judge, and not by a jury, the drawing of inferences would be of no avail.

163. Mr. *McDonogh* (to the Witness).] Will you be good enough to state exactly what occurred. Having waited for the next train, did other voters come by that train?—They did.

164. At that time will you state whether, as a matter of fact, there was an escort, and of what kind and character?—There was a reinforcement in the town, but in the meantime there was considerable rioting at the station.

165. Did you see that?—I did.

166. Will you be good enough to describe that?—My attention was first attracted by an order given to the constabulary to form into order. They formed a curve about the entrance to the station-house, and immediately a mob rushed up to the station such as has been described already.

167. Will you describe it yourself?—They were armed with bludgeons and other weapons.

168. Were they numerous, or otherwise?—They were numerous, but not so numerous as the mobs which we met afterwards.

169. What occurred in your presence?—They commenced by yelling and shouting, threatening the voters who were waiting, and asking them to have the voters let out to them, and that kind of thing.

170. Did any one of them address you from the crowd?—Several. There was in particular one who attracted me on account of the deadly weapon which he had in his hand, an iron bolt.

171. What did he say?—He said, "If I had you out here I'd settle you," or words to the like effect. He seemed to be calling upon the police to let me out.

172. Did he say anything with regard to yourself about your station, or the profession to which you belong?—Nothing.

173. Did you see Mr. Hamilton there?—I did.

174. Had you known him before?—Yes.

175. Was that before the second train arrived?—It was.

176. Were there any voters in company with Mr. Hamilton?—There were several whom I understood to be voters.

177. Did you see anything occur to Mr. Hamilton or to those people who were with him?—Yes; and I saw some persons going about and saying to Mr. Hamilton, that it was a shame that people should not be allowed liberty of action, or words to the like effect. Then some persons came from the town and were urging some of those men who were with Mr. Hamilton to state for whom they were going to vote. I did not hear their reply, the noise was very great. One of them, as I understood, said he would not vote at all, and he was let go. I saw him go into the station. There was afterwards a scuffle amongst the men, and I think there were two of them carried away upon cars.

178. Mr. Justice *Keogh*.] Upon what day was this?—Upon the day of the polling.

179. Mr. *Heron*.] Did you see them?—I did.

180. Mr. *McDonogh*.] Did you see in what way the people laid hold of them or took them off?—They were (I was going to say) carried away by the mob; they were forced away by the mob.

181. Do you know Mr. Whitworth?—I saw a gentlemen there whom I was told was Mr. Whitworth: I had not seen him before.

182. Mr. *Heron*.] Do you know him now?—Yes.

183. Mr. *McDonogh*.] Was it the person whom you have seen in court to-day?—I think I saw Mr. Whitworth here to-day, and he is the same person whom I saw at the station.

184. Mr. *Heron*.] He was beside me here?—Yes.

185. Mr. *McDonogh*.] Where did you first see that gentleman?—At the station speaking to those voters.

186. Were those the persons that were with Mr. Hamilton?—Yes.

187. What did he say?—He asked them whom they would vote for.

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188. Did you see him do anything towards Mr. Hamilton; tell us exactly what you saw consecutively, as well as you remember?—I saw that there was some altercation and some struggling; at length some of the mob came in and took away the men one at a time; there was some little interval between.

189. Was Mr. Whitworth present on that occasion?—Yes, he was.

190. Do you know Mr. Clinton, one of the conducting agents?—Yes; I am not sure that I know him personally, but I know his appearance.

191. Did you see him that morning?—I am not sure whether he was one of those who were addressing the mob; I would not know him at that time by name.

192. Did you see anything happen to Mr. Hamilton?—Yes, I saw him thrown down.

193. By whom?—By the crowd who were carrying away the man.

194. Did you see Mr. Whitworth take hold of any person?—

Mr. *Heron* objected to this as being a leading question.

Witness.] I saw Mr. Whitworth lay hold of the voter to whom he was speaking.

195. What did you see him do; tell us the whole as if now it was spoken for the first time?—As if he wished him to go with him.

196. Was it after that, that the mob took him?—It was; the mob in the first instance did not come until after Mr. Whitworth had been speaking for some time.

197. Did you happen to see how they took them away?—They took them upon separate cars.

198. What was the conduct of the mob at that place?—They were merely shouting, and yelling, and brandishing sticks threateningly.

199. Have you stated to us all that you remember about that occurrence of taking away the voters?—The man who said he would not vote went into the station, some of the mob afterwards rushed in and took him away with them.

200. Describe now the manner in which he was taken away, if you saw it?—A number of persons got about him and took him away. He was partially carried and partially dragged; he was put upon a car, and several men got upon the car with him. I do not know how many, but the car seemed crowded; the well-cushion and all seemed crowded.

201. Where was he put?—In the midst of them.

202. Was he sitting or lying, or in what position?—I really could not tell; there was great confusion, and the whole thing was a momentary occurrence.

203. After that, did you and the voters, when the second train arrived, proceed into the town?—Yes.

204. How was the escort arranged?—The cavalry in front, and the infantry on each side of the voters, with a single cavalry soldier outside of them; the Royal Irish constabulary brought up the rear.

205. Was it a large escort in point of number?—There were about 30 men in the constabulary. I heard the magistrates say there were 30 of the constabulary, and I suppose about half a company of infantry, and half a troop of cavalry.

206. Will you give us the names, as you remember them, of the voters who then proceeded

with you down towards the town?—I know but a few of them by name; there was Mr. Wallace, Mr. Hamilton, Mr. William Denison, Mr. James Denison, Mr. Ball, and Mr. Eakens, and several others. I dare say I could remember the other names if I had time to think.

207. Were those whom you knew, gentlemen of respectability and position?—They were.

208. Did you observe, on starting from the railway terminus, what the state and condition of things was from that place down to the town, as to the crowd?—The crowd that had been round the station had in a great measure dispersed at that time, or rather retired, and when we started from the station there were not many persons in the way; those that were there commenced hooting as we went. As we approached the town, about midway between the railway station and the entrance to the town, the stone throwing commenced, and it grew more violent as we approached, until we got into James-street, and there it became very violent, particularly as we passed cross lanes; one leading down, I think, towards the iron works, on the right; the next was a very high steep one, on the left in the Bull Ring.

209. What about it?—There the stone throwing was very violent. As we reached the Bull Ring there was a temporary stop, and the escort were thrown a little into confusion. I do not know the precise cause, but there was great stone throwing at the time. I was not in the absolute front; I was immediately behind the cavalry. The officer in command seeing this, ordered the men to close in upon the voters, which was a great protection to us. In this position we went on till we reached the bridge.

210. Did you see whether or not any consequences followed from stone throwing?—Many of the soldiers and voters were bleeding at this time; I was bleeding myself at the time.

211. Where were you struck?—I might say say all over; but the only severe wound I received was upon the head. It was from that that I was bleeding.

212. Will you resume your narrative?—Just here I heard the soldiers conversing with each other, and one said to another, "We shall catch it at the bridge."

Mr. *Heron* objected to this being received as evidence.

Mr. Justice *Keogh* ruled that it was admissible.

Witness.] I turned and asked the soldier to repeat what he said, and he repeated to me, "We shall catch it at the bridge." Then the men began to show symptoms of discontent. I heard them say, "We cannot stand this," speaking to one another. As soon as we turned the corner into the Bull Ring, I naturally looked towards the bridge, which I had just learnt was the great point of danger, and I saw great crowds at the end of the North Quay. There were also crowds at the Bull Ring, but they did not seem so dense as those on the other side of the river. We then got upon the bridge, and there we halted. The stone throwing there became very violent indeed. The stones seemed to come chiefly from the end of the North Quay, about the Telegraph Office, I think; but they came, in fact, from all directions, except from the west side; there was no means of throwing from that side.

213. Did

213. Did you happen to observe the size of those stones?—Some were very large; there were brickbats amongst them. I called the attention of my friend, who was with me, to the brickbats.

214. Did you see anything of Captain Daunt, the captain of the infantry?—I did not see anything of Captain Daunt.

215. Did you see him fall?—I did not see him fall; he was more in front of me.

216. What did you see?—I saw the cavalry thrown into great confusion, the horses plunging upon one another, and ultimately they seemed to wheel away from the stone throwing, and they fell back upon us; we were driven back then upon the constabulary at the south side of the bridge; then the cavalry re-formed and went forward again, and left the centre of the bridge for a short time quite clear. The stone-throwing continued at short intervals; the stone-throwing was very heavy, at times it was dreadful.

217. Were further wounds inflicted?—Further wounds were inflicted, and about this juncture (the whole thing happened in so short a space of time that it is difficult to speak of things in perfect order; but as well as I remember) the men became very much discontented, and began to call upon the officer, saying that flesh and blood would not stand it, and “Will you allow us to stand here, sir, to be murdered,” or “to be killed,” or words to that effect. In the midst of this confusion I heard shots fired, and my friend Mr. Wallace next to me turned to me and said, “There is a man killed;” I did not see the man fall, nor did I see who fired the shot.

218. Did you see the body on the ground?—No; they ultimately charged up the street; they were ranged for a time in West-street, just opposite to this at the time the body of the dead man was carried past.

219. Where had you betaken yourself to so as to enable you to see this?—On the footpath.

220. Were you with the military?—We were; we asked the officer what we were to do; he said he could not do anything more, that is to say, he could not escort us to the booth, for instance; but he said, “You had better stay with us,” and we remained accordingly.

221. What did you see then?—While the body of the dead man was carried past, as I have stated, the mob rushed up Shop-street, and it appeared that the officers anticipated an attack; they ordered the men to load, which the men did instantly; they held their rifles in a position to be ready to fire if commanded.

222. Had the mob anything in their hands?—They were armed, as before, with sticks and bludgeons.

223. Did you see what they did with them?—They were yelling at the military, and threatening them.

224. What did the officer do?—When the men had loaded and held their rifles in a horizontal position, he immediately called out, “Do not fire,” “do not fire,” “do not fire;” I do not know which of the officers it was; I think there were three officers or two officers.

225. Did the mob go off?—They remained a short time, and then they passed on up West-street.

226. What next occurred; where did you go?—I remained there for some time; a person was

leaning against one of the shop doors, it gave way and went in, and it remained open, and Mr. Wallace and I got into this place.

227. What state were you in when you got in?—I was bleeding. The person in the house was very kind and gave me a glass of water, and offered other assistance, but I did not feel that I required it; besides, I was anxious to remain with my party, and we remained just at the door. I observed then that some of the men were very much wounded, and one young man near the door seemed faint, turned pale, and I took him by the arm and drew him in.

228. Was that a soldier?—Yes, the people of the house were very kind, and brought him into an inner room, where he sat upon a chair. I asked for a glass of water for him, which he took from my hand; then he fell forward and I caught him in my hand; he leaned his head upon my hand, and I supported him until he recovered again; and I asked some of the persons present to go out and tell some of his comrades to come in, for I feared, perhaps, that I had done wrong in bringing the man from the ranks without his officer's knowledge. Another soldier then came in, and I left them, and went out to the front again. The question then came how we could get to the booths, and Mr. Wallace and I were anxious to keep together; but it was found that the booths were in different streets. He said that he would not go without an escort. Some gentlemen came and volunteered to escort us; I do not know who they were, but he declined; he said he must have authorised responsible persons to escort him, and the officer of the constabulary brought some police, and he went with them, I think, to Lawrence-street. I went to Shop street, having first taken the arm of Mr. McCann, I think it was. I knew him by appearance and addressed him; it was Mr. McCann, whose face I had known when he was a boy, and he very kindly gave me his arm, and I walked with him towards the booth, when one of the Messrs. Chadwick also came. I do not know Mr Chadwick's Christian name. It was not you (*pointing to a gentleman in the Court*), it was your brother; he came on the other side and gave me his arm. I felt, of course, more or less exhausted, and I was glad to have his support, and I went to the booth and voted. I felt it my duty to vote, having come for the purpose. Mr. Wallace and I afterwards met in the Court here, and Mr. Chadwick, who is on the bench now, most kindly gave me his arm to conduct me to the railway station. The high sheriff, whom I also see here, gave his arm to Mr. Wallace, and I think there were two other voters with us, I do not remember whom, who also had, I think, some persons with them. Mr. Richard Kirk also tendered assistance to one of the voters, and walked up to the station with him. We remained at the station for, I think, two or three hours, until we met trains there and went on to Dublin.

229. Have you now stated all the facts as you remember them?—I think so.

230. As they occur to your memory?—As they occur to my memory. There are a great many more which one could not think of unless one set down to think of them.

[The Witness withdrew.]

Rev. J. F.
Moreton.

15 January
1869.

The Reverend WILLIAM DISNEY ROWE, sworn; Examined by Mr. *Plunkett* :

The Rev.
W. Disney
Rowe.

15 January
1869.

231. ARE you a clergyman of the Established Church?—I am.

232. Where do you reside?—At Newport, county of Mayo.

233. Are you the clergyman of that place?—I am the rector and vicar of that place.

234. Do you remember coming to Drogheda, the day of the election here?—Yes; by the half-past eight o'clock train.

235. You are a voter of Drogheda?—Yes.

236. Just tell his lordship exactly what happened, without saying what was said; you may say anything that is said in a public way, but not a private conversation?—On arriving at the station at about 10 o'clock, we got out of the train; I intended to go down into the town, but when I went outside the station I saw a crowd of girls and boys, and some men; some of them had green boughs in their hands and sticks; there was a large force of constabulary also there, somewhere about 30 men, and while waiting to proceed, I found that some others had also come by the same train for a similar purpose; there was a resident magistrate there, Mr. Reed; some person asked him would it be safe to go down without an escort, and he said that it would not be safe, and that he could not give us a sufficient force to protect us; but that if we would wait until the arrival of the next train, in the meanwhile he would send to the town for an additional force, and then escort all the voters to the Tholsel; we took his advice, and remained until the arrival of the half-past 11 o'clock train; whilst waiting during that time, there was a large crowd of persons come up at the arrival of the train from Belfast, I think it was about a quarter past 10 or 20 minutes past 10, and crowded into the station.

237. Where did they come from?—From the town; they were principally men.

238. Had they anything in their hands?—They had sticks in their hands, short sticks.

239. What was their demeanour?—They seemed determined about sending the crowd into the station, and I and several others went into the waiting room and remained there; there seemed to be some confusion until the train moved off, and then those men retired. A man came up bleeding to the station from the town, and his face was covered with blood; he sat on a form at the station-house and his wound was dressed there; it was washed. Another man also came up from the town, he had lost his hat, and he had a pocket handkerchief wrapped round his head; I spoke to the man, and he told me —

Mr. *Heron* objected to this being received as evidence.

Mr. Justice *Keogh* overruled the objection.

Witness.] He said that he was badly wounded. I asked him how —

Mr. Justice *Keogh* ruled that this was not admissible.

Witness.] Mr. Hamilton came by the same train by which I came, and he had three men with him, those men seemed humble men; I saw Mr. Whitworth come up to the station during that interval, and he addressed one of the men, and asked him whom did he wish to vote for;

there were a lot of people about who had sticks in their hands, and they were saying, "Say Whitworth;" Mr. Hamilton was by, and Mr. Whitworth addressed Mr. Hamilton, and said it was a shame for him.

240. Mr. *Plunkett.*] Did he do anything?—I saw him put his hand on the man's shoulder and ask him, "Would you not vote for me?" they seemed so angry that I retired from the station; I was told —

Mr. Justice *Keogh.*] Never mind what you were told.

241. Mr. *Plunkett.*] What did you see yourself?—Mr. Hamilton came back, and then the man was taken.

242. Did you see that man again?—I did not see that man again.

243. Then you came back again?—Yes.

244. What next did you observe; were the constabulary taking any active part?—The constabulary cleared the station after the departure of the Belfast train, and meanwhile some hussars came up and a company of infantry, previously to the arrival of the half-past 11 o'clock train; Mr. Reid told the voters —

Mr. *Heron* objected.

Mr. Justice *Keogh* ruled that the evidence was admissible.

Witness.] He told us that he would conduct us as far as the Tholsel, but that he would not conduct us anywhere else from the Tholsel; he also told us that a charge would be made by the cavalry, if there was any necessity for such —

Mr. *Heron* objected to the reception of this as evidence.

Mr. *McDonogh* argued that this evidence was admissible.

Witness.] He addressed those words to myself.

Mr. Justice *Keogh* directed the witness to confine himself to facts.

Witness.] At the time the train arrived, we started from the station; the cavalry went first.

245. Mr. *Plunkett.*] Whom do you mean by "we"?—A number of voters; the voters who had already come down by the half-past eight o'clock train, and the voters who arrived by the half-past eleven o'clock train. The cavalry went in front, and some cavalry at the sides; the infantry round the voters, and the constabulary guarding the rear. On leaving the gate outside the station-house some few stones were thrown, and when we came to the turn up to St. Mary's Church the stone-throwing was very great; one of the soldiers was struck, and I heard him saying, "Are we to be murdered in this way?" He was struck in the face. The stones rattled against the rifles of the infantry, and several of the voters were struck. I saw the Rev. Mr. Moreton and Mr. Hamilton, who was alongside myself; he was struck on the back, and he complained very much of it; and about James-street my own hat was knocked off, but fortunately I recovered it. I was struck in several parts of the body, but when we came to the Bull Ring the stone-throwing increased. One gentleman had an umbrella, and he lifted it up, and in a little time, until

until that was broken, it gave some protection to him, and also to myself. Whatever was the cause, the cavalcade was halted, and there was a great scene of confusion, the mob shouting, and the stone-throwing having increased, until at length I saw the cavalry wheel round apparently in flight, and the infantry and cavalry rushed back upon the voters, and closed them up; and some gentlemen who were before me rushed against me, and the infantry also, and I turned, and I was pitched violently upon three or four gentlemen. There were some soldiers passing, and when I was pushed down I caught hold of one of them; he struggled to get away, but, however, I was the stronger man of the two, and I got up. When I got up the confusion still existed, the soldiers were running to either side of the bridge; at this time there was a shot fired; there was great shouting; when the shot was fired there was a peculiar sort of shout raised by the mob, as if of terror. I did not see the man fire, but I heard the shot. Shortly afterwards another shot was fired. I fell back upon the constabulary, and as I just reached them the officer of the constabulary came down and told them to load. Some of the constabulary begged me to go into a house; I said, "No," and immediately a trumpet sounded, whether for charge or not I cannot say, but, however, the trumpet sounded, and there seemed to be a movement. The cavalry wheeled round their horses, and I saw the infantry rushing forward, and I rushed on with them, and there was a charge then up Shop-street, and I came with the cavalry and the infantry to the Tholsel. When I looked round I saw that only five other voters were with me—Mr. Moreton, the Rev. Mr. Wallace (as far as I can remember), Mr. Jamieson, Captain St. George, and Mr. St. George Smythe—out of the whole number.

246. How much was that number when you started?—I cannot say; there was a number of them.

Mr. *Heron* objected to this evidence.

247. Mr. *Plunkett* (to the *Witness*).] Were there more than 20?—

Mr. *Heron* objected, unless the names of the electors were given.

248. Mr. Justice *Keogh*.] Do you know whether those parties had votes who were with you?—Not more than what they told me, that they intended to vote.

249. Can you say how many persons there were who were, to your own knowledge, voters within that number; you may not be able to enumerate all the names now?—I could not say that, except from hearsay.

250. Then you had better not say?—I could say how many started; I could say the names, but I would confine myself to the number.

251. Mr. *Plunkett*.] How many persons, whether voters or not, started with that escort?—Those that I enumerated, and there was another, Mr. Jamieson; there were two Mr. Jamiesons; there was a Colonel Fairclough, there was Dr. Breendon, there was a Mr. Filgate, and there were some others with whose names I am not acquainted.

252. Do you know how many persons started with the escort; you need not say exactly?—I was told —

253. Never mind what you were told?—There seemed to be about 30.

254. You had just come to the place when you say you saw five of that party with them?—About five of that party when we came to the Tholsel here. I saw some of those gentlemen very badly wounded. When I arrived at the Tholsel I was told that a man was shot. I spoke to those gentlemen, and told them that it would be well for them not to remain out in the street, but to come into the Tholsel. They said they would remain under the protection of the military. I came in here, and I presented myself as a voter, here in this place, and I was told that my polling booth, commencing with the letter "R," was not where I presented myself, and I went up then to another place, where I was told that they were taking voters' names, and I was told that was not the booth for letter "R." I asked, then, where it was, and they told me in Lawrence-street. I was going down some stairs connected with this building, and I heard shouting outside, and I looked out at the window, and I saw the corpse of the man that had been shot laid on a shutter or a door, I cannot say which, and carried. The people seemed very angry. I saw, then, that if I should go out of the Tholsel, I should go at once to McClintock's tally-rooms, and decline going down Lawrence-street, as I saw a large crowd down there; and I thought at the time that that crowd had been driven on by the charge of the cavalry. However, I determined that I would not go down that street. I went to the tally-room, and I met Mr. Mayne, and I told him distinctly—

Mr. *Heron* objected to this evidence.

255. Mr. *Plunkett* (to the *Witness*).] Did you vote or did you not vote?—I did not vote.

256. What was the state of your mind at that time?

Mr. *Heron* objected to this question.

Mr. *McDonogh* supported this line of examination.

Witness.] I was horrified at the death of the man; and I did not think myself justified in running any further risk myself, or asking the police or the military to risk their lives.

257. Mr. Justice *Keogh*.] You did not vote, therefore, in consequence of apprehensions which you entertained?—Undoubtedly; not a question of it.

258. Mr. *Plunkett*.] You say that you did not vote; where did you go to?—To Sir Leopold McClintock's tally-rooms.

259. How long did you remain there?—Until shortly before the starting of a train which arrived in Dublin somewhere about four o'clock.

260. You went by that train to Dublin?—I went by that train to Dublin.

261. How did you get to the railway station from the tally-rooms?—Sir Leopold McClintock came out and told those voters—

Mr. *Heron* objected to this evidence.

262. Mr. *Plunkett* (to the *Witness*).] Never mind what he said; how did you get down?—I came down with the high sheriff, who kindly offered to conduct Mr. Filgate and Mr. Jamieson to the station.

263. Mr. Justice *Keogh*.] In fact, you were accompanied by the high sheriff?—By the high sheriff.

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Rowe.

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The Rev.
W. Disney
Rowe.

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Cross-examined by Mr. Pallas.

264. At what hour was it that you made up your mind that you ought not to vote?—I was coming down stairs after saying—

265. I know that; but I just want to fix the hour, if you can?—Well, it was about 12 o'clock. We came down as soon as we could after the arrival of the train, and I suppose it was about 12 o'clock.

266. Then from 12 until 4 you remained in the tally-rooms?—Yes.

267. Do you know now the position of the booth in Lawrence street?—No.

268. Then you are not able to say how far it was from the tally-rooms?—I was told that it was down Lawrence-street, and I saw a crowd there.

269. Will you swear that it was more than 50

yards to the tally-rooms from where you were?—No.

270. Mr. Justice Keogh.] Had you come from your residence in the county of Mayo for the purpose of voting?—Yes.

271. When had you left home?—I left home on the Wednesday.

272. What day of the month was that?—About the 18th.

273. Then you came to Dublin, and from Dublin to Drogheda?—I came to Dublin at about six o'clock on the Thursday, and then I came the following morning to Drogheda at about half-past eight.

274. And your business was to vote?—I had no other business.

[The Witness withdrew.]

Mr. WILLIAM HENRY FILGATE, sworn; Examined by Mr. Ryland.

Mr. W. H.
Filgate.

275. ARE you an Elector of Drogheda?—I am.

276. Did you come to vote at the last election here?—I did.

277. By what train did you come?—By the quarter to ten train.

278. At what time did you reach the station here in Drogheda?—At about 12.

279. Were there many other voters along with you at the station when you came?—There were several other gentlemen, whom I understood to be voters.

280. Were you amongst the party who were escorted by the military from the station into the town?—I was.

281. Did anything happen to you on the way?—Yes.

282. Will you describe what occurred?—I was struck on the back of the head by a man who had an iron bar in his hand; he came in through the file of soldiers, and went back again; shortly afterwards, I was struck by a stone on the side of my face, which cut me, and I got a third blow on my leg, with several other blows; those three blows all hurt me.

283. Whereabouts was it that you were when you got those blows?—The first blow was some time before I reached the bridge; the second blow was a stone also before I reached the bridge; and the third was on my leg, but I am not sure whether that was before I was on the bridge or after I had reached it.

284. What did you see at the bridge?—At the bridge I saw stones thrown at us, both from the front and rear; there were sticks, and I cannot tell what else.

285. Did you see the sticks thrown?—Thrown! the air was full of missiles of various kinds. When the troops had reached the end of the bridge, there was a call of "Back, back," and I found that the Dragoons in front were in disorder, and were coming back upon us, and I retreated a few steps; and the next thing that happened was that I heard the report of a shot; shortly afterwards, I heard, as I thought, two other reports, closely following one another.

286. Did you see any one injured by those shots?—No; I could not see in front. There was then a lull, and I next heard the word "Charge," and I then saw the Dragoons galloping up the street, followed by the troops, and the crowd in front. The police, who had very pro-

perly stopped at the entrance to the bridge on the Dublin side, then rushed past me. I then found myself standing on the bridge with two other gentlemen, one Mr. Francis Hamilton, who went towards the station, the other a tall, elderly gentleman, whom I did not know at the time, but who I since understood was Major Fairclough; his clothes were bloody, and he had a cut under the eye, and a very ugly-looking cut it was.

287. Where did you go then?—I walked towards the town, and the first house I came to, the door of which was open, I asked to be allowed to go in; I was very kindly permitted to do so, and I had my head and my face washed, and I remained there some time, until the blood had ceased to flow somewhat; I then went up in the tally-room.

288. In what state were you when you got to the tally-room; had you recovered from the effect of those bruises; I do not mean whether they were healed; were you stunned at all?—Well, I was not stunned, I was a little bothered.

289. Did you afterwards vote?—No.

290. What was the reason why you did not vote?—I understood at the tally-room that Sir Leopold McClintock's agents had been withdrawn from the booths, and that it was no use.

291. At what hour was it that you got to the tally-rooms?—Well, I cannot be positive, but I should think about a little after one o'clock; it might have been half after one or two.

292. How long did you stay in the tally-rooms?—I remained there until, I should think, nearly four o'clock.

293. Did you go back to the station?—I did go back to the station.

294. How did you go back to the station; did you walk or drive?—I walked, but I did not cross the bridge.

295. How did you get there?—I walked to the old station on the north side of the river; I got upon the railroad there, and I walked across the lattice bridge to the station.

296. Were you by yourself, or was there any one with you?—I was by myself.

297. Is there anything further that occurs to your mind that I may have omitted asking?—I am not aware that there is.

Cross-examined by Mr. Hamill.

298. Do you remember, at any time, hearing the word "halt" made use of, either in the Bull

Bull Ring or on the bridge?—I did hear the word “halt;” I don’t know where the Bull Ring is; it was whilst I was on the bridge that I heard the word “halt,” and it was passed on.

299. From the rear to the front?—From the rear to the front; and it was passed on by the escort party, as far as I believe.

300. You say that you went into a house; do you remember that some gentleman or gentlemen came in and offered to bring anyone there who wanted to go up to the Tholsel to vote?—A man did come in, and I think he offered to escort me to the Tholsel; he did escort me to the tally-room.

301. And in going to the tally-room, you had to pass the Tholsel?—Yes.

302. Do you know whether that was the sheriff or some other gentleman; do you know who that person was?—No, I do not. I don’t recollect his name, it was not the sheriff, for I saw the sheriff afterwards.

HENRY ALEXANDER HAMILTON, Esq., sworn; Examined by Mr. *McDonogh*.

308. WHERE do you live?—At Balbriggan.

309. Are you a magistrate of the county of Dublin?—I am; and of the county of Meath.

310. Are you a voter for this town?—Yes.

311. Do you remember having come to the town upon the day of the polling?—Yes.

312. Were you accompanied by any other voters?—By four other voters.

313. Will you mention their names to his Lordship?—Patrick Donald, Andrew Semple, John Devine, and John Usher.

314. At about what time did they reach the Drogheda terminus?—Shortly before 10 o’clock; it was the half-past eight train leaving Dublin; I got in at Balbriggan.

315. Did they get in with you?—They got in with me.

316. Upon reaching the station, will you state to his Lordship exactly the state of things which you found there?—On arriving at the station there was considerable confusion, and I was anxious to get back to Dublin as soon as possible, and I addressed myself to Mr. Reed, who stated that he was the stipendiary magistrate, and was very anxious to go down to vote; and he pointed out the state of the place, and said he had but a small number of cavalry at his disposal, and it would be impossible to take us; but he requested us to wait till the arrival of the train which would leave Dublin at a quarter before ten; he would then have a large body of infantry and cavalry, and would escort, not only ourselves, but the voters who came down by the second train; and I consented then to remain with some of the gentlemen who are here this morning. We remained at the station. I observed on the platform streams of blood where we were walking up and down. The mob had complete possession of the platform and of the rooms; they came in and out.

317. The rooms appertaining to the station?—The rooms appertaining to the station—the waiting rooms. They hustled me and drove me about, and those four men who were waiting with me; Semple said he should go off, and he went away.

318. Do you know where he went?—He went down to the town to vote, and the other three men remained for the present with me; they were walking round among the crowd, and going

303. Do you know where your booth was at which you were to have polled?—Indeed I do not.

304. Mr. Justice *Keogh*.] Will you describe, as clearly as you can, how the cavalry went about; did they go right about, or did they merely back their horses?—They were in confusion; I saw their flanks; in fact, the horses were across the entrance to the street.

305. But was it a regular military movement?—Oh, no; they were beaten back in confusion.

306. How were the infantry affected; what movement did they make?—I could not see what the infantry were doing at that time in front.

307. But the cavalry were put in confusion, and thrown back?—They were, and they came back upon the escort party.

[The Witness withdrew.

in and out the station-house with me. The mob were outside with their sticks, and I observed that a good number of them had in their hands those short iron bolts with a nut on them, which might have been found lying about a railway station; they had those in their hands brandishing them at us. That state of affairs went on for some time, and we waited. When I was standing outside, Pat McDonald stated to me—

Mr. *Heron* objected to this evidence.

319. Mr. *McDonogh* (to the Witness).] Was he one of the voters who came with you?—He was.

320. Was it said aloud in the crowd, or a private communication to you?—I considered it a private communication to me. The other two men, John Usher and John Devine, remained about the station-house; they were in different parts in and out, and I should say it was a little after 11 o’clock or so, or it might be after, when Mr. Henry Clinton, Mr. Whitworth’s agent, as I understand, came up to me. We were at that time out among the mob; Mr. Henry Clinton came up to me in a very violent and very excited manner, and he said, “What are you doing with those men?” I said, “I am doing nothing with the men, the men are there.” There were only two men there at this time, Usher and Devine, standing about in the crowd, and he spoke very violently, and that sort of thing, to me, in a very excited manner. Then a gentleman came up that I did not know; I have been since informed that he is Mr. Whitworth; I had never seen him before.

321. Do you now recognise him?—He had not spectacles on at that time. That is the gentleman that came up to me (*pointing to Mr. Whitworth*), and the mob was standing all round, with their sticks and those iron bars that I have before described, in a very excited manner. Mr. Clinton and Mr. Whitworth addressed first John Usher, and said, “For whom do you vote?” two or three times. Usher immediately said, “I will vote for Whitworth.” Upon that, the mob seized him up, dragged him off to a car, and I saw no more of him.

322. Had that man previously promised to vote for Sir Leopold?—He sent me word that

Mr. W. H. *Filgate*.

15 January 1869.

H. A. *Hamilton*, Esq.

H. A.
Hamilton,
Esq.
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he would do so; I had merely written him a note asking him to vote. He was with me at Balbriggan, and he gave me to understand that he would. In the train, coming down, there was a gentleman, an agent of Mr. Whitworth, whom I afterwards recognised in Drogheda.

323. Mr. *Heron*.] What was his name?—I cannot tell; he was the man afterwards in charge of a part of the mob, for I met him with green ribbons in his hat; he told me that he was one—

Mr. *Heron* objected to this evidence being received.

Mr. Justice *Keogh* directed the witness to state only what he knew of his own knowledge.

324. Mr. *McDonogh* (to the *Witness*).] Did you see him with the mob?—I did. There were three men dressed in the same way; he had two bands of green ribbons round his hat; he was one of the men talking in the train with me—

Mr. *Heron* objected to this evidence.

Mr. Justice *Keogh* allowed the objection.

Witness.] Usher was disposed of, and then there was only Devine standing some way off, when Mr. Whitworth rushed up to him, and Devine came to me, and he grasped me by his right hand, and he called out, "Will you save me?" Mr. Whitworth came up and caught him by the coat collar, in this way (*describing the same*), and he said, "Who will you vote for—who will you vote for?" I did not speak; I never opened my lips except to Mr. Clinton; I did address a few words, but when those other gentlemen came up I never opened my lips, or said one word. Mr. Whitworth put his fist up in my face, and backed me up against the wall, this old man holding my hand all the time, and he said, "You are a disgrace to the place; you are a disgrace to the place." He then called one of those men, whispering to John Devine, "For whom will you vote?" Mr. Whitworth then struck me in that manner (*describing the same*), which knocked me away from Devine, and I lost his hand, and I was thrown out into the mob. I was about six feet from Devine, and they still kept on at him, "Who will you vote for?" Devine called out, "I will not vote for anyone." I then saw Devine go into the railway station. A man came up to me of the name of Townsend; he was with me, and he asked might he take Devine back to Balbriggan; he wanted to go away; he was afraid. I said, "Yes, of course, take the man away;" and I saw them go into the railway station, and I saw nothing more for some five or six minutes. The mob rushed out of the station-house again with this man Devine. Devine caught hold of me in passing, and got me by the hand, and he grasped me very firmly. The mob then pushed us both on towards the goods station. Devine was knocked down with very great violence, indeed, and fell on the broad of his back, and received some blows. I fell on my knees, but not from the blows; I consider I was dragged down by Devine; I fell on one knee, I think, and my right hand came to the ground, and sprained my wrist entirely. I got up, and Devine got up; the mob dragged him off, and he was carried over to a car, close to the goods station. They were as full as they could be, close up to the car, and he was thrown on his

back on the cushions, and he was held down by the arms and legs, and he was struggling to get off. I called to Captain Talbot, the stipendiary magistrate, who was riding past, and I said, "Will you give no protection to this man; this man is carried away against his will?" And he said, "I cannot do anything for you, sir." I saw him carried over towards the car, and immediately the car drove off amongst the crowd, and I saw no more of it.

325. Then those four men were disposed of?—Then those four men were disposed of.

326. Had Devine made any promise to vote for Sir Leopold M'Clintock?—Yes.

327. Mr. *Heron*.] Had he promised to you?—Yes, that morning.

328. Mr. *McDonogh*.] Will you proceed?—I had some conversation with the stipendiary magistrate, and he said that he would form the troops up at the door of the railway station. After all this occurred he sent in troops and police, and they cleared the place. He said, "I will keep the door shut, and if you will have the kindness to marshal the voters when they come down, I will have the soldiers in a sort of square that you will go into, and I will escort you to the polling." I waited for the arrival of that train, and saw a good number of my friends arrive by it. I thought there were 35; I told them there were 35.

Mr. *Heron* objected to this evidence.

329. Mr. *McDonogh* (to the *Witness*).] Were there about 35 persons?—I thought so.

330. Did you know those to be voters?—I thought they were voters; I knew a great many of them; there were 15 I suppose, passing acquaintances of my own, who arrived by that train.

331. Mr. Justice *Keogh*.] How did you know the 15 to be voters?—Except from knowing them, and seeing their names on the register.

332. Do you know that those 15, from your seeing their names on the register, were voters?—I went over the register with Sir Leopold M'Clintock one evening, and the men whose names I give you, I can state were on the register. There was Henry Sands, Macready, my own cousin (Francis Hamilton, Mountjoy-square), two Mr. Smiths, Captain Smythe, Mr. Filgate, who was on the table, I saw him there; Mr. Morton, Mr. Rowe, Colonel Fairclough, Mr. Vanhomrigh, Mr. John and Mr. James Jamieson, a distiller of this town; and another, I think we call him Mr. Jamieson of Montrose, I do not know his christian name; Mr. Wallace; Dr. Breedon was there, I saw him; I do not at this moment recollect any others. Then the escort being ready the door was opened, and we all walked in while the troops were opening for us; the military were each side, there were some cavalry in front and a few of the cavalry each side; I was the second I think upon the left rank; we were about three abreast; we proceeded away from the railway station down towards the town; we got some way when the stone-throwing began very violently, and it increased as we got next the town; when we got to James's-street, I was struck with a large stone on the back, on the vertebræ at the back of the neck; it staggered me very much, and left me very faint from the blow, and as we were going along the stones, they began stone-throwing, and sticks and small pieces

of broken and hotp iron I saw coming at us; persons all about me were more or less cut and injured. As we turned the corner from James's-street, a vast number of missiles came upon us, and pieces of broken glass; there was one of the troops, one of the 9th Regiment upon my left, who was cut on the side of the head with the bottom of a broken quart bottle; it struck him on the side of the head, and the man said, "What on earth am I to do?" I said, "You had better put your handkerchief to it;" the blood spouted from the side of his head; he took out his white handkerchief and bound his head up. We went on, and still the missiles came to us in all directions; the men were calling out, "Will you allow us to be murdered? Let us protect ourselves;" these were the troops. We pressed on, and had got about half way across the bridge, when we were stopped; we were told that the Riot Act was being read; while there, the stones were coming very thick indeed, and these other missiles also across us. The dragoons got into confusion; there were four or five in front of us; we were close behind them. The horses reared up; I saw the men striking at them with sticks and stones, and the horses became restive and plunged among the men. After the Riot Act was read, a very warm volley of stones came from the North Quay, which runs at right angles to Shop-street and also from Shop-street. The horses and the men were all driven back, the horses and the infantry in great confusion. I was thrown out from among the escort altogether; I was close to the bridge. I heard one man call to the others to make haste; I looked round, and a man was loading his Snider rifle, and two of his comrades were protecting him; just at that time I was struck with a heavy ash-stick; I threw up my arm and caught the blow on the right arm; he passed me and struck at the troops; immediately after that a man who was about 10 feet from me was shot dead; he was close to me. There were two shots fired as close as they could go; the ball passed me and shot this man, and he lay on the bridge, and his arm rose and fell; I was close to him; the dragoons had got each side of the bridge, up and down the pathway, and after the shot the mob fell back a slight way. I looks round there was no one on that part of the bridge but myself and the body of the deceased man. The dragoons formed behind me, across the bridge, and charged past me and the body. Being by myself, I immediately followed the dragoons close up after them. Missiles of all descriptions and filth, and earthen vessels, were thrown on us or on the dragoons as we passed up. Then I came up; I could not find a human being to speak to whom I recognised; the mob were hustling me; I got my back against the wall, the other side of the street; I could get no information as to where the polling places were, how we were to vote, or what we were to do. I afterwards saw Mr. Edward Verdon, a gentleman I have known many years; I asked where is the polling place, he said, "Oh, I will show you." He brought me across to the polling place, and I voted for Sir Leopold M'Clintock, and there was nobody I knew there; he got me some sherry; I was wholly exhausted from the blows I received, and from being knocked about and hustled. I got up to go and look out of the window, and I was immediately pulled back by a gentleman in the room, saying if I showed at the window I should

be destroyed, and the place pulled down; I waited there a considerable time, and then went across to my friend Mr. Kearns; I was exceedingly anxious to get back to Dublin as I was much interested in the election for the next day. I said, "Oh, I must get off by the next train." I came out into the street again, and I tried to get down by the street here at the bridge; the place was in such confusion, and the mob so great, that I could not. I got Mr. Kearns to help me make my way up past the gaol; some of the mob followed, hooting and yelling, and calling out, "To hell with the Queen, down with your Church, and up with the stars and stripes." I then got across the Belfast Junction line to the north part of the town; I got to the north of the bridge over the Boyne; I was by myself; I crossed over the viaduct, and I got in that way to the railway station and remained at the railway station till the train came up; I went on to Dublin by the quarter before three train.

333. Have you stated substantially what you remember?—Yes, all that I can remember.

Cross-examined by Mr. *Heron*.

334. What hour was it that you voted?—I will tell you as near as I can; I should think it was as near as possible to 12.

335. You mean a quarter after 12?—I came up immediately after the dragoons, immediately after the man was shot. I was about here for five or six minutes; it was before the body was carried through the streets. I had voted at that time.

336. You went and voted before you went to your tally-rooms?—Yes, by Mr. Vernon's kindness.

337. Where was it that you voted?—I think it is Peter-street; it is nearly opposite Sir Leopold M'Clintock's tally-room, the continuation of Shop-street, on the right, up where the agent was; Peter-street I think it is called.

338. Did you know at that booth the state of the poll when you voted?—Not the least; I had not the slightest knowledge.

339. You did not go to the tally-rooms at all?—No; after I voted I asked to see Mr. Kearns, to direct me my way.

340. You were in a hurry to get back to the county election?—Yes.

341. The county election was the next morning; there was a little talk about the surprise in the country, like the surprise here?—Yes.

342. You have told us about these four voters?—Yes.

343. As to the man whom I have taken as Macdonald, accompanying you from Balbriggan?—Yes.

344. You do not mean to convey to his Lordship that McDonald, Devine, and Usher, live at Balbriggan?—No.

345. They live at Drogheda?—Two miles from Drogheda.

346. The northern side?—They are tenants to Mr. Cooper, for whom I am agent.

347. They live two miles on the northern side of Drogheda?—Yes.

348. In reference to McDonald, Devine, and Usher, are they not tenants-at-will, or tenants from year to year?—Yes, certainly.

349. You know it?—Yes.

350. Sample is not a tenant on the Cooper estate?—No.

351. Where

H. A.
Hamilton,
Esq.

15 January
1899.

H. A.
Hamilton,
Esq.
15 January
1869.

351. Where does he live?—Three miles beyond Balbriggan, on the Dublin side.

352. How long had the four voters been on a visit to you before the election?—I know nothing whatever of them being there till the night before the election.

353. You knew nothing at all about them?—I did not know that they were in the town.

354. You knew they were in Balbriggan, by some extraordinary coincidence, the night before the election?—No, two of them called for me.

Mr. Justice *Keogh*.] The poll-books are here, and I suppose there is no objection for either party having the use of them.

Mr. *McDonogh*.] Certainly not.

Witness.] Two of them called upon me. I came down to my own house on Thursday night, about half-past nine o'clock (I will tell you their names); Usher and Devine knocked at my door; I had no communication with them, except by letter; I wrote a line to each of them.

355. I only ask you when you knew they arrived at Balbriggan; you say the night before?—I had no knowledge of it, except what I have told you.

356. Do you remember the election of 1865?—No, I have no knowledge of it.

357. Do not you know that McDonald, Devine, and Usher voted in 1865, for Whitworth?—Neither directly or indirectly do I know of it.

358. You never heard it?—No.

359. You do not know how they voted in 1865?—No.

360. There was no Conservative candidate in 1865?—I took no interest in the election at all. I do not know who the opposition to Whitworth was at the time.

361. Do you know McDonald, Devine, and Usher to be Roman Catholics?—Yes.

362. And Semple a Protestant?—Yes; the Church of Scotland.

363. Semple is on Colonel Taylor's estate?—He is now; he has got the farm within this last year.

364. Did he vote out of his farm on Colonel Taylor's estate?—No.

365. He was the tenant on Colonel Taylor's estate at the time he voted?—He came down to vote, but Colonel Taylor's estate is not in the borough.

366. Where did McDonald, Devine, Usher, and Semple lodge on the night before the polling?—I have not the least knowledge.

367. Have you a rent warden on the Cooper's estate?—Yes.

368. What is his name?—Hudson.

369. Was he in Balbriggan the night before the polling?—He lives there; I did not see him that night.

370. Do you believe he was there?—Yes.

371. Had you any communication with him?—Not at that time.

372. But immediately before?—No.

373. Did you give him any word about having the Cooper tenants all right?—No; and so guarded was I that I would not allow him to come with me that morning in the train; he asked to come.

374. So guarded were you of what?—Of having anything said against me bringing these men against their will, which was said. I would not allow the bailiff to come with me; I turned him back.

375. Was he coming with you?—Yes; he said, "I will come with you to Drogheda." I said, "No, you will not do it." I did not ask these men, except by note, to vote.

376. What rent does that McDonald pay?—About 35 *l.* a half-year.

377. What rent does Devine pay?—*£*.50 a year.

The learned Judge intimated that it was not necessary to enter into the question of the rent paid.

Witness. They are very respectable men.

378. Mr. *Heron*.] Do you mean to convey to his Lordship that Mr. Whitworth struck you?—I do.

379. Was it a hard blow?—It was sufficient to separate me from the hand of Devine, and drive me out into the mob.

380. Were you holding on to Devine as hard as you could?—No; Devine was holding on to me; his hand was in mine; he held me as hard as he could hold.

381. You said you let Semple go by himself?—I did not let him; the man said he would go, so did McDonald.

382. Semple went off and voted by himself?—I do not know whether he voted; he went off.

383. I may tell you he voted for McClintock; McDonald went away then?—I do not know.

384. Did not you inquire whether McDonald, Devine, Usher, voted or not?—My impression is that they never voted at all.

385. That is what you heard?—From hearsay. I believe none of the three voted at all.

386. Mr. Justice *Keogh*.] Who do you mean by the "three"?—McDonald, Usher, and Devine. I believe now that Semple did vote.

387. Mr. *Heron*.] He did vote for McClintock?—Yes.

388. What hour did Semple go away to vote by himself?—He stayed with me about the station for some time; he went about half an hour after we arrived.

389. What hour was it?—About half-past 10.

390. Semple went off by himself?—Yes; the other three remained.

391. They remained with you?—They were about the station.

392. They remained with you?—They remained with me, because we could not get protection to the poll.

393. Did not Semple go and vote?—He went by himself.

394. To vote for McClintock?—Yes, he told me so.

395. You believe he did vote?—Yes.

396. Could McDonald have walked down with Semple?—He did not.

397. Could he?—I do not think he possibly could, for I could not.

398. In what position of life is Semple?—A farmer; a most respectable man.

399. He is a most respectable man, and is perfectly well known?—I believe he voted for Whitworth at the last election.

400. No, you are wrong?—He told me he did.

401. Who paid the railway fare for the four men?—I do not know; I did not.

402. What other voters got in at Balbriggan?—None, to my knowledge; there was us five. I made a mistake about a man named Green, who did not vote; he is one of Colonel Cooper's tenants; he did not vote.

403. As you say you did not pay the railway fare for the men, did you pay your own railway fare?—I did.

404. Have you no suspicion who paid the railway fare for the men?—No.

405. Was it Hudson?—Hudson did not to my knowledge.

406. You gave no money for the payment?—No.

407. You do not know where the men lodged the night before the polling?—No.

408. Have you a suspicion?—No.

409. Were they in Hudson's house?—They told me they went backwards and forwards in Dublin; they had been threatened, and they came there to hide themselves.

410. To your house?—No, not in my house; I was not in Balbriggan at all for many days before the election.

411. You entertain a great interest in the Conservative cause all over Ireland?—Undoubtedly.

412. Now, as to the expression you heard from the mob; I must repeat the terms, "To hell with the Queen, down with the church, and up with the stars and stripes"?—Yes.

413. We all know stars and stripes is the American flag?—Yes.

414. Now, I must ask you, as magistrate, having some experience, this question; you heard Mr. McDonogh's speech?—Yes.

415. And you heard there was what was called a Fenian element?—He used that expression.

416. Do not you think the expression of "stars and stripes," was likely to come from that element?—There are Fenians in America, as we all know by hearsay.

417. Do not you think that expression was likely to come from a mob of that sentiment?—That is my opinion.

Re-examined by Mr. McDonogh.

418. You told Mr. Heron that the two men, I did not catch which men, had told you that they had been threatened; what two was that?—Usher was the man who told me he was threatened to

be thrown into the Boyne, and McDonald as well, not Devine; they said they dare not cross the bridge, they would be thrown into the Boyne.

419. When was it they told you that?—The night before, at my house.

420. Mr. Justice Keogh.] You said you got back yourself by the Boyne viaduct?—Yes.

421. Is that by the railway bridge?—Yes; I crossed by the north of the bridge, the railway station is to the south of the viaduct.

422. It was the railway bridge you crossed?—Yes, the large viaduct; I was by myself.

423. After this occurrence, you mentioned an altercation between you and Mr. Whitworth; what time intervened before you entered that square formed by the military, to go down to the voting?—Fifty minutes.

424. Before you entered the square?—Yes; I know by the arrival of the trains.

425. Did you see Mr. Whitworth or his agent there after this occurrence which you have mentioned?—What occurrence?

426. The conflict between you and him, such as it was?—I did not see Mr. Whitworth again after the man had said, "I will not vote for any one;" he appeared to me to go into the mob by the railway station; I did not see him after.

427. When you speak of the mob which met you as the military were going, were they a distinct mob at the railway station?—The mob at the railway station, there were some women among; I saw no women in the mob at the bridge; they all seemed to be men armed with sticks, but from the railway station to the bridge, we were continually pelted; I ought to say this; when we got off the railway premises, there is a road running parallel from the railway station to the country road, while we were going along that, still on the railway premises, we were not interfered with; but opposite the poor-house, coming on the main road, I first saw the stones coming, and it increased in violence until we got to the large stones on the bridge.

[The Witness withdrew.

Mr. RICHARD MACABE, sworn; Examined by Mr. McDonogh.

428. ARE you by profession, a short-hand writer, or reporter?—Yes; I am.

429. For many years, have you been engaged in the practice of the court?—Beyond 20 years.

430. Were you in this town on the night before the day of the polling, and under the balcony of Silcox's hotel?—I was in the drawing-room of the hotel.

431. Were you listening to the speeches delivered on that occasion?—Yes.

432. Will you look at that report (*handing the same to the Witness*), is that in your hand writing?—It is.

433. Does that report, which is in your handwriting, give—

Mr. Heron objected to the course of examination, on the ground that the original notes ought to be produced and read.

434. Mr. McDonogh (to the Witness).] Did you take it in shorthand?—Partly in shorthand, and partly in longhand.

435. What has become of those partly shorthand and partly longhand notes?—I do not know; I threw them into my waste basket at my desk.

27.

436. When you were done with them?—Yes; it may be that, had I known that I would have been examined on this to-day, I would have preserved them.

437. Have you searched for them since?—Yes.

438. Have you been able to find them?—I have been unable to find them.

439-40. You threw them into the waste basket?—Yes; the waste basket was removed in the usual way, down to the kitchen.

441. Is that a faithful and honest report of what occurred, which you hold in your hand?—Yes.

Mr. Heron objected to the paper being read, unless the shorthand and longhand notes which were taken at the time, were produced.

Mr. Justice Keogh overruled the objection.

442. Mr. McDonogh (to the Witness).] Is that a true and faithful report of what occurred?—Yes, a true and faithful report of my notes.

443. Do you know the name of the clergyman who

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Mr. R. Macabe.

Mr.
R. Macabe.
—
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who spoke first?—The Rev. Mr. Murphy, a Catholic curate.

444. He was the first speaker?—Yes, I think so.

445. Who was the next speaker?—There is a portion of this not my report.

446. Not in your handwriting?—No, not in my handwriting.

447. We will not allude to that at all, give nothing but your own handwriting?—It is merely an addition.

448. Mr. *Pallas*.] State which of it is not in your handwriting?—This last page.

449. Mr. *McDonogh*.] Whatever is not in your handwriting, we will take off. Do not read anything that is there but what is in your own handwriting. Who is the next speaker to Mr. Murphy?—The Rev. Mr. Murphy, a Catholic curate, the Rev. Mr. M'Kee.

450. What is the next person who spoke?—The Rev. Mr. Glyn. He is the next, but he is a gentleman I did not know. I took the names of gentlemen as I heard them.

451. You took the names of the other gentlemen?—Yes; the Rev. Dr. Murphy came next, and then follows the Rev. Mr. Govan, a Catholic curate.

452. Mr. *Heron*.] When did you write that out?—I think I transcribed it on the same night that I took the report, on the 19th, the day before the poll.

453. For publication?—Yes, I speculated as a correspondent upon them.

454. Did you send that document away anywhere?—Upon my word I think I delivered it at the office.

455. What office?—The Drogheda Conservative Office. I think I delivered it myself; I might have sent it by my son.

456. When did you get it back?—I have not seen it till it was handed to me now.

457. Mr. *McDonogh*.] Do you know whether Mr. Whitworth was there upon that occasion?—He was not present during the speeches, but he came into the room afterwards, and addressed the crowd, telling them to go home.

458. Where was he during the delivery of the speeches?—I could not see him in the room, and had he been there, I think I should have seen him.

459. Do you know whether the room where the balcony is, was employed for Mr. Whitworth's purposes?—

Mr. *Heron* objected to the question.

460. Mr. *McDonogh*.] Was there any other gentlemen there, besides the reverend gentlemen whose names you have given, during any portion of the time?—Yes, there were many parties in and out.

461. Who were they?—There were more than a dozen in the room altogether; I perhaps could enumerate them.

462. You were minding your business, I presume?—Yes.

463. Now read the Rev. Mr. Murphy's speech?—"The Rev. Mr. Murphy was the first speaker; he commenced by observing that they had arrived at a great crisis—a contest between Protestant ascendancy and equality. The great question of the day was, whether the Protestant Church was to be disendowed and disestablished in Ireland. Any person who wished that that should be so would vote for McClintock; any one who wished to sustain Protestant ascen-

dancy in Ireland would be opposed to Mr. Whitworth. He, therefore, hoped no Catholic in Drogheda would vote against Mr. Whitworth. Anyone who voted against him would prove himself an enemy to his country, and a supporter of the Protestant Church. He might not tell them, for they had already abundant proof of it, that Mr. Whitworth was as much opposed to Protestant ascendancy as Cardinal Cullen or himself, and he longed for equality. He hoped they would not be led astray, for he would again tell them that anyone who voted against Mr. Whitworth was an enemy to his religion, and to the priests of his church, who would sacrifice their lives for the people. If they were not mad, they would vote on the side the priests went, because they knew the priests had never deceived them. Did not Father Kelly and Father M'Guckin lose their lives by attending patients in fever, and were the priests not every day risking their lives attending upon their flocks on their sick-beds? They should vote, then, for Whitworth, which would be voting for liberty and the destruction of Protestant ascendancy. He had that day heard it reported that a mob of 500 Orangemen were to come down from Dublin next day—the polling day (Friday)—to disturb the peace of the town. He thought they might not have heard it, and he wished, therefore, to put them on their guard. Will you, men of Drogheda, tolerate this in your Catholic town? He would advise them, then, seriously, to be fully prepared; for the Orange party in Drogheda were anxious and panting to crush them. Every man who is opposed to Whitworth is on the side of the Orange candidate. Let them remember that. Although he never wished any man to do wrong, he must again call on them to be prepared, for the Drogheda Orangemen had secured the assistance of 500 of their brethren in Dublin. The Catholics opposed to us are Orange Catholics. They must despise them, no matter who they are. There were some of them he esteemed and loved, but he must stand by his church. Those Catholics who were on the side of the Orangemen must be put down. They must be crushed at any risk; they should, therefore, be prepared for them, for it was a terrible crisis. He was sure many parties had been deceived by Brodigan and his committee; but there was time to relent, and if they now came round to the side of Mr. Whitworth they would be received with open arms. By promising support to Brodigan they had brought a thorough enemy into the camp, and everyone who was an enemy to Whitworth was an enemy to his church, his country, and his principles. Let everyone bring up all the voters he can in his neighbourhood to-morrow, and by so doing he will be materially assisting in disendowing and disestablishing the Protestant Church. The Conservative party were promising bribes which they never intended to pay. They will deceive the Catholics who trust to them; but if the Catholics go with their priests they will never do wrong." That finished the Rev. Mr. Murphy.

464. Now for the Rev. Mr. M'Kee?—The Rev. Mr. M'Kee said, "This would be a momentous contest. It was a contest against their deadly enemy. He was a North of Ireland man, a native of Ulster; he was born within a few miles of the Yellow Ford, where Hugh O'Neill gained a victory over the English; he had read of the persecutions which had occurred in Drogheda

heda, in by-gone times. They had all heard of the butcher Cromwell, who gave glory to God for the number that he butchered in Drogheda, in one day. That church which stands at the head of Peter-street had a wooden steeple; when Cromwell came to Drogheda, more than 200 years ago, Cromwell went first to St. Mary's Church, where they had, the other day, to fight a battle over again. Cromwell was opposed there by the good priests, who mounted the walls to resist him, but they were beaten back and fled for refuge to St. Peter's Church, which then belonged to the Catholics. Their priests and nuns fled to Peter's Church for refuge; but Cromwell came with his invading army, and what did the butcher do? He found he could not force them to surrender, and he set fire to the steeple, and when they fled from the church he butchered them without the slightest mercy. When the Cromwellians gained the victory they robbed their forefathers of their property. Who are the party that are now coming forward to act a similar part? The descendants of Cromwell's soldiers, whose ancestors being their forefathers at the Tholsel of Drogheda." The Rev. Mr. M'Kee next stated that "the present bishop of Glasgow's father was flogged at Millmount, and that the father of Mr. Brodigan, the present Member, went up to see the inhuman act performed. He (Mr. M'Kee) knew what an Orangeman was; he was sorry to say that Orangism had its origin in the county Armagh. Orangemen say they will be true to the Government as long as they give them places and emolument; so long as they give them the loaves and fishes they will be loyal. The Orangemen are loyal as long as they get everything in the country; as long as they feed on the vitals of the Catholics. A few months ago one of the ministers, in the North of Ireland, said that sooner than they would submit to a change from Protestant ascendancy, he would see the Crown of the Queen thrown into the Boyne. Now, he asked them were they to become slaves; the Orangemen of Dublin were, on next day, to come down to Drogheda. If these men should come down let them hurl them into the Boyne. Let the people meet them in the morning, at the train, and give them a warm reception." I would state that I have not taken a full verbatim note.

465. Is that substantially what took place?—Yes.

466. Have you a distinct remembrance of their saying something about throwing them into the Boyne?—Yes; I am as distinct as that I am looking at the judge.

467. The Rev. Mr. Glynn said what?—"The Rev. Mr. Glynn next addressed the crowd: he confessed he was ashamed to stand there as a Catholic priest; he was ashamed of the people of Drogheda to allow the battle of the Boyne to be fought over again, which was fought 200 years ago on the banks of that river, and a terrible battle it was. On that occasion there were two contending armies; one party fought under the flag of 'No Popery,' 'Church Ascendancy,' and 'To h—ll with the Priests.' The flag of the others was, 'Religious Equality,' and 'Peace and Harmony among all Classes of their Fellow-citizens.' Who is the successor to-day of that Catholic army? Who is the general to-day? Mr. Whitworth. They were that night on the eve of another great battle of the Boyne. Their general was an Englishman, anxious for religious equality, and the battle was for Ireland. When

they had the Protestant Church dis-established, and dis-endowed, they would then get anything they wanted, and the priests of Ireland would be found in their ranks. Now, was there any Catholic amongst them who would be so base as to go into the ranks of the enemy? If there was, his name would be recorded in history as the vilest wretch in creation. He advised all who heard him to bring their friends to the poll; to marshal their forces early in the morning, and when they were about to charge, say, 'Friends of freedom, charge them home; foes of freedom, faugh-a-ballagh'!" That concludes it.

468. The Rev. Dr. Murphy again?—"The Rev. Dr. Murphy next addressed the assemblage: they had arrived at a very important crisis in the history of their native land. The would-be Catholic Member, Mr. Brodigan, and Orange emissaries from h—ll, had come amongst them. At this critical juncture he advised the people to be faithful in following the advice of their clergy, secular and regular, and the Catholic traitors, and Orange demons, would soon be routed from Drogheda. Up to this moment the greatest peace has existed amongst the people; he trusted the same quietude would mark the proceedings, up to the hour of closing the poll next day, and a glorious victory would be theirs." That concludes that.

469. The Rev. Mr. Gavin is next, is he not?—Yes. "The Rev. Mr. Gavin now came forward, amid loud cheers. He said he knew by their voices that they proclaimed him a friend, not an enemy. He knew by their voices that they believed he was prepared, as their forefathers were to go to the block, lay down his head and sacrifice his life for their interests. When he last spoke to them he told them that there was a crisis arrived at in reference to the three kingdoms, England, Scotland, and Ireland, but particularly to Ireland. He told them, last evening, that there was a question not only before the three kingdoms, but before all Europe; a question was brought before the people to decide, and that question was the disendowment and disestablishment of the Protestant Church, which was generated and nurtured in lust and crime, while it was fattened on the spoliation and robbery of the Catholic property and the Catholic Church of Ireland. The people of England were not acquainted with our grievances until their eyes were opened by a continuous rebellion. The question of disestablishment and disendowment of that church which was placed upon your shoulders is now understood in England to be a grievance in this country, and the question for you is, will you give your voices against it. Up to a very recent period he had not intended to identify himself with the politics of the town; but when he saw a man, by the way, a most respectable and an educated man, of the name of Mr. M'Clintock, coming into Drogheda to be returned by the voices of the Liberals and Catholics of Drogheda, his blood rose to his face, and he blushed for shame that such a man would get a chance of becoming representative for the town. All that he wanted to tell his hearers in conclusion was, that on yesterday, in the city of Dublin, some of the friends of ascendancy in this town hired 300 assassins to come and butcher the Catholics of Drogheda. He asked them, would they meet them. He assured them, on the word of a priest, that what he said was a fact, that some party in the favour of the Orange candidate here went to Dublin and purchased the tag, rag, and bobtail

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of Orangedom to come down and butcher them to-morrow. He did not want the people of Drogheda to treat those hirelings as they deserved, but he merely wanted to show to what extremes the Orange party are capable of going, seeking for victory, in order that M'Clintock may be another, who will, by his vote, assist to perpetuate that badge of conquest and blot on the English constitution, the Protestant Church. Did any of them know the Irish language? Did they know what a ranthan was? He would explain it to them. It was a calf with a dirty tail. No matter, although Mr. M'Clintock may be a gentleman and a man of education, he called him a ranthan; for, from many of those of his supporters it was clear he had a dirty tail.

No matter how learned a man and great sailor Mr. M'Clintock may be; he may sound well with his plummet, remarkably well; but when he comes to use it here, seeking for mud and dirt, he will find amongst us adamantine rock to the bottom."

470. Is that your own handwriting you have been reading at the bottom?—Yes, that is my handwriting.

471. Have you now finished your report?—Yes.

Mr. Heron applied for a copy of the speeches read by the witness.

Mr. Justice Keogh ordered a copy to be supplied.

[The Witness withdrew.]

Mr. SAMUEL DERKINS, sworn; Examined by Mr. Plunkett.

S. Derkins. 472. ARE you a Councillor in Dublin?—Yes.

473. Did you come down to Drogheda on the morning of the polling day?—I did.

474. Who accompanied you, do you know?—Mr. Bell, of Ball's Grove, living in Dublin; Mr. Harris, and Dr. Breeden, and two or three more; I do not recollect their names.

475. Did you hear Mr. Hamilton mention a number of gentlemen's names?—I was not here when Mr. Hamilton was examined.

476. Will you tell us what occurred when you arrived at the railway station in Drogheda?—When we got within 100 yards of the railway station, the train stopped, and we wondered it did not come up to the platform; the station master came down running along the steps outside the train, and he asked whether there were any voters.

Mr. Heron objected to what the station master said being received as evidence.

Witness.] He said there was a great deal of excitement at the station, and that we should take care of ourselves, and advised as many of us as we could to get together in one compartment if possible. A number of people got into a first-class carriage, and all the seats were occupied, and when he made some arrangement with the other carriages, we proceeded to the platform, where we got out. A number of gentlemen met us, and said we were to be escorted down by the cavalry. "Take time and get yourselves into line." There were about 30, and we proceeded in that way from the station, and the stone throwing commenced immediately after; hooting first, and then stone throwing, till we got into James-street; then we got it quite hot and heavy. I used the caution of putting my umbrella up; I saved my head; I got well pelted about the back; two gentlemen who passed me were bleeding from the head; the blood was running down their coats when we got there; there was a sort of halt.

477. Where?—At the bridge, and I distinctly saw a great crowd in Shop-street; in fact, the street was full. I looked and saw bludgeons and sticks, and saw the cavalry. There was a rush, and I was knocked down and picked up; when I got up I saw a man bleeding from the head; about that time I heard the shots. I saw the men, I might say, firing; I saw him on the ground. After that the crowd got thin, and soon after the charge was made up the street. I looked about

for the voters; some went into a house; I followed and got into Kelly's. There I found some gentlemen had got in; Colonel Fairclough along with the rest; he was bleeding very much. We went upstairs, in the back room. The person of the house said, "For God's sake, do not make any noise." There was a great noise outside, and every moment they expected the fellows in. We got some water when we were upstairs, and tried to stop the blood. He bled for an hour and a-half. A person in the house allowed us to go in the front room, but we were told not to go near the window, the crowd were watching us. We waited till half-past two, two hours, then the landlord came up.

Mr. Heron objected to the evidence.

Witness.] We remained there till the high sheriff came, and we were told that the high sheriff and some gentlemen were downstairs and wished to see us. During the time we were there, there was a great deal of excitement, but we were determined they would get the worst of it if they came upstairs. I have a book with me in which I got the gentlemen to write their names. I said, "We may forget one another, will you write your names in this book, and we shall know one another." I kept the book.

478. Mr. Plunkett.] Is this the book?—

Mr. Heron objected to the book being produced.

Witness.] We remained there till the high sheriff came and told us the town was tranquil, and we might go up and vote; some would not vote; I said I would not vote; I would not risk my life any farther; at last we got there; I found I had lost my hat when we got up there. Mr. Chadwick was with us, and I heard the clerks were withdrawn from the polling booths, and that we could not poll.

479. Mr. Plunkett.] What o'clock was that?—Three, or a quarter to three; we were very anxious to get to the train. Mr. Chadwick conducted me to my brother-in-law's in West-street; we got a car and went the back way out of the town.

480. You went back by train?—Yes, by the mail train.

Cross-examined by Mr. Pallas.

481. I suppose it was about twelve o'clock when you got into this house; that was the hour when the occurrence took place, was it not?—Yes.

482. What

482. What hour did you first leave the house?—I think about half-past two; twenty-five minutes to three.

483. Where did you go to then?—Up to Peter-street.

484. From Peter-street where?—To West-street.

485. Where was the tally room?—In Peter-street.

486. When you say you went to Peter-street, you mean you went to the tally room?—Yes.

487. How long did you remain in the tally room?—Half-an-hour.

488. Where did you go to then?—My brother-in-law's.

489. Where was that?—West-street.

490. How long did you remain there?—I remained there less than half-an-hour.

491. From West-street you went to the station?—Yes, straight.

492. There were six gentlemen in the house originally with you?—Yes.

493. Was Mr. George Bell one of those?—No.

494. Look at that and tell me the name?—There were Mr. Vanbornley Macready, Charles Healey, Francis Hamilton of Bird's Eye-square, Colonel Fairclough of 8, Upper Leicester-street, Robert Smith, and myself.

495. Are you aware whether any of those persons voted?—Yes, Macready voted, he told me after.

496. You know that Mr. Macready voted?—He told me so; I did not know it till I saw him in Dublin.

497. Do you mean to swear that you would not have been able to vote if you wished?—I could not swear that. I did not know what I might meet between the bridge and the polling-place.

498. The poll did not close till five o'clock, did it?—I do not know that.

499. When did you know that McClintock had no chance?—I did not know it.

500. When did you suspect it?—I did not suspect it.

501. When you were going away by train, you did not expect that McClintock would be beaten?—He was beaten, and we were all beaten.

502. Did you suspect McClintock was beaten?—I had no suspicion at all. I came down to vote, and I was prevented.

503. Did you pass the polling booth when you were going to West-street?—I do not know where the polling booth was.

504. Did you ask?—No.

505. You remember when these gentlemen came in about half-past two and offered to escort you to vote?—Yes.

506. Did you believe you would be safe in going under their escort?—I had my doubts.

507. That is the reason you did not go?—I did go.

508. You did not go to vote?—I could not.

509. The reason you did not go to vote was, that you believed you would not be safe under the escort?—Yes.

510. You thought the escort which would take you to West-street would not be sufficient to take you to the polling booth?—I do not think I did.

511. Was Mr. Bradbrooke one of the persons who offered to bring you to the polling booth?—No one offered to bring me.

512. No one offered to form an escort?—No one.

513. Had you Mr. Bradbrooke, Mr. Chadwick, and Mr. Carroll?—Yes.

514. Did they ask every one of the party if they wished to vote?—Not that I know of.

515. What did they say?—What the sheriff said was, they were very sorry they were obliged to run up there for shelter; they said it was very poor shelter he gave us.

516. Did they, or not, say this or anything like it, "If you wish to vote we will conduct you to the poll and give you any protection you require"?—Yes.

517. They said that?—It was said in the room.

518. You understood it as addressed to you all?—Yes.

519. Did some of them answer that they would go?—Not in my hearing, not one.

520. Did some of them say they would not?—I said I would not go.

521. Did some of them say they thought there was no use in their voting?—I did not hear it.

522. Will you swear they did not?—I did not hear it.

523. At this time there was some discussion about the price of some refreshments, was there not?—No.

524. About who should pay for the refreshments?—No; you were never more mistaken.

525. The party were having a discussion as to whether Sir Leopold McClintock ought not to pay for the refreshment?—No; your brief is wrong there.

[The Witness withdrew.]

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MR. EDWARD TOWNLEY HARDMAN, sworn; Examined by Mr. Ryland.

526. WERE you an elector?—Yes.

527. Did you come down to record your vote on the day of the poll?—Yes.

528. By what train?—The train that was supposed to leave Dublin at half-past nine; the train that was supposed to leave; it did not leave at the proper time.

529. Did anything take place before you arrived at Drogheda?—Yes; when we came within a short distance of the terminus the train was stopped; the station-master came to the carriage in which I was, and asked in a very excited manner if there were any voters there. No person in the carriage answered. Then he said, if there were any they had better tell him. Then we saw the

voters being brought out. I should mention there were two other voters, friends of mine, in the carriage; Smith and Bliscoe. When we got out we were put into a first-class carriage, with a number of others, and the train then proceeded to the terminus. We were then brought out and placed under an escort of military. The infantry formed two deep, with the cavalry outside, and we were brought down this way into the town. We were not molested until we got some distance from the railway. When we got outside the railway gates stone throwing commenced, and the whole way from there into the town we were pelted, more or less; in James-street especially. We were hurt very much. I was struck two or three times. I saw

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several gentlemen under the escort struck, and also soldiers as well. When we arrived at the bridge a halt took place. I did not know at the time what the reason was. In a short time we were again marched on, when another halt took place, and the soldiers and everyone were driven back by the violence of the stone-throwing; the horses reared and almost fell back on us, so that the voters attempted to get back out of the way, and in their doing so most of them were knocked down, I among the rest. When I picked myself up I found the rest of the voters were vanished; I could see none of them. Then the cavalry came behind where I was standing, and prepared to charge. On seeing that, I withdrew off the bridge into Mr. Herbert's.

530. On which side of the bridge?—The west side. I waited there some time till the crowd had become less. However, I saw the crowd was very thick on the bridge. Previously as we were leaving the bridge I saw the soldiers drawn in a body in front, and I heard two shots. I then left the bridge and went into the saltworks, and seeing the crowd was still very thick on the bridge, I attempted to leave the other way, by John-street. I intended to go round by another bridge further up the river, and through West-street to the tally-room. However, as I went through the yard I was met by three men. One asked me whether I was going to vote for Whitworth; they were armed with sticks and looked very ferocious; and I said of course I was. Then one of them said they would escort me through the town, and he came with me. Just outside we were met by three others; he told them I was going to vote for Whitworth, and they came round me and marched up Shop-street with me. As I passed several crowds, these men said I was going to vote for Whitworth. When we came to the polling-booth in Shop-street I went in expecting I should vote for Sir Leopold M'Clintock; but the men came in along with me and surrounded me, and I felt that if I voted for Sir Leopold M'Clintock at that time, my life was in danger. One of these men then said that I was going to vote for Mr. Whitworth. Some person in the booth said I could not do so unless I had a ticket obtained from his tally-rooms. Then the men said they intended to escort me to his tally-rooms. I went out with them, thinking I could easily escape from them outside and go to Sir Leopold M'Clintock's tally-room. However, they insisted upon my going to a room which happened to be one of the polling-booths, which they mistook for Mr. Whitworth's tally-room. There I was met by a gentleman, who asked me whether I was going to vote for Mr. Whitworth.

531. Who was that?—I have heard since that

it was a Mr. Matthews; he was the same gentleman I met there.

532. Would you know him now?—I think so; he was a young man; I do not see him here.

533. Go on with your description?—I said there was plenty of time to vote; I was not in a hurry. At the same time I was thinking how to get away from my escort.

534. At what o'clock was that?—I should say very nearly one o'clock.

535. Now about the three men?—Three of the four men were in the body of the polling-booth speaking to some of the people in it; the other man was standing with me at the door; he said to me, "Mr. Hardman, you had better go home, or vote for Mr. Whitworth; you will certainly be killed if you do not; if you vote for Sir Leopold M'Clintock you will certainly be killed."

536. Mr. Heron.] Who said that?—One of the men who escorted me up the town. I asked him would he take a drink; he said he would. He came then, and I took him into a public-house and gave him a drink. Still he kept with me, and we were walking up the street together, when I slipped into a house and he passed on; I waited until I thought he had gone, then I came out of the place and walked up the street to the tally-room, where I remained the greater portion of the day.

537. Mr. Ryland.] Did you vote?—Certainly not.

538. What prevented you afterwards voting when you got to the tally-room?—There was an immense crowd at the polling-booth, and I thought my life in danger.

539. Was that the reason you did not vote at the polling-booth?—Yes.

540. Were you struck yourself, or did you see other persons struck?—Yes; when we were walking down, I turned round and saw a gentleman walking just behind me, one of the voters who had evidently been struck.

541. Mr. Heron.] What was his name?—I do not know his name.

Mr. Heron objected to the witness stating that the gentleman who was struck was a voter.

542. Mr. Ryland.] Was he a gentleman who was escorted?—I saw the blood streaming down his coat, and I found some of it on the back of my coat and trousers afterwards; I saw a gentleman who was walking before me struck three times on the back of the head; I saw several of the soldiers struck, and I saw two of the soldiers turn round who were struck.

[The Witness withdrew.]

Captain WILLIAM DAINT, sworn; Examined by Mr. Mc Donogh.

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W. Daint.

543. DURING this election were you a Captain in Her Majesty's service?—Yes.

544. Were you in charge of that portion of the military?—On the 20th of November?

545. Yes?—I was in charge of 64 of the 9th Regiment, and also I had a party of the 14th Hussars under my command.

546. Were you assisted by any officers of your own regiment?—I had four other officers of my own regiment under me.

547. Had you any officers of the Hussars?—Captain Hux, of the Hussars.

548. The whole detachment was under your charge?—Yes.

549. Do you remember when you were called upon?—I was ordered somewhere about 11 o'clock to go down with 40 men and reinforce a party already down there, which consisted of 20 of the 9th Regiment, and some of the Hussars.

550. Did you receive the order from your colonel?—I received the order from Colonel Knox to manage the whole troop there.

551. You proceeded there accordingly?—Yes.

552. When

552. When you reached the station, did anything attract your attention?—When I reached the station I saw some of the Hussars there, and I also saw this part of my regiment there. One of the stipendiary magistrates, Mr. Reed, came up to me and told me that there was a party of voters immediately expected by train, and that I was to escort them up to the polling-booth; and he requested me to get my men ready to escort them up, and get them between my men.

553. Did you proceed to make your dispositions accordingly?—Yes; I then proceeded to make my dispositions so that the voters should get immediately between my files. In a short time the party arrived. I was told by Mr. Reed that I was to escort the voters. He then came up to me, and said "Here they are."

554. How many persons were there altogether who came by the train?—About 40 they seemed to me, by the way they occupied my files.

555. Then I presume each took up his position just as you directed; the infantry, and cavalry, and police?—Yes; I had the voters between my files; some cavalry on each side outside my men; and the rear was protected by a body of the constabulary.

556. You moved towards the town in that order?—Yes.

557. What occurred next?—When we got about 20 yards from the station there was a few people outside; when we got outside they increased in number, and when we got 20 yards from the station, stone-throwing commenced. After a little time, being in front, my men in the rear, the cavalry, I turned round and saw several of my men bleeding profusely from cuts about the face. As we proceeded further into the town the crowds were much thicker. There was a very dense crowd as we came from James-street; they were shouting and yelling at us, and cursing us, and brandishing their sticks at us. All this time stone-throwing was continuing, and also other missiles. I saw pieces of hoop iron pass close to me. There seemed to me to be all sorts of missiles, some of them thrown from the houses; I should say so from the direction in which they came. Bye-and-bye the crowd became denser and denser, till we came to Bull Ring, but we managed to get on till the cavalry got just over the bridge, to this side of the bridge; then there was a halt; a stoppage took place, and I saw the horses of the cavalry were plunging and rearing about. In the meantime stones were flying in showers at us; I saw several gentlemen whom I was escorting, and who I presume to be voters, bleeding; and I also saw several of my men bleeding. I had tried to get at the front as soon as the halt took place. I saw that active measures must be adopted, and I wanted to get a magistrate in front, but I could not get there owing to the plunging and rearing of horses; I then fell back; there were two horses rearing most tremendously, and I had to retire to prevent myself being kicked or knocked over by the horses. As I did so, I saw three or four of the Hussars wheeling to the right to get away past my right flank, past my men. I must tell you that when the halt took place the horses of the cavalry pressed back and broke the formation of my men entirely; they fell back and broke the formation in which we started. After this I saw three or four of the cavalry wheeling to the right to get to the rear, I presume, of the party; just then I was hit by a large stone in the chest,

which caused me to stagger back, and I fell against some of my men behind, and just as I was regaining my feet (I did not fall, I staggered back only) I was struck by a stone on the side of the head; I fell, and I knew nothing more about it.

558. You became unconscious?—Yes; the next I know of it is, when I was being helped up off the ground by some of my men; I heard a shot fired just as I was in the act of being helped up off the ground, and I saw several of my men loading; I stopped their loading; there was then a great lull in the uproar, but the uproar previous to that had been tremendous; I called out to the magistrate, but my voice was drowned in the tremendous uproar; when I heard this shot fired, I noticed there was a lull, and after seeing my men loading, and stopping it, I turned round and saw a man lying 15 or 20 yards from me at the commencement of Shop-street. The crowd had opened out considerably then; I could almost see up the street; I could not see the front at first, because the horses were in front of me; I saw a great crowd on the quay to the right, who kept up a tremendous fire of stones at us; I saw a man lying in the road; the crowd opened; I formed my men up then across the bridge, and turned round to Mr. Reed; I saw the crowd were then closing in again; I requested leave of Mr. Reed to charge; it was impossible to stand that sort of thing any longer; he told me that the Riot Act had been read, and that I was to charge; while I was speaking to him, the cavalry came up from the rear and charged up Shop-street, past my right flank; I then charged up about 50 yards after them; there were still things thrown from the windows on the left-hand side of Shop-street; we charged about 50 yards on the double up; I formed the men a minute or two, and charged up the side of the street facing the court-houses.

559. Had you any of the persons placed under your escort with you then?—I saw a few of them standing behind my men after they were drawn up in front of us; they were standing behind.

560. Did the mob come up again and pass you?—The mob came up again bearing the body of this man on a shutter or door on their shoulders, and using most menacing language and shaking their sticks at us; they seemed so excessively violent and infuriated, that the men were all ordered to load.

561. And they did, I presume?—Yes, we loaded.

562. Do you remember whether you said anything about their firing, or prohibiting them?—I told them not to fire until orders were given.

563. Did the mob pass on then?—The party who were bearing the dead body passed on, but still there was a great mob left in front of us.

564. Did anything else occur?—Some stones were thrown at us, even after we were drawn up, and I saw one make a deep mark on a shutter; it passed where I was standing; I saw an immense number of sticks and stones; they were large thick sticks.

565. Did anything else occur that day?—We afterwards marched up to the prison, and two men were delivered up to the civil powers.

566. Did you examine the state of the rifles which your men had?—I examined them after I returned from election duty in Dublin.

567. What day was that; how soon after?—

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The beginning of December, but they were examined by officers the same day.

568. How many did you find injured?—

Mr. *Heron* objected to the evidence on the ground that the examination of the rifles was at a remote day from that on which the alleged damage took place.

Mr. Justice *Keogh* allowed the objection.

569. Mr. *M'Donogh*.] Are the other officers here?—One of them is here who inspected some of the rifles.

570. Were many of the men injured on that day, or hurt?—Yes, four officers and 14 men.

571. Were any of them seriously hurt?—Oh! yes; there is one very ill and in the hospital still.

572. What is his name?—Serjeant Campbell.

573. Were you at Silcocks's Hotel?—I was billeted at Silcocks's Hotel for a week.

574. Were you there at night when speeches were delivered by clergymen?—I heard part of the speeches delivered on the 19th, Monday, the day before the polling.

575. Do you remember any expression in relation to any of the people coming from Dublin?—I heard attention called to this: "Men of Drogheda recollect the battle of the Boyne that was fought here nearly 200 years ago, and be prepared to fight this battle again to-morrow." I also heard that we must adopt every measure to return a man who votes for the disestablishment and disendowment of the Irish Church, which has been built up by the spoliation and robbery of the Catholic religion.

576. Do you remember anything said about the men coming from Dublin?—There was an immense amount of cheering after this, and as I was not particularly interested in it, I withdrew from the window, and afterwards I heard the words, "Orangemen, down with them, down with them;" but nothing more than that.

Cross-examined by Mr. *Hamill*.

577. At the time you were upon the bridge, did you hear the word "halt" cried out?—No.

578. Did you hear any command given to the cavalry to wheel round?—No.

579. Nothing of that kind?—No.

580. They were under the command of Colonel Knox?—Yes.

581. Did you hear him examined on a former occasion?—Yes.

582. Did you hear him say that he had given the command to the Hussars to go to the rear?—I cannot remember now.

583. Did you hear him admit that it was the word "halt" that made him—

Mr. *M'Donogh* objected to the question.

584. Mr. *Hamill*.] Were the cavalry in advance of you?—Yes, four yards in front of me.

585. There was an officer; is he here; is that officer here?—He is here.

586. Did you see the cavalry wheel before what happened to you?—I saw about three or four pass me, and just at that moment I was knocked down.

[The Witness withdrew.

Captain JOHN HUNTER KNOX, sworn; Examined by Mr. *Plunkett*.

Captain
J. H. Knox.

587. You are Captain of the 14th Hussars?—Yes.

588. Were you quartered at Drogheda at the time of the late election?—Yes.

589. How long were you here before the polling day?—I was here a few days; I came here on the Saturday, I think, before.

590. Were you here on the nomination day?—Yes.

591. Were you kept in readiness to act on that day?—Yes, I was left in readiness.

592. Now, tell us what happened on the day of the polling?—On the night before the polling I got an order from Colonel Knox, who was in command of all the troops in Drogheda, to take half my troop out the following morning, and to parade down at the court-house at a quarter past eight, I think it was, or a quarter before eight, and accordingly the following morning I paraded. There had been orders that I was to take half the troop under my command. I had one officer who was to be left in with the other half; accordingly I paraded 16 of my men in front of the court-house, and reported myself to Colonel Knox. He introduced me to some of the magistrates, and told me to render them any assistance they might require. I remained there for some time, and had not anything to do. There was a great crowd, and so on, but there was nothing for the soldiers to do for some time. Afterwards I was told to take half my troop to assist some men in taking prisoners up. We did so, and came down to our own position to the court-house. Soon after, about half-past nine, I think, I went with Captain Talbot down to the railway station. I was told that I was to bring in some voters that were coming in by train. I brought my men down through

the town; the streets were full of people, but they did not interfere with us beyond hooting, yelling, and crying, but they did not molest us. We arrived at the railway station; there was a very large crowd there. I was told that there were some voters inside. They would wait till the next train with more voters arrived; they came in together, and the magistrates who were there (Mr. Reed was one and Captain Talbot for the other) consulted me, and asked me if I thought we had sufficient force to bring the voters into the town. There were 16 men of my own and a portion of the infantry, 9th Regiment, and some police; I do not know the strength altogether at the time; I said no, I thought the force was not sufficient if they did not allow the men to use their arms; if they chose to let them use their arms, if necessary, I thought the force sufficient; but if they wanted to do the thing peaceably they ought to get a larger force. There was a note sent off, and they got up another company of infantry under the command of Captain Talbot. We formed an escort, and attempted to bring the voters into the town.

593. You were in charge of the infantry and others?—Yes. When I went first to the railway station there was a large mob in and about the station and down the lane. We waited at the railway station a considerable time; I should think over an hour; and after some time the mob dispersed and went back to the town. When we started at first the road was quite clear for some way. When we got into the town the stone-throwing commenced; not many at first, but it got worse and worse until we got to the bridge, and there it was very bad.

594. Were

594. Were any of your men injured?—Yes, they were all hit, but none of them injured severely, but they were all hit; I was hit myself by several blows on the back of my head.

595. Mr. Justice *Keogh*.] Did you say you were thrown?—A stick was thrown and hit me on the back of the head; I was also struck on the right arm with a stone. My horse was struck in several places about the head and fore legs and hind quarters; in fact, he was struck all over.

596. What occurred next?—I had Captain Talbot with me mounted, and the high sheriff was also with me. He seemed to have a great effect on the people; they cleared away. He kept a great many people away from me, and just as we got on the bridge the words “halt and front” were passed along; but we should have been obliged to halt if the word “halt” had not been passed. We could not go on at a walk; the horses would not face the mob and the sticks and stones; they were plunging and rearing about. My men were divided. I had a few with me when I started; the others were each side of the escort.

597. The formation had been broken, had it not?—Yes, the formation had been broken very much; my men were scattered about when I first started. Just as we got over the bridge I turned round and saw what was going on, and saw that I was no use whatever, and my own men were no use where they were; and to the few men behind me I said, “Get in rear of the infantry; get back.” They wheeled their horses round, and they went in rear of the infantry. Just as I passed the front of the infantry there was a shot fired, and a man fell in front of the mob. Well, there was a lull, and the mob ran back. There was a vacant space left, but a few seconds afterwards they seemed to be coming on again. I turned round to Captain Talbot and said, “What am I to do?” he said, “Charge and clear the streets.” The men drew their swords and galloped up the street, and the mob ran in every direction, and I trooped up the other half of my troop in front of the court-house.

598. When you formed up, did you see then the persons you were escorting?—No, I did not see them; I do not know what became of them.

599. What next occurred?—Afterwards the body of the man who was killed was carried past on a shutter, and the mob threw sticks and stones, and I saw the infantry in the loading position; we went up to the gaol afterwards.

600. What was the demeanour of the mob when carrying the dead man past?—Very threatening; it meant that if we had not got arms, and the infantry were not ready, they would have attacked them; that was their demeanour.

Cross-examined by Mr. *Heron*.

601. Had you the slightest difficulty in clearing the street by your charge?—No, not the slightest; the shot that had been fired cleared the street in the first instance; the two shots that were fired.

602. Had you passed the bridge yourself on horseback before the word to halt was given?—I had just got over the bridge at the time.

603. Who gave the order?—I do not know; it was passed from the rear; the whole escort were attacked all round; I looked round in the saddle.

604. Was the word passed from the rear?—I heard the word from the rear, “halt and front.” I will not be certain that I did not hear, “We cannot keep up, we are attacked,” or some words to that effect.

605. Was the word given by some one in authority?—I do not know who gave it at all.

606. Did you give the word to halt to your men?—No.

607. But they did halt?—Yes, they were halted by the mob and the sticks as much as anything else.

608. Did you direct your men to wheel round?—No, there was no regular formation; there was no regular word of command; it was not necessary to give a regular distinct word; I turned round and said, “Get in rear of the infantry.”

609. And up to that time you had been facing towards Drogheda?—No, not always; at times the horses were rearing up in the air, sometimes sideways, and sometimes turning round.

610. You told your men to get in rear of the infantry?—Yes, the two or three men near me.

611. They then did so?—Yes.

612. Your men did not retire to the rear of the infantry until you gave them the word?—No; I told the few men near me to do so; the others were at the side of the infantry.

613. Was it after you got into the rear that the infantry opened out to let you charge?—After we got to the rear I formed my men up; they were scattered when we first started; I formed my men up and went round one side of the infantry, and galloped up the street.

614. Mr. Justice *Keogh*.] Were there any of your men thrown off their horses?—Yes, there was one man when we were galloping up the street, or two men and horses came down; one horse came down, the other horse struck him and came down.

615. It was not the result of blows or stones?—The second horse, I believe; I did not see it. His fall, I believe, occurred by a chamber-pot; it came down out of a window; it fell in the front of the horse; he swerved round and fell.

[The Witness withdrew.]

Captain R. M. JEPHSON, sworn; Examined by Mr. *Ryland*.

616. Of what regiment are you?—The 9th Regiment.

617. Were you at Drogheda during the election?—I was.

618. Where were you?—With Captain Daunts' Company, who went to the railway station to escort the voters.

619. Will you describe what you saw at the railway station?—We had been escorting the voters, and after leaving the station 200 or 300

yards, stones began to be thrown; the mob used threatening language, and I heard, “Bring them out, pull them out,” alluding to the gentlemen, I believe, we were escorting. Some stones were thrown, and the shower of stones increased as we got to James-street. There the mob was very violent, and then the shower of stones increased. Then when we got on to the bridge, on this side of the bridge, the mob seemed to have concentrated their forces, and we were obliged to be

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be brought to a halt; the cavalry were thrown into confusion and fell back, and threw us into disorder also.

620. Did you see the man shot?—I saw him on the bridge just after the cavalry, or most of of them, wheeled and went past our right flank, and just after that I saw the gentleman lying down on the ground in front, and the mob were stoning him; I went up; I thought he was in danger. I went up to do my best to assist him; I tried to lift him; as he was rather heavy, my first attempt was ineffectual. All this time the mob seemed bent on stoning the gentleman almost to death.

621. Was he one of the party you had been escorting?—I had not seen him before in the party.

622. Was he in the party at the time of the stoning?—He had got in front somehow or the other, and I went and tried to lift him up, and one of the crowd came up and threw his arms round the gentleman's head to shelter him from the shower of stones, and another came up and took him to his horse. I returned to my company a few steps behind, and I heard a shot fired. I saw Captain Daunt immediately after, and I

inquired who had fired the shot, and then after the shot was fired, the mob opened out and the cavalry charged, and we followed them up to the court-house here.

623. Did you receive any injuries yourself?—I got a slight blow on the cheek from a stone.

624. Were many of your men hurt?—Yes; I saw a number of our men bleeding, and also several of the gentlemen we were escorting.

625. Have you examined the arms of any of the men?—I examined all the arms of the company that I belong to.

626. On what day did you examine the arms?—On the same time.

627. How many rifles did you examine?—I examined either 26 or 29; I am not quite sure of the number.

628. In what state were the rifles?—Out of the number, there were 23 or 24 injured. I had them marked down as injured.

629. What was the nature of the injury to the rifles?—Blows from stones, the barrels scratched or dented, and also the stocks injured.

[The Witness withdrew.]

Mr. FREDERICK ST. CLAIR RUTHVEN, sworn; Examined by Mr. Plunkett.

Mr. F. St.
C. Ruthven.

630. I BELIEVE that you are an officer in the constabulary?—I am.

631. Were you in charge of any of the constabulary on the day of the polling in Drogheda?—Yes, I was in charge of a party of 14 men; that number was afterwards increased to 29.

632. When you had the 14 men, what part of the town were you in?—I was at the railway station.

633. Will you describe what happened?—When I arrived in the morning, sometime between 5 and 6, at first everything was quiet for sometime till after the arrival of the first train, by which some 40 or 50 people came down from Dublin and went into Drogheda. Sometime after they went to Drogheda two of them returned to the station bleeding and bruised from the beating they had received at some place in the town, or in its vicinity, and they stated—

Mr. Heron objected to this evidence.

634. Mr. Plunkett (to the Witness).] What did you see then after they came in?—I went down towards the town with my party, and I met Mr. Reed, the resident magistrate, coming up with a party of constabulary, and he remained with me for the rest of the day with 15 more constabulary.

635. What happened afterwards?—The mob greatly increased at the station till they amounted to several thousands, and they were very furious, and armed with sticks and bludgeons of various kinds.

636. Mr. Justice Keogh.] Will you tell us what occurred?—I kept my party at the station for a long time to keep the mob from entering the station, but some of them got round by the ends of the station, and got into the station. It was reported to me that they had beaten some people—

637. Do not say what was reported to you?—I then cleared the station.

638. Mr. Plunkett.] After you had cleared the station, what happened?—I saw some people in the railway carriages were bleeding very much from the wounds which they had received, and I kept the station clear till the arrival of the next train. We then started for the town with a number of people who were voters.

639. As you went down with this escort, what happened?—Immediately before the escort moved the mob seemed to have been mainly withdrawn from the station, and shortly after we got out of the railway premises the stone throwing commenced. It was principally meant for the persons whom we were escorting in the first instance. The stone throwing increased very much as we got into the town, and became very bad in the Bull Ring, and from that on to the bridge.

640. When you came to the bridge, what happened?—The mob was very violent, and sticks and stones were thrown in great numbers, and I saw the military disorganised, and they partly retired on the constabulary, who also retired, and were in some confusion. I saw several of the people we were escorting struck with stones, and at the bridge two of them were knocked down, and then Mr. Reed, who was with me till that time, went to the front; and shortly afterwards Colonel Talbot directed me to go to my party and fix swords to keep back the mob, who were coming up in the rear of us, which I did. I heard two shots fired, and I saw the military charge up the street, and I charged up after them. I placed some of the persons whom we were escorting in the centre of the escort, but some of them, I think, did not remain there; they got into some house afterwards.

641. In fact, had you any difficulty in protecting the voters by your men?—Not except from the stones and sticks that were thrown at us. We marched in the rear. We marched behind the persons whom we were escorting.

642. Were you hurt yourself?—I got a slight blow of a stone.

643. Were

643. Were any of your men injured?—There were four of my men injured.

[The Witness withdrew.

Mr. EDWARD TOWNLEY HARDMAN, sworn; Examined by Mr. *M'Donogh*.

644. WERE you present on the occasion of the polling-day in this town?—I was, as check clerk at one of the booths.

645. Were you present when the Rev. Mr. Matthews and a voter of the name of Kelly were together?—I don't think it was the Rev. Mr. Matthews. There were four clergymen. I do not think Mr. Matthews was among them. There were four gentlemen in clerical attire.

646. Do you know the names of any of them?—No, I do not. I know their appearance.

647. They were Roman Catholic clergymen?—Yes.

648. Where was Kelly?—Kelly came up to the booth in charge, as it appeared, of two or three persons who were insisting upon his voting, and he refused to vote, and declared that he would not vote at all, and he went down-stairs; immediately afterwards I was obliged to go down myself to a call of nature, and on going down-stairs I saw this man in the hall with several of those clergymen; they were pressing him to vote.

Mr. *Heron* objected that unless some of these persons were identified this evidence was inadmissible.

Mr. Justice *Keogh* thought the objection was premature.

649. Mr. *M'Donogh* (to the *Witness*).] For whom were they pressing him to vote?—For Mr. Whitworth.

Mr. *Heron* submitted that if this was sought to be made a case of undue influence, it must be made out to be a case of undue influence by the respondent or his agents.

650. Mr. *M'Donogh* (to the *Witness*).] Tell us what occurred?—One of those gentlemen said to him that he should vote for Mr. Whitworth. "If you do not you will disobey your church, and you know what the consequence of that will be;" then said Kelly, "This election has nothing to do with my church;" and he emphasised the word "my" very strongly, as much as to say whatever it had to do with any other church, it had nothing to do with the Catholic Church; he succeeded in getting away from them, and as he was going out he turned down towards the court-house, and a policeman standing in the doorway put out his hand and took him by the coat and directed him to turn the other way; to turn up the street.

651. And did he accordingly?—He did.

652. At the time the clergyman said this, do you remember any other expressions used?—He said afterwards, tantamount to this, that he would be damned, or some word of that nature; that he would be lost.

653. Was that the substance of what he stated?—That was the substance of what he stated; he said, "You are disobeying your church, and you know what the consequence will be."

654. Did the man vote, or refrain from voting?—The man went away and did not vote at all; he was brought up by parties who called upon him to vote for Whitworth, and he refused to do

Mr. Justice *Keogh* put it to the Counsel for the Petitioner whether it was wise to accumulate evidence on points on which no question was raised.

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Mr. *E. T. Hardman*.

so; he said, "I will satisfy you so far, that I will not vote at all."

655. Did you see Mr. Whitworth on that occasion?—Mr. Whitworth was present.

656. Was he present at the time that the clergyman was endeavouring to induce him to vote for Mr. Whitworth?—They were all together.

Mr. *Heron* said that he should not have raised the objection if this had been stated before.

657. Mr. *M'Donogh* (to the *Witness*).] Had you yourself suffered any injury from the mob during any portion of this time?—I had been several times struck and abused, and one day I was very badly beaten.

658. When was that?—The first occasion was, I think, the Monday week before the election; I got a blow; a single instant blow; there had been a good deal of excitement several days before, but on the day before the nomination I was knocked down and trampled upon and very badly beaten, and very much hurt; I still feel the effects of it.

659. Where did that attack on you take place?—Just at the post office here, in the street up there, I was posting a letter, and there was a meeting being held here at the "Tholsel" at the time, and the crowd coming out from it, and I wished to avoid coming down through the crowd, and I crossed the street and went down a lane that leads to the other street; as I was going down I heard feet coming very suddenly after me, and I was suddenly caught by the back of the neck, and struck across the shins and thrown on my face; I got my hands over my face on the ground for fear anything should happen to my face, and I suppose the whole thing lasted three or four minutes.

Cross-examined by Mr. *Heron*.

660. You say that you were first beaten on the Monday week before the nomination?—I think it was Monday week, but I am not certain; I did not say I was beaten.

661. You were assaulted, to use the legal phrase?—I was.

662. Ten days or a fortnight before the polling?—I think it was the Monday week before the polling.

663. Whom were you acting for then?—No human being; I took no part in the election from the beginning to the end.

664. You were not acting for Mr. Brodigan at all?—Certainly not; I never asked a man for his vote for any candidate.

665. Were you, in no shape or form, Mr. Brodigan's agent?—In no shape or form.

666. Paid or unpaid?—Paid or unpaid.

667. And never got a shilling?—I acted as a clerk in the booth at Mr. Mayne's personal request, because he was short of hands, his men not having come down that morning.

668. What booth were you in?—In No. 3, I think, in Peter-street.

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669. Were you promised to Mr. Brodigan?—No.

670. Did you give him a promise?—No.

671. Did you give him a promise that you would vote for him ever?—Mr. Brodigan knew very well that I would vote for him unless a Conservative came forward.

672. The result was that you did not vote at all?—The result was that I did not vote at all; and between you and me, I think I showed my discretion.

673. How many hours were you in the booth?—From the time it was opened till the time I was ordered to retire; till 10 minutes past one.

674. From eight o'clock in the morning?—Yes.

675. What booth were you in?—In Peter-street; it was No. 3, I think; I may mention that I think I exercised a sound discretion in not voting; I will tell you why.

676. I don't ask you for any explanation; were you in the employment of Mr. Simcox at any time?—Yes; I was his assistant.

677. Were you dismissed by him?—No.

678. Were you accused by him of perjury?—No.

679. Never?—No.

680. On your oath?—On my oath.

681. Were you summoned?—I heard something of it, but it never went on; I believe there was an error.

682. Of yours?—No, none whatever.

683. Was it a summons against you?—Yes; I heard such a thing was in contemplation, but it never went forward; I never saw a summons.

684. Why did it not go on?—I suppose they found that they were wrong.

685. Was that the reason?—I give you the best answer I can.

686. Did you pay any costs about it?—No.

687. What was the charge against you?—I

heard indirectly. There never was any charge made against me personally at all. I heard, through a third party, that I was accused of claiming a qualification that I did not possess.

688. On your oath, were you served with a summons?—It is so long ago.

689. On your oath, were you served with a summons for perjury?—I believe, on my oath, that no summons was ever served.

690. Do you know Dr. Pentland?—I do, very well.

691. Did you ask him to interfere for you, and prevent the exposure?—Not that I am aware of, and I have no recollection of anything of the kind.

692. Do you mean to tell his Lordship, when I ask you whether you were summoned for perjury, and whether you asked Dr. Pentland to interfere to save you, that you have no recollection?—That is exactly my answer; and I may go farther, that I do not believe I ever did.

Re-examined by Mr. M'Donogh.

693. With his Lordship's permission, will you give an explanation about this?—It is rather a hard case. The fact and truth of the matter was this: I was with Mr. Simcox nearly 10 years ago, but on one occasion there was a dispute between us, and a professional agent of Mr. Simcox's asked me a question with reference to my qualification as an infirmary surgeon. He asked me was I a member of the London College. I said I was not. He said, "Are you a member of the Edinburgh College?" I said, "I am not; but I have been in Edinburgh, and have studied there." They took down this as claiming the qualification; and there is the whole explanation.

694. Was Mr. Simcox in the same trade as yourself?—Yes.

[The Witness withdrew.]

Mr. MICHAEL KELLY, sworn; Examined by Mr. M'Donogh.

Mr.
M. Kelly.

695. ARE you a voter of the town of Drogheda?—Yes.

696. Do you remember the last election?—I do.

697. Do you remember having been applied to to vote for Mr. Whitworth?—Yes; he sent me a card.

698. Do you remember any clergyman applying to you?—I do.

699. Will you tell me who they were?—Father Mathews.

700. Was he the first?—Yes.

701. At what hour of the day did you see him?—It was about eight o'clock.

702. Eight o'clock in the morning?—Yes.

703. At that time did any number of persons come to your house?—Not at that time.

704. Was he there before the time that they came?—He was.

705. How soon after he left you did the mob come?—There came no mob at all to me whilst I was there.

706. You remember that whilst you were there they did not come?—Yes.

707. What did Mr. Mathews say to you when he came to you to solicit the vote?—I was in bed when he came there first, and he spoke to the mistress, and I heard his voice below, and I came down. He asked me was I coming; and I said, "Where?" So he said, "To vote for Mr.

Whitworth." But, I said, "I will vote for no one." He and I spoke to that purpose for a good while; and I said I would not vote at all. With that, he came there at 10 o'clock and asked me to vote; and I would not. So, with that, about 10 o'clock, I went up the street and took a few bye-lanes, intending to vote for Sir Leopold M'Clintock; and I was not long in West-street when a party of people got round me and caught me, and dragged me and hauled me about. With that, Father Mathews came over to me, and he in the crowd. "Will you vote yet?" said he. "I did, sir," said I. "For whom?" said he. "For Whitworth," said I. "I will see that," said he. So that the crowd held me there while he went away. So he came back and said, "How dare you tell me a lie?"

708. He left you there with the crowd?—Yes.

709. How long was he away?—About three minutes.

710. What did he say when he came back?—He said, "You scoundrel, how dare you tell me a lie?" I said, "I did so to save my life." "Take him along," he says; and they brought me to the court-house, and I was not long here before I was ordered to Peter-street, and carried partly up there to the booth room. So I asked for the judge of the room when I went in, and I asked him was I to be coerced; and he made answer not.

not. "Why did not you vote?" said he. "I cannot please everybody," said I. So I told him I would not vote that day; and they provoked me as long as they could. So I asked the judge to give me my liberty; and I turned down the stairs back, when I met Mr. Whitworth, Father Powderly, Father Doyle, and one of the Christian Brothers. So the crowd followed me down, and told Mr. Whitworth that this man did not vote, and would not vote. So Mr. Whitworth—

711. What did he say to you?—He told me to be the same as all the people of Drogheda, and to vote the same as all the people of Drogheda, and showed me the state of the poll; and I told him I would not vote, and I would please myself. So with that, one of the Christian Brothers said to me, "Let him go; he is going to Hell. If anything happens between this and home, what will be the result? you will be damned for ever." So, at all events, in respect of my vote, I was giving my vote to Sir Leopold M'Clintock, on account of Mr. Cooper, and I would give 20 more if I had them. That was all I had over that election.

712. Did you promise the vote to Sir Leopold M'Clintock?—I did, on account of Mr. Cooper being a neighbour of mine; we are next-door neighbours.

Cross-examined Mr. Pallas.

713. When did you promise to vote for Sir Leopold M'Clintock?—I suppose it was about a week before the election.

714. Who was it asked you?—Mr. M'Clintock and Mr. Cooper; and those parties all came into the house.

715. Had you ever any conversation with any one as to money, in reference to your vote?—The Christian Brother spoke of money to me, and I told him if he wanted 100*l.* I could lend it.

716. With the exception of that, had you any conversation with any one about money for your vote?—Not then. I am a voter in Drogheda for 16 years back now, and I never got anything from any of the Members.

717. You had no conversation with Father Mathews about money for your vote?—Yes; he said he would call at 10 o'clock for me; I said, "If you do bring 100*l.* with you."

718. With the exception of that, had you any conversation about money with Father Mathews?—Never.

719. Did you ask him would he give you 20*l.* for your vote?—That is what I am saying; 100*l.* if he was coming to me again.

720. Which was it, 20*l.* or 100*l.*?—It was 100*l.*

721. Then it is not the fact that you asked Father Mathews would he give you 20*l.* for your vote?—I told him 100*l.* if he came to me again.

722. You did not say 20*l.*?—Not a word.

723. You are quite clear on that?—I am quite certain.

724. Why did you say that you had voted for Mr. Whitworth, when you had not?—I did not promise Mr. Whitworth.

725. But did you not say that you had voted for Mr. Whitworth when Father Mathews asked you?—To save my life with the mob.

726. Do you mean to tell his Lordship that you thought your life would not have been safe unless you told that lie?—I considered my life was in danger if I voted at all.

727. And you think that you were in a great deal better position because you said you had voted for Mr. Whitworth?—To save my life.

728. Then, though they found out that you had not voted for Mr. Whitworth, you are still here to tell it?—Sure, I could vote for Sir Leopold M'Clintock, or Mr. Whitworth, if I liked.

729. Who is your landlord?—Mr. Hamilton, of Dublin.

730. And who is Mr. Cooper, to whom you say if you had 20 votes you would give them to him?—We are the next-door neighbours in respect of land.

731. What lease have you of your farm?—Sixty-one years.

732. How many of them are out?—Ne'er a one; about eight years have expired.

733. You say that when Mr. Whitworth spoke to you, he said he had been already partly returned?—Yes.

734. Do you remember what numbers he told you?—I did not take the numbers in my hand; it was Father Doyle that had them.

735. He had at least three times as many as any other candidate at that time, had he not?—He had three clergymen, and the Christian Brother, and himself.

736. I mean the votes that he said he had. Did you know what I meant by my last question?—Put it again to me, and then I will know; I did not know.

737. Tell me the state of the poll, as told you by Mr. Whitworth?—I cannot tell that.

738. Do you remember that the figures, whatever they were, showed that Mr. Whitworth had about three times as many as any other candidate?—This was about half-past 10, but I do not know what figures they were.

739. Was he in a large majority?—He was.

740. What is the name of this Christian Brother who you say used those expressions to you?—I cannot tell you.

741. Did you ever see him before?—I did.

742. How many Christian Brothers are there in Drogheda?—I am not able to say that.

743. Have you formed no opinion as to his name?—No. If I saw him I should know him.

744. Who else was present at the time that those expressions were used by that Christian Brother?—The police were there.

745. Anyone else?—Mr. Whitworth and the two priests.

746. The two priests whose names you have mentioned?—Yes.

747. What took place when you were canvassed by Mr. Mayne to vote for Sir Leopold M'Clintock?—I was in my own house when they came in, and I said, "I give my vote to Mr. M'Clintock, on Mr. Cooper's account, and if I had 20 more I would do the same."

748. Of what religion are you?—A Roman Catholic.

[The Witness withdrew.

[Adjourned to To-morrow, at Half-past Nine o'clock.

Mr.
M. Kelly.
15 January
1869.

Saturday, 16th January 1869.

SAMUEL HANNAH, Esq., sworn; Examined by Mr. Ryland.

S. Hannah,
Esq.
—
16 January
1869.

749. WERE you one of the resident magistrates sent to Drogheda, at the last election?—I was.

750. On what day did you arrive in Drogheda?—I arrived here on the evening of the 19th of November.

751. That was the evening before the poll?—Yes.

752. Will you describe what you saw, if you saw anything remarkable in the town on that evening?—I felt that mischief was coming.

753. Tell us what you felt?—When I got half way between this court-house and the bridge, there was a small crowd of persons. The porter carrying my luggage was in advance. The luggage having been heavy, I took part of it to relieve him. I was carrying a writing-case, and when I got to this crowd they commenced kicking at this bit of a writing-case, and I didn't take much notice. I passed on, and then they commenced kicking myself; I turned and told them that I was not a candidate, or a voter, or an agent at the election. They came on to the court-house so far, and it got worse. I got past the court-house, and then they got very violent, and kicked me, and tried to throw me down. At last, things were so bad that I had to leave the street and get against a door, and put my back to it. It opened inside and I went in backwards, and in the act of getting in they seized my writing-case, and another matter I had in my hand, which they took from me. I got the writing-case and got in safe, and I was hardly safe inside, when the owner of the house told me I must leave it, as they would break his house if I stopped there; so I was turned out. Then I got into the crowd again and they were not so violent, and I got on; and, in fact, a gentlemanly sort of man came forward and appeased the crowd, and told them they should let me alone, and let me go to the hotel; so I got to the hotel, and when I asked for my luggage it was gone, and they did not know where. They suggested the other hotel, and I went there, and then I conversed with my brother magistrates, two other stipendiaries. They had made the arrangements which of course I did not interfere with. The next morning we were all here at an early hour, and the matters that you have already heard recited occurred, which of course I saw at a distance. I allude to that affair at the bridge; I saw it.

754. Were you in sight of it at the time?—I was standing exactly at this corner. I was watching for the escort. The high sheriff had spoken to me, and expressed his uneasiness at the escort having remained out so very long, and expressed a wish to go and assist; I believe I dissented at the first, wishing to have him an efficient officer close to myself; but, however, I consented in the end. Of course he was fully competent to go without me, but we were acting together; but he went, and shortly after he went I saw the escort approaching. I saw a number of persons from about the middle of Shop-street, I think

they call it, going down, and with sticks attacking the cavalry. The colonel commanding was standing beside me, and he being an elderly person, I called out to him what I saw, as it occurred, which impresses it more upon my memory now. I told him I saw them attacking the cavalry with sticks; that I saw the cavalry disorganised; and then I exclaimed in great excitement that the cavalry were beaten back and were retreating, or, as the officer described it, going round. I watched very anxiously for another few moments, and I could not distinguish whether the infantry were beaten back. I saw them struggling with some members of the crowd, and I couldn't distinguish. Of course I know that they were not driven back, but I could not at that moment distinguish. Then the two shots were fired, and in an instant the crowd vanished as if annihilated; the street was perfectly cleared. The cavalry then charged up and the infantry after them, all in the height of excitement, and the stipendiary magistrate who was riding with the cavalry fell so close to me that his hat struck me, in fact, in the fall. Then word came up that a man was shot, and then the excitement exceeded anything from all ranks and classes, and the stipendiary magistrate came forward, and there was a great clamour, people calling out, "Why did you order the men to fire? why did you read the 'Riot Act?'" There was no occasion for the men to fire; the magistrate asserting that he did not order the fire. However, the cavil went on, and I am most reluctant to mention names, but I think Mr. Whitworth was there, and he and some others invited me into the magistrates room, that we might consult what was best to be done; of course, I assented, and Mr. Whitworth and some of his friends, and the colonel commanding, and myself, met, and then I asked for the other two stipendiaries, but they were obliged to stay with the troops, because the troops would not stay in the streets unless a magistrate was with them. Mr. Whitworth and his friends gave every assistance, and the result we came to I believe you know already, also; that is, that the clergymen were requested to have the body removed, which was at the court-house at the time, and the colonel gave up the names of the two men who had fired. I issued a warrant for them. The colonel then at my request delivered them at the jail and not in the street, but he delivered them to the jailer.

755. Have you been at many contested elections in Ireland?—I have.

756. And at some where there have been disorder and disturbance?—Very great disorder. I have seen many at Tipperary, Waterford, Dungarvon, and those places.

757. Have you ever seen one so riotous and disorderly as the last one here?

Mr. Heron objected to the question.

Mr. Justice Keogh said that the proper question to ask the witness was, what was the

the state of the town and of the people during the election.

Witness.] Exceedingly violent; in fact, it made me as anxious as ever I was upon any occasion in my life, having the charge of the troops and having the charge of the people. I never felt more anxious upon any occasion. The troops were there with loaded arms, and there was that excitement that I thought it necessary twice to go forward to the colonel, and remind him that he should not allow his men to fire without express orders from me. I asked him where he wished me to remain; he told me, "In front of the troops." I told him, "No; remember, colonel, I am senior magistrate here; do not on any account fire without distinct and positive orders from me."

Cross-examined by Mr. *Heron*.

758. When were the troops withdrawn from the street?—The troops were withdrawn from the street just after the warrant was written out and signed by me.

759. At what hour?—I really don't know.

760. Was it immediately after the meeting of the magistrates that the troops were withdrawn?—Immediately.

761. Did you remain about the streets until five o'clock?—I should say so.

762. Do you not remember?—I really don't know the hour.

763. Until five o'clock, until the polling closed?—Certainly.

764. And you knew the polling was going on?—Well, I fancy I did not, because I avoided going into a polling booth.

765. Do you know that the election was going on until five o'clock?—I cannot say that I knew when the polling booth was closed, or when they ceased.

766. Or the legal hour?—I believe it is something about five o'clock; but you asked me whether I knew of their being polled or not. I will give any information with pleasure, if you will tell me what you want to know, if it is in my power.

767. Mr. Justice *Keogh*.] You say that you saw Mr. Whitworth?—Yes.

768. Did you see Mr. Whitworth at any place when the attack was being made upon the military?—I did not.

769. You do not know where he was?—I do not.

[The Witness withdrew.]

Mr. THOMAS IDDON, sworn; Examined by Mr. *Plunkett*.

770. Were you in Drogheda on the day of the polling?—Yes.

771. Were you in Drogheda on the evening before the polling?—Yes.

772. Were you in a street opposite to "Simcox's Hotel," when speeches were delivered from the balcony?—Yes.

773. Did you hear any of the expressions used on that occasion which you can call to mind?—I did.

774. Would you mention to his lordship what you heard?—I heard one of the clergymen calling upon the crowd to meet the Orangemen that were coming from Dublin and to hurl them into the Boyne.

775. Was there anything else?—I also heard one of them say that there were 300 Orange assassins hired in Dublin to come and butcher the Catholics of Drogheda to-morrow.

776. Was there anything else you heard at that time?—Except such expressions as "Down with the Orangemen," I do not remember any.

777. Did you see any persons on that balcony except clergymen who were there?—I saw one gentleman.

778. Do you know who he was?—I believe his name is Mr. James Duff Matthews.

779. Do you know Mr. Whitworth?—I do.

780. Did you see him there?—I don't remember seeing Mr. Whitworth there.

781. Do you know a man of the name of Michael Kelly, of James's-street?—I do.

782. Did you happen to see him in any of the polling booths on the day of the polling?—I saw him in one polling-booth in Peter-street; I saw him come into the polling booth along with three other persons, and the three other persons that were along with him wished him to vote for Mr. Whitworth, and he refused to do so, and said he would not vote for any person; and after remaining there for some time he went down.

783. Do you remember anything else in connection with that transaction?—Shortly afterwards I was getting out of the polling booth when Kelly was there, and being spoken to by a clergyman.

784. Did you hear what passed between them?—I cannot exactly swear to the very words; I can give the substance of the words; one of the clergymen was coercing Kelly, at least in language, to vote for Mr. Whitworth.

785. What was the substance of the language which he used, so far as you heard?—So far as I heard, I believe these were the words: why can't he vote for Mr. Whitworth, and that of course he knew now it would be voting against his church if he did not.

786. Was there anything else?—I don't remember any words except that I heard the word "hell" used by one of the clergymen to Kelly, and something about his bread being taken away. That is the substance of the words used by the clergymen.

787. Do you know whether Kelly is a baker in the town of Drogheda?—He is.

788. And you heard the word "hell" used by one of those clergymen?—I did.

789. Do you know the names of any of those clergymen?—I think there was a Christian Brother there.

790. Was he one of the clergymen who was present?—He was; I should recognise him again if I saw him.

791. Mr. Justice *Keogh*.] What was his name?—I don't know his name, I know him very well by sight.

792. Mr. *Plunkett*.] Was there any person present on that occasion, that you saw, except the clergymen?—Mr. Whitworth was there.

793. Was he taking part in the conversation?—I heard Mr. Whitworth say, "Why cannot you do as you are told" or "asked" (I do not know which); "see the large majority I have got."

D 4

Cross-

S. *Hannah*,
Esq.

16 January
1869.

Mr.
T. *Iddon*.

Mr.
T. Iddon.
16 January
1869.

Cross-examined by Mr. *Pallas*.

794. I believe Mr. Whitworth was present only part of this time?—I cannot say; I was there when he used those words.

795. Just say all the words that you heard Mr. Whitworth use?—Those were the only words that I heard Mr. Whitworth use.

796. Did you hear him say, when Kelly said,

"I have made up my mind not to vote at all,"
"I have made up my mind not to ask any man to break his word"?—I did not.

797. You do not remember those words?—I do not remember those words. He might have said them, but I did not hear them.

[The Witness withdrew.]

Mr. FREDERICK CHARLES BIGGER, sworn; Examined by Mr. *McDonogh*.

Mr.
F. C. Bigger.

798. WERE you in Drogheda on the night before the polling?—I was.

799. Were you outside "Simcox's Hotel"?—I was at the other side of the street, under Mr. Moore's.

800. Did you see any persons on the balcony?—I did; the balcony was full of people.

801. Are you acquainted with the person of Mr. Whitworth?—I am.

802. Did you see Mr. Whitworth that night?—I did.

803. Where?—Standing beside one of the clergymen that was speaking.

804. Did you see whether anything occurred to Mr. Moore's house during that night?—Yes, I saw a great many panes of glass broken; they fell down round me while I was under the house.

805. What broke the glass?—Stones, I suppose.

806. At what time was that?—It was about seven o'clock.

807. About what time in relation to the speeches; were the speeches before the breaking or after?—They were speaking about the time the glass was broken.

808. Who were speaking?—Some reverend gentleman, I do not know his name.

809. Were you able to catch any of the expressions?—Yes; they said that there were 500 Orangemen coming from Dublin, and that they would meet them at the bridge, and fight the battle of the Boyne over again, and hurl them into the Boyne.

810. Do you happen to remember whether Mr. Whitworth was on the balcony at that time?—He was.

811. Where was he when the glass was being broken?—I could not exactly say where he was on the balcony, but he was on the balcony; I do not recollect the exact place.

812. Were you well acquainted with his personal appearance?—Yes; I knew him personally.

Cross-examined by Mr. *Heron*.

813. Have you sworn that Mr. Whitworth was on the balcony when these words were used; was that your intention?—Yes.

814. Have you been in court during the rest of the trial?—I have.

815. And have heard the other evidence about the words used on the balcony?—Yes.

816. But you swear that Mr. Whitworth was there standing beside them?—He was standing beside some reverend gentleman.

817. You have no doubt at all about that?—I have no doubt at all about that.

818. Do you know a man named Owen Cameron?—I do.

819. Who is he?—He is a flour porter at Smith and Smyth's.

820. You are in the same office?—Yes.

821. Were you with Owen Cameron at the hiring of any people?—No.

822. Do you know Owen Cameron?—I do.

823. Did you see him pay any mob?—No.

824. Do you know anything about it?—No.

825. Do you know what I allude to?—Yes.

826. What?—You allude to men being hired.

827. For whom?—To protect Messrs. Smith and Smyth's premises.

828. Were men hired to protect Smith?—The men belonging to the mill were.

829. How many of them?—I do not know.

830. How many men belonging to the mill?—Fourteen, I think.

831. Were those men hired that day?—The mill was closed.

832. And the men hired?—No, they were sent out.

833. Sent where?—Up the town, to protect the gentlemen belonging to the firm polling.

834. They were sent up to town to protect the firm when polling?—Yes.

835. How much were they paid, do you believe?—I do not know what they were paid.

836. Were they paid?—I do not know.

837. Did these men get the tickets of the Rowing Club; are you secretary of the Rowing Club?—I was last year.

838. Did these men get tickets?—No.

839. Are you sure of that?—Yes.

840. Had you any tickets?—No.

841. Did you see any tickets of the Rowing Club?—No, they were all destroyed after the races; all the tickets belonging to the club.

842. And you never heard how much these men were paid, upon your oath?—No, upon my oath.

[The Witness withdrew.]

Mr. MONTAGUE MAXWELL CARPENTER, sworn; Examined by Mr. *McDonogh*.

Mr. M. M.
Carpenter.

843. Where do you reside?—I am at present residing with my mother, in the town of Drogheda.

844. I thought you had come this morning by the train; were you at the railway station on the morning of the day of the polling?—Yes.

845. Did you see Mr. Hamilton there?—Yes, I did.

846. Will you tell us what occurred in your presence with respect to Mr. Hamilton?—I went up to the station in the morning; I escorted a lady up to the train, and when I arrived there I

saw

saw Mr. Hamilton and several other gentlemen there waiting to be able to come down to town; waiting for an escort to bring them to the town; and I saw Mr. Hamilton with some man talking to a number of men, telling them that they must keep together, that it was the best way, and that when the escort came up they would all get down to the town. When I was there I saw a car draw up, on which was Mr. Whitworth and another gentleman; I heard since that his name was Mr. Clinton; I saw them come and take two people away whom I understood came there with Mr. Hamilton to vote for Sir Leopold McClintock.

847. What did they do when taking them away?—One man in particular was very obstinate, and said he would not go, and objected to going; and they took him away by force.

848. You saw that?—I saw that; I was standing beside the car.

849. Did you see him approach Mr. Hamilton, that man that you say was very obstinate and wished not to go?—I saw Mr. Hamilton objecting to their taking this man away. I did not actually see him shoved away, but I saw that they pooh-pooh'd, in fact, what he said, and took the man away.

850. Was Mr. Clinton there at that time?—Yes, he was the gentleman who assisted Mr. Whitworth in taking him away. I did not know Mr. Clinton at that time.

Cross-examined by Mr. *Pallas*.

851. Were there two men taken away at the same time?—They were taken away during my stay at the station.

852. But were they taken away at the same

time?—I cannot say exactly that. They were taken away one after the other.

853. Did you hear Mr. Whitworth say anything upon that occasion; were you near enough to hear anything?—I did not hear him say anything particular. I heard him ask this man for whom he would vote, and then I did not hear what occurred; but I saw them take the man away.

854. Was that the first or the second man?—That was the first man.

855. How long afterwards was the second man taken away?—I cannot exactly say how long afterwards; it was during my stay at the train.

856. Mr. Justice *Keogh*.] Did you see Mr. Whitworth there at the time that the man was taken away?—Yes.

857. Was he near the man?—He assisted Mr. Clinton, or the gentleman I have since heard to be Mr. Clinton, in taking the man away.

858. Do you know him to be Mr. Clinton now?—I had heard that it was Mr. Clinton at the time, but I did not know Mr. Clinton by appearance.

859. Now, knowing Mr. Clinton's appearance, supposing he was in court, would you know him?—I might.

860. Look round and see if you can see him in court?—No, I would not recognise him in court. The man had a hat on when I saw him.

861. Do you know Mr. Whitworth?—Oh, yes, I know Mr. Whitworth very well.

862. Do you see him in court?—Yes, I see him in court; Mr. Benjamin Whitworth.

[The Witness withdrew.

Serjeant JAMES VINCENT, sworn; Examined by Mr. *Ryland*.

863. WHAT regiment are you in?—The 2nd battalion, 9th Regiment.

864. Were you in Drogheda at the time of the last election?—I was.

865. When did you come to Drogheda; did you come any time before the election?—We came down on the 14th, I believe.

866. Were you one of an escort which came down with people from the train on the day of the polling?—Yes, I was one of the escort.

867. Did you see any stones thrown, or anything of that sort?—Yes, there were stones thrown at the voters just after we were leaving the railway station till we got to the bridge; but the stones were not thrown at the soldiers till we got to the bridge, or close by the bridge; and then they were thrown at the soldiers as well as the voters.

868. Did you see any person struck with the stones?—There were eight of my men struck and bleeding; there were seven of them treated by the doctor that day.

869. In what part of the escort were you;

were you in front or at the side?—I was next the cavalry, in front, in the vacant space between the two sub-divisions of the infantry.

870. In what state were the crowd at the time; the people that were round the troops on the outside when you were at the bridge?—They were in a very excited state.

871. Did you see the rifles of the men afterwards?—I did; I saw them inspected in the barracks after that.

872. Was there anything the matter with them?—About 50 of them were cut with stones and injured.

873. Captain Daunt was the officer in command, I believe?—Yes.

874. Did you see anything happen to him?—He was knocked down, but I did not see him knocked down.

875. Were you hurt yourself?—I was struck three times, but I was not injured.

[The Witness withdrew.

JOHN NACEY, sworn; Examined by Mr. *Plunkett*.

876. YOU were one of the escort that came down with the people from the train on the polling day?—Yes.

877. Had the crowd on that day anything in their hands?—They were all armed with heavy cudgels and sticks.

878. Did you see anything in their hands besides the cudgels?—Not before I came to the bridge at the end of the Bull Ring.

879. What did you see then?—I saw a revolver in a respectable young man's hand.

880. What was he doing with it?—He had it pointed

Mr. M. M. Carpenter.

16 January 1869.

Serjeant J. Vincent.

J. Nacey.

J. Nacey. pointed in his right hand, and at the same time Captain William Daunt, commanding the escort, was on the ground.

16 January
1869.

881. In what direction was the pistol pointed?—It was over Captain Daunt, but I could not probably say whether it was for him, or meant for one of the voters whom we were escorting.

882. Did you do anything when you saw that?—Yes.

883. What?—I made a plunge with my bayonet at the man. There was a grey-headed old gentleman, one of the voters, that we were escorting from the station house, who was knocked down by a stone of about two pounds weight.

884. Do you know who that voter was?—I do not.

885. When you made a plunge with the bay-

onet, did you strike the man?—Yes, I caught him on the arm above the elbow, slightly.

886. What did he do more?—He dropped the revolver. At the time he dropped the revolver I was knocked down senseless on the bridge myself by a cut, which I have the mark to show.

887. Before you were knocked down, did you see what became of the revolver?—The youngster, as I recovered again, was running away with it. I think he was between 13 and 14 years of age, but he had a heavy cudgel and a stick in his hand at the time.

888. Mr. Justice *Keogh*.] You say you saw a young fellow running away with the revolver; was that the same respectable young man who had the revolver before?—No, it was another person.

[The Witness withdrew.

ANDREW O'CONNOR, sworn; Examined by Mr. *McDonogh*.

A. O'Connor. 889. Do you remember the night before the polling?—I do.

890. Were you orderly on that occasion with Captain Daunt?—I was Captain Daunt's orderly.

891. Were you at the hotel?—I was.

892. Did you see any clergymen there that night?—I did.

893. Where were they?—On the verandah.

894. Did you hear them speaking?—I did.

895. Did any of the expressions used strike you so as to make you remember the substance or the words?—Yes.

896. What were they?—On the night of the 19th, I heard a clergyman saying to the mob that he hoped they would all meet to-morrow, to meet five or six hundred Orangemen that were coming from Dublin, and that he hoped they would fight the battle of the Boyne over again.

897. Anything else?—And a young gentleman alongside of him, on his left, said, "To hell with the Orangemen."

898. Was he also on the verandah?—He was; he was leaning over the verandah.

899. Would you know that young gentleman?—I would not.

900. Did any other expressions attract your

attention?—Yes; the mob addressed him, "Yes, father, we'll meet them to-morrow with sticks and stones."

901. You heard that from the mob?—I did; presently some of the mob began to pelt stones at the opposite side of the street at a shop.

902. In what state did the people appear to be?—They appeared to be an outrageous mob to me.

903. How many Roman Catholic clergymen were there there?—I could not tell you.

904. Are you yourself a Roman Catholic?—I am.

905. Do you know Mr. Whitworth?—No, I could not swear to the man.

Cross-examined by Mr. *Hamill*.

906. Where were you standing?—I was in my bedroom, looking out of the window upstairs, overhead of the verandah.

907. And you were looking out and listening to the speeches?—Yes.

908. Enjoying all you saw?—Yes.

[The Witness withdrew.

SAMUEL SMITH, sworn; Examined by Mr. *McDonogh*.

S. Smith. 909. WERE you the orderly of Colonel Knox?—Yes.

910. Were you at the hotel the night before the polling?—Yes, on the 19th.

911. Do you know Mr. Whitworth?—No.

912. Where were you while the speaking was going on?—I was in my bedroom in the hotel.

913. Is that above the verandah?—Above the verandah.

914. Were you in the same room with the former witness?—Yes.

915. Were you looking out of the window?—Yes.

916. Did you hear the expressions which were used by any of the clergymen?—Yes.

917. What did you hear, the substance of it, as you remember?—The first clergy that spoke said, "People of Drogheda, do you remember what took place two or three miles out here?" and with a long pause he shouts, "The battle of

the Boyne;" and he says, "On to-morrow there is 500 or 600 Orangemen coming down from Dublin to put Sir Leopold McClintock in. Be prepared to meet them, and we will fight the battle of the Boyne over again." And he referred back to the history of 200 years ago, when Cromwell had possession of the lower part of Drogheda: "The Catholics fled up to St. Peter's church for protection, and Cromwell followed them. At that time the church steeple was a wooden one; he set fire to the steeple, and as they were leaving he butchered them. At that time it was a Catholic church, and now it is a Protestant one."

918. What else do you remember?—He said no more.

919. Did any other clergyman address them, as you remember?—There was some others.

920. What did he say?—I could not say exactly what he said.

921. Did you hear anything called out by the crowd?

crowd?—I heard the crowd say that they would meet them with sticks and stones to-morrow.

922. Did you hear or see anything occurring then to any of the houses?—I saw that a great many of the crowd were very violent at the time, throwing stones at Mr. Moore's windows, across about 40 yards from the verandah.

923. After the crowd had said they would meet them to-morrow with sticks and stones, did you hear another clergyman address the mob?—There was another addressed them.

924. Do you remember anything of what he said?—No.

[The Witness withdrew.

Mr. WILLIAM THOMAS BRISCOE, sworn; Examined by Mr. *McDonogh*.

925. You reside in Dublin?—I do.

926. Are you a voter of Drogheda?—I am.

927. Did you come down to vote?—I did.

928. By what train did you come?—By the quarter to ten train I left Dublin.

929. For whom did you come to vote?—For Sir Leopold McClintock.

930. Did you vote?—I did not.

931. Were you one of the party escorted into the town?—I was.

932. Were you yourself struck?—I was very severely struck.

933. Where were you struck?—In the forehead and the back of the head, and my limbs were all blackened.

934. Where did you take shelter?—I ran to a house in the Bull Ring; I was thrown out of the escort by a blow I got, and then I lay on the bridge for a moment or two; and then as soon as I recovered myself I crossed over to a shop, and they shut the door in my face; and then a man struck me in the face, and I haven't recovered since; I have been very nervous since.

935. The first blow you mentioned put you out of the escort?—Completely.

936. While you were lying on the bridge did the escort pass off?—The escort passed off.

937. And was it after that that man assaulted you?—It was.

938. At which side of the bridge was it that they closed their doors against you?—At both sides; they slammed the door in my face and told me I shouldn't come there; had it not been for a man who seemed to have some control over them I should have been murdered, I verily believe.

939. Do you know who he was?—I do not, indeed.

940. With whom did you take refuge, then?—He brought me out of the town.

941. You never were at the tally-rooms?—Never; I was not able to cross the bridge; I was afraid to go by the train because I saw a number of people there, and I walked, bleeding as I was, to Laytown; I think it was four or five miles off; I had a severe cut on the back of my head; I knew nothing until I was a mile or two out of the town, and I was told by a woman on the road that I was all bleeding.

942. When did you get to town?—I got by the three o'clock train that left Laytown.

943. Mr. Justice *Keogh*.] When you say you walked to town, that is to say you walked some miles in the direction of Dublin?—Exactly; I walked to Laytown, the next station.

944. Mr. *Heron*.] That is five miles, I believe?—It is three miles, I believe.

[The Witness withdrew.

S. Smith.

16 January
1869.

Mr.
W.T. Briscoe.

The Reverend THOMAS WALLACE, sworn; Examined by Mr. *McDonogh*.

945. WHERE do you reside?—At Belfield, Kingstown.

946. Are you the son of Mr. Wallace, the Queen's counsel?—I am.

947. Did you come down here to vote?—I did.

948. Are you a voter of this town?—I am.

949. Did you come by the first or second train?—I came by the first train.

950. Did you see Mr. Hamilton after the first train?—Yes; I came with him, in fact.

951. Did you see the men he had with him, the voters?—I did.

952. Did you see anything happen to them?—I saw Mr. Whitworth; I saw, before Mr. Whitworth came up, two men, who professed to be Mr. Whitworth's agents, who were trying to induce the men to go with them; the man said nothing, but appealed to Mr. Hamilton for protection. Some time afterwards Mr. Whitworth came up with a crowd, and I saw Mr. Whitworth take hold of one of those men, and with the crowd hustle him off with one of his agents and put him on a car, having assaulted Mr. Hamilton, who was holding the hand of the voter who was thus taken away, who was appealing to Mr. Hamilton to protect him.

953. Who was it assaulted Mr. Hamilton?—There was a great crowd; I cannot say who it was; I saw him knocked about.

954. Was Mr. Whitworth there at the time?—He was.

955. What became of the man?—He was taken away by Mr. Whitworth and his agent and put on a car; I don't know what became of him.

956. Were you one of the escorted party?—I was.

957. Were you injured upon that occasion?—Yes, I was.

958. Did you make your way notwithstanding to the polling place?—I did.

Cross-examined by Mr. *Heron*.

959. You voted?—I voted under an escort of police.

960. Mr. *McDonogh*.] Did you see that old gentleman, Colonel Fairclough?—I saw two gentlemen lying on the bridge knocked down; I did not know who they were.

961. Were you yourself badly beaten?—Well, I was struck four times, and my head was cut very much, and my hat cut through.

962. Where did you get the escort of police?—Opposite the Tholsel; I was standing behind the military at the time, and I spoke to Captain Talbot first, and Captain Talbot said he could do nothing for me; and I think it was that gentleman

Rev.
T. Wallace.

Rev. T. Wallace. man standing there (*pointing to a person in court*) who then got me an escort of police, and I was brought to the tally-room and to the booth, and I voted.

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963. Mr. Heron.] Then you voted before you went to the tally-room?—I was not there at all. I made a mistake. I ought to have said the booth.

964. You went to the booth, and you did not go to the tally-room?—I didn't.

Mr. CHARLES M'CARTHY, sworn; Examined by Mr. Plunkett.

Mr. C.
M'Carthy.

966. I BELIEVE you are a student of Trinity College?—Yes.

967. Were you engaged to come down as a tally-clerk on the day of the election at Drogheda?—I was engaged as a tally-clerk to come down for Sir Leopold McClintock.

968. Did you come down?—I came down by the train, arriving, as nearly as I remember, at half-past eight at the Drogheda terminus.

969. When you arrived, just tell his Lordship what happened?—I saw a crowd, numbering about 200 or 300, principally composed of young girls who looked like factory girls, and men and boys armed with sticks and stones, and we walked down very quietly, and just outside the railway was a priest. I was told afterwards his name was Father Gavan, one of the agents of Mr. Whitworth—

970. How do you know that he was an agent of Mr. Whitworth's?—Because I saw him afterwards talking with Mr. Whitworth and with Mr. Verdon.

Mr. Heron objected to the reception of this evidence.

Mr. Plunkett said that it would be seen presently that this was not an unfair question.

Witness.] Just as we came out of the railway this priest hissed the mob on our party, who numbered about 50, making use of the words, "McClintock's bloody Orangemen, boys; don't hurt them!" There was a Mr. Malley along with me, and we went along the little side-path on the left-hand side of the road, and walked by ourselves there; and when we got a little way from the railway the crowd began throwing sticks and stones, and the priest was walking beside them and hissing, and urging them on with his hands and laughing, and pointing out some whom the crowd had not thrown stones at. We could see them distinctly, being behind him. The crowd, thinking we did not belong to the others, did not throw stones at us, so our party commenced running down towards the town, and we walked. We walked down, then, past a building on the left—I think it is the poorhouse—and while we were passing there we saw a man take the back rail out of his cart and strike one of our party on the bridge of the nose, nearly knocking him down. We went round there, and turned by a road up to the left, intending to go round that way by the town, as we were afraid of our lives to go down to the town by the common straight way. There was a large and tremendously excited crowd, and half way up the hill we were met by a crowd of women and men. We, to save our lives, declared we were for Whitworth, and so we were allowed to pass; and when we were at the top of the hill we met an agent of Mr. Whitworth's—

965. Did you vote within a quarter of an hour after the occurrence on the bridge?—No; not for an hour. I daresay it was about an hour. I cannot exactly say. It was a long time that I was waiting under the escort. I should think it was about an hour. It was a long time.

[The Witness withdrew.]

971. What makes you say "an agent of Mr. Whitworth's"?—Because he had a card in his hat. I have a card in my pocket of the same kind.

[The same was delivered in, and is as follows:—]

"DROGHEDA ELECTION—WHITWORTH.

"No. . Name.

"Polling Place, Booth No. .

"at

"The polling will commence at eight o'clock a.m. on Friday morning next, 20th November, and will close at five o'clock on same day.

"Your early attendance at the poll is requested.

" Please bring this card with you."

Witness.] We declared to him that we were Mr. Whitworth's friends. "Well," says he, "it is not safe for you to go down through the town, but I will bring you down as you say you are Whitworth's friends." So he brought us down, and just after we got into the street the crowd closed round us threatening our lives, and saying we belonged to the "bloody Orangemen." He said, "No, boys, they are Whitworth's friends," and beckoned with his hands, and said, "All right boys;" and he had to keep saying it the whole time down to the tally-rooms. So we went down there, and I procured three of those cards in the tally-rooms, and he introduced me there to Mr. Whitworth and another priest. I think it was the same Father Gavan whom we had seen at the railway. So we walked then down to the town, trying to look for our booth; but we were afraid to ask anybody, because if the crowd had known we belonged to any side except Mr. Whitworth's, they would have taken our lives. About one o'clock I saw a tremendous crowd rushing down towards the railway down Shop-street, and we heard there was dreadful work; they were murdering some voters coming from the rail. I was going down Shop-street, and I saw a crowd of horse soldiers and foot soldiers on the bridge, and I said to Mr. Malley, who was with me all the time, "We had better get out of this crowd." So we went up into a window—

972. Never mind what you said to Mr. Malley?—We went up into a window, and while there we saw the scene on the bridge.

973. Tell us what you saw there?—I saw the horse soldiers in front coming, and behind them were some foot soldiers surrounding some voters, and the crowd beat back the horse soldiers, and they retired. They went back as if they were beaten by stones.

974. Did you hear a shot fired?—I heard first of all a shot fired, which seemed to come from a window as I looked down, and immediately after two

that two shots were fired; and immediately after the crowd scattered like rabbits into a burrow, or like feathers blown off your hand. Immediately after that I saw a body lying across the street, and then the horse soldiers came again and charged up the street, followed by the infantry.

975. After that where did you go?—I went up to the court-house; trying to look for Mr. Mayne, or for our tally rooms; I did not know where they were. While at the court-house I saw two Roman Catholic clergymen standing at the door of the court-house, and an old gentleman with grey hair and a grey beard came in to vote, escorted by some police; he went into vote, followed by the clergyman, and he voted for Sir Leopold McClintock; and the priest made some remonstrance, or said something to him; I didn't quite catch what; and followed him out, and pointed him out to the crowd as having voted for Sir Leopold McClintock, and stones were thrown at him and sticks; and I saw the same clergyman do the same thing to two or three different voters at the court-house door.

976. Mr. Justice *Keogh*.] Do you know his name?—An old woman in the crowd told me his name was Father M'Kee or M'Creagh, I am not sure which.

977. Mr. *Plunkett*.] Was there anything after that?—I saw nothing after that.

978. Did you succeed in getting to the tally-rooms?—I did not succeed in getting to the tally-room, because I was afraid of my life, and I went up with Mr. Whitworth's card in my hat.

979. You say that you were introduced to Mr. Whitworth?—The agent introduced me to Mr. Whitworth as a friend of his in his own tally-rooms.

980. Did anything else occur to you that you recollect?—Nothing, except that Mr. Whitworth was talking to the clergyman.

981. To which clergyman?—I think it was to Father Gavan; I am not quite sure.

Cross-examined by Mr. *Pallas*.

982. Where were you engaged to come down to Drogheda?—In Dame-street.

983. In the Conservative committee-rooms?—Yes.

984. Who was it engaged you?—Mr. Purcell engaged me for a Mr. Kennedy.

985. Mr. Kennedy was acting for Sir Leopold McClintock?—He was, as I understood.

986. Were you at those Conservative committee-rooms the evening before you came down?—No, I was not; at least not at the time that the other men were engaged, but I was afterwards.

987. What is the number in Dame-street of those committee-rooms?—I think it was 47, but I am not quite sure.

988. You say you were not there when the other men were engaged?—No.

989. But you were there afterwards?—Yes.

990. Do you remember being there when some of the men who had been engaged were there?—Yes.

991. And when Kennedy was there?—No; Kennedy was not there.

992. You did not see Kennedy there at all?—No.

993. Did you see at the Conservative committee-rooms any of the men who afterwards came down in the train with you?—I did; some of them.

994. How many?—One or two.

27.

995. Only one or two?—Only one or two that I recognised.

996. Can you say that you did not meet 20 at the Conservative committee-rooms, who afterwards came down with you by that early train?—I couldn't swear to 20 faces where I could swear to one or two.

997. May there have been 20, although you did not recognise them?—Certainly.

998. How many came down with you in the train?—In the carriage where I was there were about 12 or 15.

999. In the carriage in which you were not, can you say how many there were?—I should think not.

1000. Were they full. How many carriages were there on the train. Now how long were you waiting before you got into the carriage from the time you arrived at the station?—I should think half an hour.

1001. I suppose in that half hour you were very well able to see the number of people that there were in the station?—Yes.

1002. How many were there?—I should think there were between 40 and 50.

1003. Was Kennedy there?—He was.

1004. Did Kennedy buy the tickets for all the party?—I did not see him buying them.

1005. Who gave you your ticket?—Kennedy.

1006. Had you a bludgeon with you on that occasion?—No.

1007. Any stick?—I had a light stick.

1008. Had you that stick with you the evening before at the Conservative committee-rooms?—No.

1009. Are you certain of that?—I am certain of it.

1010. Had you any other stick if you had not that one?—I always carry a cane.

1011. On the evening before, at the Conservative committee-rooms, were you flourishing something, and saying what you would do in the way of protecting voters the next day in Drogheda?—Not that I remember.

1012. Will you swear that you didn't?—I say I don't remember.

1013. That is the farthest you can go?—Yes.

1014. Will you swear that in the Conservative committee-rooms, the previous evening, you had not a thick stick, and that you were not flourishing it and saying what you would do in Drogheda the next day?—I don't remember.

1015. How many of the men that came down with you were armed with bludgeons?—I did not see any with bludgeons.

1016. How many with sticks?—As far as I remember, two men in the carriage with me had sticks.

1017. How many not in the carriage with you had sticks?—I cannot answer that.

1018. How many of them had a revolver?—I didn't see one, or even a heavy stick.

1019. You said you came down as a poll clerk?—I did not tell you so.

1020. You told my learned friend, Mr. M'Donogh so; did you act as a poll clerk?—No, because I could not get to the rooms.

1021. At what hour were you in Drogheda?—I think it was about half-past eight; I hadn't a watch with me.

1022. But at all events the election had commenced before you arrived in the town?—I cannot say.

1023. Do you know what "roughs" are; do you

Mr. C
M'Carthy.
—
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Mr. C.
M'Carthy.
—
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you know the ordinary meaning of the expression "roughs"?—I do.

1024. How many of the men that came down in the train with you, were roughs?—I don't think any of them were roughs. I think most of them were engaged in the office in Dame-street, or in the one on the opposite side.

1025. And they were all coming down as poll clerks?—Yes.

1026. Mr. Justice *Keogh*.] You say that you saw two old gentlemen come into the court-house to vote, and that they did vote?—One old gentleman with a long grey beard.

1027. I thought you said there were two; another with him?—No; I saw other voters treated in a similar way by the same priest.

1028. But you said that the clergyman came in after them?—He followed them into the booth-room where they gave their votes.

1029. What did you see him do afterwards?—He remonstrated with them for voting against Mr. Whitworth, and then he followed them out to the door of the court-house where the excited part of the mob outside formed a phalanx round the door; he pointed out particularly to one old woman who seemed to be leading the mob, that those gentlemen had voted against Mr. Whitworth; he pointed at them, and said "McClintock."

1030. What took place?—Then the mob set on one old gentleman, and beat him the whole way down the street, and the constabulary had actually to turn round and beat the fellows off with the butt end of their muskets to prevent the old gentleman being killed.

1031. Can you say who that priest was?—I asked a woman who he was, and she said it was Father M'Creagh.

1032. Would you know the gentleman if you saw him again?—I don't think I would.

1033. What time was that; was that after the attack on the military?—As well as I remember, it was.

1034. Mr. *Plunkett* (through the *Court*).] Do you know who the old gentleman was?—I do not

know his name, but he was a very remarkable looking old gentleman with a long grey beard; he was rather below the medium size. He was a very peculiar looking old gentleman, and he seemed to be very well known in the town, because they all called him by a name which I forgot.

1035. Would you know it if you heard it again?—I think I would. I would know the old gentleman again, certainly, if I saw him.

1036. Mr. Justice *Keogh*.] Do you recollect the name that they called him, or anything like it?—It was something ending in "ate," I think, or something like it.

1037. Mr. *Pallas* (through the *Court*).] I forgot to ask you how much you were to be paid for your day's work?—I did not hear at all.

1038. Was there no contract made?—There was no contract made.

1039. Look about among those gentlemen, and see if you see the clergyman that you refer to?—I think that was one of the clergymen standing at the door of the court-house (*pointing to a person in the court*); but Roman Catholic clergymen are so like each other that I cannot swear to any one in particular.

1040. Mr. *McDonogh*.] Do you mean to say that that was the clergyman who went in and remonstrated with the old gentleman?—I wouldn't swear that, because there were so many things happening that day.

Mr. Justice *Keogh* inquired the name of the person who had been pointed out, and it was stated to be the Reverend James Powderley.

Witness.] I wouldn't swear that was him, but it was very much like him.

1041. Mr. *Pallas*.] Have you any memory upon that subject at all?—Not as to his appearance. I remember the fact of his going in quite well. The only thing I remember about it was, asking this old woman.

[The Witness withdrew.]

ST. GEORGE WILLIAM SMITH, Esq., sworn; Examined by Mr. *McDonogh*.

St.
G.W. Smith,
Esq.
—

1042. WHERE do you reside?—At Newtown, near Kells, county Meath.

1043. Are you a voter of Drogheda?—I am.

1044. Did you, on the day of the polling, come to this town?—I did.

1045. Was it by train?—By train from Kells; it came into Drogheda about 10 o'clock.

1046. Did you remain at the station, or did you come into the town?—I remained at the station till the 12 o'clock train came in with the voters.

1047. You were one of the escorted party, I suppose?—I was.

1048. Have you resided in the neighbourhood of Drogheda for any time, so as to be known by the people?—Oh, yes, for an age; the family always resided near it for an age.

1049. You are one of the Armsbrook family, I believe?—Yes.

1050. Were you known in the town?—By every one nearly.

Mr. *Heron* stated that he would admit this.

1051. Mr. *McDonogh* (to the *Witness*).] Were you beaten on that occasion?—I was.

1052. How many blows did you get?—Three before I ever entered Peter-street at all; one on the right side, breaking the brim of my hat, another on the left cheek, and another very severe one on the crown of my head, which cut in my hat and almost stunned me, and made me unconscious for a time. The blood flowed very freely, and I found great difficulty in keeping up with the escort through James's-street; it was so narrow, and they were getting so pressed there, that there was danger in going through that part of it, and we were getting scattered.

1053. Did you vote?—I did not.

1054. Where did you take shelter?—When the affair took place on the bridge, after the charge of the cavalry, I went up with the infantry, and charged with the infantry up the street, and I found great difficulty in keeping pace with them, because I had met with an accident, and I had a large heavy coat. The men were rushing out of the houses and lanes with clubs at us, and one fellow with a bludgeon aimed

aimed a blow at me, and I do not know how I escaped. I got up then to the Tholsel, where, out of the number of 30 or 40 that left the railway, I think there were not more than seven or eight of us.

1055. Were you in terror and apprehension at that time?—Every moment; you did not know whether your life was safe a bit. After we got to the bridge we all slouched our hats and turned our collars up to prevent our faces being smashed to pieces.

1056. For whom had you intended to vote?—For Sir Leopold McClintock.

Cross-examined by Mr. *Hamill*.

1057. You say you got up after what was called the cavalry charge?—I got up with the infantry.

1058. Did you pass this house?—I stopped at the Tholsel.

1059. There was nothing to prevent your going in there?—I went up to the tally-rooms, and when I went there I was told they had withdrawn their clerks from the poll, and that the election was over.

1060. Did not they tell you not to vote?—

They told me there was no necessity for my voting.

1061. Did they not tell you not to vote?—I said, "Are you going to the poll?" They said, "It is no use, we have withdrawn our clerks."

1062. Were you at Kelly's, a person in the Bull Ring?—No.

1063. Were you in any house at all?—No.

1064. You were not in any house?—Not in any house.

1065. Do you remember the sheriff coming to you?—The sheriff never came to me.

1066. At the tally-room?—No; I went into the room, and I heard some noise in the room.

1067. Did you see the sheriff there?—I saw some gentlemen; the sheriff, I think, was amongst them.

1068. Did he come and say to you, and to others, that if any gentleman wanted to go down to vote he was ready to go with them?—I heard him say he was ready to escort them.

1069. But you declined it?—I did not decline it, but it was no use; the election was over; they had withdrawn the clerks, and our own were scattered.

[The Witness withdrew.]

EDWARD BOYS, Esq., sworn; Examined by Mr. *Plunkett*.

1070. ARE you a Doctor of Medicine?—I am.

1071. Where do you live?—In Kingstown.

1072. Are you a voter for the borough of Drogheda?—I am.

1073. Did you leave Dublin on the morning of the polling day in Drogheda?—I did, by the half-past eight train.

1074. When you arrived in Drogheda, tell his Lordship, shortly, what occurred?—I arrived here at about a quarter to 10, coming down by the mail, and my brother and I were alone together; we walked out of the carriage, and came down here in the direction of the town. After we had got about 300 yards, we noticed, for the first time, a number of men lounging upon the parapet of the railway along there. I had a newspaper in my hand, and I put it in my pocket, which attracted their attention, and I carried it there with my hand in my pocket for a little distance. The crowd immediately closed on me; they thought it was a signal, I suppose, and said, "For whom do you vote; vote for Whitworth." So they gathered round us, and one man in particular was a little drunk, I think; he tried to upset my brother three or four times, and caught him by the collar and put his foot out, but he did not succeed. But they closed round us, and put their sticks over our heads, and said, "Vote for Whitworth." So my brother having one of Mr. Whitworth's cards (he was the only one who canvassed us), showed it them, and they said, "All right."

1075. Had you promised to support Mr. Whitworth?—Certainly not. Then they made way for us. We came up along, I think, the north quay, the other side of the bridge, and came up by the upper road, and then down through the crowd. Then we came in and voted for Sir Leopold McClintock.

1076. After you had voted, what happened?—Then we came up the other way; and by mistake took the wrong road, and came round by the slums to the railway station.

1077. Did anything occur to you as you went

27.

along?—We did not suffer any personal violence; we asked the road to the railway station, and said we were strangers. The woman whom we asked inquired for whom we voted, and we said, "For Whitworth, to be sure," or something to that effect. She said, "Oh, you Orange curs, you would not be coming this way if you were Whitworth's men." That was all. When we got to the railway station, I found a tremendous crowd of people there, but I got in unmolested, and passed through the police.

1078. Did you see Mr. Whitworth there?—I saw a gentleman on horseback, who I afterwards heard was Mr. Whitworth, but I do not know; I could not identify him.

1079. Would you know him?—I knew him since I came into court.

1080. Where did you see him?—At the railway station.

1081. Do you see him in court now at all?—Yes; he is here (*pointing to a person in the court*).

1082. When you arrived at the station, did you get off quietly then?—My brother and I were both safe, because we were inside, but the crowd collected round a number of men, who, as it appears, were Sir Leopold McClintock's clerks, and attacked them. The people said, "What a shame of Mr. Whitworth not to come in and put an end to the row, he being outside at the time."

1083. Mr. Justice *Keogh*.] Who said that?—Some of the people in the crowd.

1084. Mr. *Plunkett*.] Do you mean the crowd outside or the crowd inside?—The people in the railway station.

Cross-examined by Mr. *Heron*.

1085. Do you remember having seen Mr. Whitworth on horseback?—I did see a gentleman on horseback.

1086. And you now recognise him to be Mr. Whitworth?—No.

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1087. Do

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1087. Do you now recognise Mr. Whitworth as the gentleman on horseback?—Certainly not.

1088. Was he the gentleman?—I could not

tell you; I was told he was on horseback outside by the crowd; that was all.

1089. Did you see Mr. Whitworth on horseback?—I saw a gentleman on horseback.

[The Witness withdrew.]

HALL BREEDON, Esq., sworn; Examined by Mr. *McDonogh*.

H. Breedon, Esq.

1090. ARE you a medical gentleman?—Yes.

1091. A doctor or surgeon?—Both.

1092. Where do you live?—In Great Brunswick-street, in Dublin.

1093. Are you a voter of Drogheda?—I am.

1094. Did you come down to vote on the day of the polling?—I did.

1095. For whom?—For Sir Leopold McClintock.

1096. By what train did you come down?—By the train that left Dublin at a quarter before 10, I think.

1097. Were you one of the escorted party?—I was.

1098. Were you beaten on that occasion. Tell us what occurred to you?—I was coming down James-street with an escort, and I was struck by two or three stones slightly. Then I got a very severe blow on the side of my head, which is just barely getting well now, and I was knocked down and stunned very much. I had a friend with me, Mr. Burney, who is also a voter, and he fortunately was able to lift me up. My head was so giddy that I had great difficulty in walking, but he held me up, and we went on till we got on to the bridge. Then there was a rush back of the cavalry, and we were all thrown back, and I was, amongst others, thrown into a place called the Bull Ring. So we made an attempt to get into one house or two, and we did not succeed.

1099. And why did you not succeed?—They would not let us in; but at another house (I do not know whose), they were very kind, and let us in, I think through Father Matthews, but I do not know. He succeeded in getting us in. I felt very giddy, and I told the person as soon as I got in that I would like to get into bed, I felt so very uncomfortable. So they very kindly brought me up stairs and put me on a bed. I had a white handkerchief in my hand which I held to my head, and it was completely saturated with blood. The young woman of the house very kindly took my handkerchief away and got it washed, and nicely made it up to me; in fact, brought it to me again in the course of an hour quite clean and nice, and in fact was very attentive all through.

1100. What became of you then?—I lay there, I think, three or four hours, up to nearly the time that the train was to start for Dublin; I attempted on some occasions to get up, but I still felt remarkably giddy, and I lay down again, and just lay quiet there for some hours. In the meantime I bled a good deal, and some medical gentleman was sent to me, who looked at the wound and put some little dressing on it; however, it bled until seven or eight o'clock that evening.

1101. By what train did you come up?—The train that arrives in Dublin, I think, about five o'clock; some time after three.

1102. Did you vote upon that occasion?—No.

1103. And each time that you raised yourself in bed you felt giddy?—I felt so giddy that I did not think I was in a state to get up.

1104. Then you did not try the motive power whether you could use your limbs?—I did not at all; I did not get up.

1105. You, as a medical man, are quite aware of what concussion of the brain is?—Yes.

1106. Does that frequently cause giddiness?—It does.

1107. Did you continue ill for any length of time?—I was ill for some days, and I had a very eminent medical man in Dublin who attended me (Dr. Geoghegan). I continued ill for some days, and he would not allow me to move at all.

1108. Are you thoroughly recovered yet?—I am tolerably well now, but my head is quite sore yet, and what I call numb; not the feeling that I originally had in it.

1109. Did you see anything happen to Colonel Fairclough?—Well, I did not exactly see. He held me coming down the road by the right shoulder trying to keep up with us, for he was very feeble. I did all I could to help him along, but about the bridge he was knocked down, I think, and I saw no more of him.

Cross-examined by Mr. *Pallas*.

1110. I believe you were one of the gentlemen that made an affidavit, that you would not for any consideration come back to Drogheda to give evidence, in consequence of what you anticipated there?—Yes.

1111. Are you not very agreeably surprised?—Certainly, very much at present; for I did not think it was possible, from what I saw that day.

1112. When you were in this house, do you remember being waited upon by some gentleman who offered you an escort if you wished to vote?—There was somebody that did make an offer of the kind. I do not know who he was.

1113. I think what you said in answer to it was, that there was no use in your going?—Very likely I did say that.

1114. Then you at that time knew that Sir Leopold McClintock had no chance?—I do not say that.

1115. Did you use the words, "It was no use"?—I think very likely I did.

1116. Did you not use these words in addition, "There is no use in going, as Brodigan has made a bad fight"?—I said no such thing.

1117. Of course, when you came into the town at that time, you heard the state of the poll?—I did not.

1118. At that time you had no idea how the election was going?—No.

1119. What reason did you give for not voting?—Because I felt so very unwell; I was so giddy, that when I attempted to rise up in the bed, I found that I was obliged to lie back again.

1120. Some others of the gentlemen that were there went and voted, I think?—I do not know; the gentleman that came with me would not go; Mr. Burney, of North Frederick-street, Dublin.

1121. Is he here?—He is not, I believe; I do not see him.

[The Witness withdrew.]

WILLIAM MORRIS REED, Esq., sworn; Examined by Mr. Plunkett.

1122. You are a stipendiary magistrate?—I am.

1123. Were you here in that capacity on the day of the polling, in Drogheda?—I was.

1124. When did you first go out into the town in that capacity on that day?—At about a quarter to eight.

1125. Did you observe anything peculiar then, when you went out, in the state of the town?—No, nothing peculiar at that hour.

1126. When did you first go up to the railway station?—At about half-past eight.

1127. Did you observe anything then?—Yes.

1128. What?—I had a party of constabulary, 15 men and a sub-inspector with me; and when we got to the foot of Shop-street, there was a row there, and two men had taken refuge in the electric telegraph office, and I saw the crowd endeavouring to break in the door.

1129. Where is the electric telegraph office?—It is at the very end of the quay at this side of the bridge; it is a corner house. I ran to the door to prevent their forcing it in, and brought the police with me, and pushed the crowd on one side, and two men came out and claimed my protection. I asked them what they wanted; they merely said they wanted their lives protected. I told them I was going up to the railway station on duty, and that if they considered they required my protection there, I would take them there; and I did do so. The men had both of them lost their hats at the time, and one of them was cut and bleeding.

1130. Do you know who those men were?—I do not know; I think I could identify both of them, but I never saw them before or since.

1131. When you came up to the station what did you observe then?—Shortly after arriving there a very large mob collected, not a dense mob, but a scattered mob, all armed with bludgeons and pieces of iron hoops straightened out about two feet or two and a half feet long.

1132. Did you observe among them any persons of a better class than the mob?—No, I cannot say that I did.

1133. What occurred next at the station?—When the first train came in some gentlemen came down by it; one of those gentlemen whom I did not know at the time, but I know now, came up and told me he was a magistrate of two counties, and asked me if I was a magistrate, and I said I was the magistrate on duty there. He asked me to give him and his friends who were voters, protection down to the Town-hall; I told him I had recently come from there, and that with the small force I had at my disposal, namely, 30 constabulary, it would not be a safe experiment to take them down.

1134. At what o'clock was this?—About half-past nine; I told him if he wished to go I would go with him, but that it was a very dangerous thing to attempt, and that I would send a requisition to Captain Talbot, my brother magistrate, for further help, and I did do so; I sent for infantry and cavalry, and they both arrived shortly afterwards with Captain Talbot, who then considered that even the force at our disposal then was not sufficient to protect the parties to the Town-hall; and we sent a further requisition for more infantry.

1135-6. At that time how many infantry and

cavalry had you?—At that time we had 20 infantry, 16 hussars, and 30 policemen, and the sub-inspector and the officers.

1137. That is 66 of all arms?—Yes; Captain Talbot then sent for a further augmentation, and we got 40 more infantry of the 9th Regiment. On the arrival of the next train, about half-past 11 o'clock, or shortly after half-past 11 o'clock, the party was formed to go into the town. The voters or gentlemen who said they were voters, numbering about 25 to 30, were placed between two files of infantry; the cavalry, the hussars, were placed four at each side of those files of infantry, and the remainder at the head of the party; and Captain Talbot being with Colonel Knox, who was in command of the cavalry; I brought up the rear of the whole party with the 30 constabulary; the moment after we left the railway premises, the moment we got outside of the railway gate, the stone-throwing commenced, but it was not very bad until we got to the narrow portion of that street which I believe they call James's-street; it is at right angles to the Bull Ring; there the stone-throwing became excessive; not only stones, but bottles and pieces of iron, and sticks were thrown at us. Then when we got on to the Bull Ring it was, if possible, worse; and almost opposite the police barracks on the Bull Ring two old gentlemen that I was walking with (they were the last of the party of voters, and to my right), were each of them knocked down; the outside man of the two was knocked down first; he fell backwards; and then the next man to me was knocked down, and he fell forwards. Seeing that, and also seeing the temper of the mob, I considered it would be perfectly unsafe to leave those two old gentlemen in the hands of the mob, and I ran forward at once to Captain Talbot, who was at the head of the column, and I told him what had occurred, and said we must make some provision for their safety; but when I got to the front I saw a scene, of which I had no anticipation whatever. When I was at the rear I found a large mob collected in front armed with bludgeons, pelting stones, and I said to Captain Talbot, "I must read the Riot Act." He said, "Yes, do." I then ran out between Captain Knox's and Captain Talbot's horses' heads, and I there read the Riot Act, the stone throwing men making demonstrations with bludgeons; I tapped Captain Knox on the left shoulder, and I said, "Captain Knox, charge them with the cavalry." Almost at the same moment the men with the bludgeons rushed forward and bludgeoned the cavalry horses on their heads.

1138. What followed upon that?—The effect of that was to knock the horses back. They fell back upon the infantry, who were utterly disorganised in consequence—the leading files of the infantry. I ran back behind the horses' backs, and that brought me to the left front of the infantry. I then waved my stick over my head, and I called out to Captain Daunt, who was in command of the infantry, to charge the mob with the bayonet. Then the mob got right on amongst the soldiers, whose organisation was broken, and there was a regular stand-up fight between members of the mob and the troops. I saw Captain Daunt struck with something, and

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knocked half round towards me, falling towards the ground. I did not see him come to the ground; but I saw two men of the 9th Foot on the ground at the same moment, and I saw one of the bayonets of the 9th within an inch or two of a man's head. I then fell back a little along the left file of the infantry, and found the front ranks of the infantry in open order—in fact, all disorganised. The next thing was, that two shots were fired almost instantaneously, and the effect of those shots upon the mob was to make them run in every direction. I never saw a greater stampede. The next thing was a charge of cavalry up Shop-street. The next thing was for us all to get up to the top of Shop-street the best way that we could. That was empty at the time, but there were stones being thrown from windows as we passed up.

1139. Had you any more duty to perform then?—Yes; the next thing was, that I went up with the troops to the gaol. Two men were handed over to the civil power.

1140. Mr. Justice *Keogh*.] You have been a military man, I presume?—Never.

1141. Did you see any persons urging on the crowd, or taking any sort of a leading part in the matter, guiding or directing?—No; I could not point out any person as a leader.

1142. Did you see any clergymen amongst the crowd?—I saw a Roman Catholic clergyman on the left of the window as we were coming down, before we got into James's-street, and, thinking he would have influence with the people, I went to him and told him to check the stone-throwing, and I must say he used every possible exertion to do so, holding up his hands to the crowd, and telling them to throw no stones.

1143. Do you happen to know who that gentleman was?—I would know him again. I did not know him at all. I am a perfect stranger in Drogheda.

1144. You have been in court for some time?—No; I only just came in previously to my being called.

1145. It is creditable to that gentleman, and, therefore, you had better look round and see if you see him in court?—I only see one Roman Catholic clergyman in the gallery, and I do not think he is the gentleman.

1146. Then, look round. It is creditable to the Roman Catholic clergymen, and it should be known?—I see two, now. I may be mistaken, but I do not think either of those was the gentleman. The front gentleman of the two is not unlike the clergyman. I should not say it was he, though.

1147. Mr. *Heron*.] Will you look at the Roman Catholic clergymen in court?—After looking round I only see two Roman Catholic clergymen here; and it was not that gentleman, nor was it this gentlemen, I think (*pointing to persons in court*). Certainly this is very like the gentleman, but I would not undertake to identify him.

1148. Mr. Justice *Keogh*.] What was the time covered by the whole of this transaction, from the time you left the station until the termination of the charge of cavalry, which appears to have been the closing scene of the whole?—I think we left the station at about a quarter to twelve, and I think it must have been about five minutes past twelve, or, perhaps, a little more, when we arrived at this court.

1149. There was no further rioting?—There was no further rioting during the day that I am aware of.

1150. You say you saw the cavalry horses bludgeoned. Do you mean by that that they absolutely struck the heads of the horses?—I saw the horses' heads struck, and I was driven back with the horses, and behind the horses.

1151. Were you mounted?—No, on foot.

1152. Had the hussars their swords drawn at that time?—They had no swords drawn from the time we left the station; when we got to the head of the bridge they had not been drawn.

1153. When they charged had they their sabres drawn?—I am under the impression that they had, but I am not positive.

Cross-examined by Mr. *Heron*.

1154. During the day before that, or immediately afterwards, did you see other Roman Catholic clergymen endeavouring to pacify the mob?—No; that was the only Roman Catholic clergyman that I saw, and he was acting upon my suggestion.

[The Witness withdrew.

Mr. JOHN DEVINE, sworn; Examined by Mr. *McDonogh*.

Mr.
J. Devine.

1155. WHERE do you live?—About a mile from Drogheda.

1156. Are you a voter for the town of Drogheda?—Yes.

1157. Did you come to the railway station on the day of the polling?—I did, from Balbriggan.

1158. Were you in company with Mr. Hamilton?—No.

1159. Did you see Mr. Hamilton at the station that day?—I did.

1160. Had you promised to vote for any of the candidates?—I promised to vote for M^cClintock.

1161. When you came to the station, will you tell us, if you please, what occurred to you?—Why, I was afraid of my life.

1162. Tell us the facts that made you afraid of your life?—Why, the mob.

1163. Well, tell me all about it?—I declare I was afraid of being killed; only for that, I would vote.

1164. For whom?—For Mr. McClintock.

1165. Do you know Mr. Whitworth?—Well, I know him by eyesight.

1166. Did you see him there that day?—I did.

1167. Do you know a Mr. Clinton?—Yes, well.

1168. Did you see him there that day?—I did.

1169. Will you tell us what occurred, either with the mob or with those gentlemen?—Mr. Clinton asked me, would I vote for Mr. Whitworth, and I said nothing to him. Then Mr. Whitworth came up a short time after, and he asked for whom I would vote; and I told him I would vote for no one. Then I just walked on one side; and as I was going, Mr. Hamilton, he was afraid that I would be killed, and he told me to go back to Balbriggan again for safety. I went into the wrong carriage, and I came out again. Then, after a while at the station-house, I was dragged through the mob.

1170. How many persons do you suppose there were?—I think there were about 30; I could not tell you.

1171. Where

1171. Where were you dragged to?—I was not dragged, but I was put on a jaunting car nicely. I went to Mr. Whitworth's tally-rooms.

1172. Before you were put on the jaunting car had you spoken to Mr. Hamilton?—Yes.

1173. Did you see him?—I did.

1174. Did you take hold of him, or did he take hold of you?—I left Mr. Hamilton; he just sent his men with me for safety, for fear I would be killed; he is a good gentleman.

1175. But how did they take you out of the station?—Sure they came up and dragged me.

1176. Was Mr. Whitworth present?—I did not see Mr. Whitworth at that time.

1177. Had you seen him shortly before that?—Before that I did see him, and Mr. Clinton too.

1178. Did you see Mr. Clinton at the time they were taking you away?—No.

1179. When they took you out of the station where did they put you?—

Mr. Heron objected to leading questions.

1180. Mr. McDonogh (to the Witness.)] What did they do with you?—I was brought down to the town.

1181. How?—They dragged me.

1182. To put you on a car?—Yes.

1183. Where did they take you?—To Mr. Whitworth's tally-rooms.

1184. What became of you then?—I was kept there for a good while.

1185. Did anybody apply to you to vote?—No; indeed, sir, they did not.

1186. What became of you; did you go to the voting?—No.

1187. How long did they keep you in the tally-room?—Not long.

1188. What did they do with you, then?—Why, I might go home then.

1189. Did you go home?—I did.

1190. How?—Walking.

1191. Did you walk the whole way to your own house?—Yes. No; I beg your pardon, we hired a car.

1192. Then you drove home?—Yes.

1193. And you did not vote at all?—No.

Cross-examined by Mr. Pallas.

1194. I believe you are a Roman Catholic?—Yes.

1195. Who is your landlord?—Mr. Cooper.

1196. How much land do you hold from him?—Very nearly 50 acres.

1197. At what rent?—Well, it is about a guinea an acre.

1198. What tenancy have you; is it a tenancy from year to year?—Yes.

1199. Who is the agent of your landlord?—Mr. Hamilton.

1200. Do you know that gentleman (pointing to a person in the court)?—I do.

1201. Did you ever see him before?—I did.

1202. Putting lease out of the question, and putting religion out of the question, whom would you have wished to vote for?—

Mr. McDonogh objected to the question.

1203. Mr. Pallas (to the Witness.)] Suppose you had a lease for ever, and your landlord had no power over you, whom would you have wished to vote for?—

1204. Mr. Pallas (to the Witness.)] Did you tell that gentleman there that you were forced to vote against your conscience, as you had no lease?—It was my free will to go to Balbriggan.

1205. Did you use these words; I will try and bring your recollection to it?—Yes, you may.

1206. Do you remember meeting that gentleman (pointing to a person in the court) at the station the day you were going to Drogheda?—I do, but not the day I was going to Drogheda.

1207. What day was it?—A couple of days before, perhaps.

1208. On that occasion did you say anything like this: that you wished to vote for Mr. Whitworth, but that you were forced to vote against your conscience as you had no lease?—I forget.

1209. Will you say that you did not; you forget?—I do.

1210. When did you go to Balbriggan?—On Tuesday.

1211. When you were speaking to that gentleman did you cry?—For what will I cry?

1212. I ask you the fact; did you cry?—No.

1213. I must ask you these questions because perhaps there may be a contradiction of your answer; did you or did you not?—No; I did not cry.

1214. Had you ever a vote before at the Drogheda election?—Yes.

1215. Whom did you vote for then?—

Mr. McDonogh objected to this question as being wholly irrelevant.

Mr. Justice Keogh overruled the objection.

1216. Mr. Pallas (to the Witness.)] Did you vote at the previous election?—I forget that.

1217. You forget; think now?—I voted for Whitworth.

1218. You told me a moment ago that you forgot for whom you voted at the last election; is that true? When you used those words, "I forget," did you not know and remember that you voted for Mr. Whitworth?—I do remember it.

1219. When you said that you forgot for whom you voted, did you know that you had voted for Mr. Whitworth?—I voted for Mr. Whitworth.

1220. Mr. Justice Keogh.] That is not what you are asked; you are asked, do you recollect for whom you voted, when you said you had forgotten?—I did forget it.

1221. Mr. Pallas.] Why did you vote against Mr. Whitworth at this election if you voted for Mr. Whitworth at the last?—Because I got a letter from Mr. Hamilton.

1222. Have you that letter here?—Mr. Hamilton has it.

1223. If you had not got the letter from Mr. Hamilton you would have voted for Mr. Whitworth?—I would vote for no one; neither Brodigan nor Whitworth.

1224. You voted against Brodigan on the last election when you voted for Mr. Whitworth?—Yes.

1225. If you got no letter from Mr. Hamilton why would you not vote for Mr. Whitworth, as you did before?—I would vote for none of them.

1226. What was it changed your mind?—I thought there was very little good in both of them.

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Mr. J. Devine. 1227. And was that the reason you changed your mind?—Yes.

1228. When did you go to Balbriggan?—On Tuesday it was.

1229. Where did you remain the Tuesday night?—I forget; in a decent house.

1230. In Balbriggan?—Yes.

1231. Where did you remain on the Wednesday?—I suppose in Dublin; I went to Dublin, and I might have come back.

1232. Where did you remain on Thursday night?—At Balbriggan, I think.

1233. Are you certain?—I am certain.

1234. Was it in the house of a man of the name of Clinton you stopped in Balbriggan?—I do not know.

1235. Do you know Mr. Hodgson?—Yes, well.

1236. Who is he?—He is a rent-warden of Mr. Hamilton's.

1237. Did you see him upon the Tuesday, Wednesday, Thursday, or Friday?—No.

1238. Who paid your railway fare from Balbriggan to Drogheda?—Mr. Hodgson paid it.

1239. Who gave you money to pay your fare back from Drogheda to Balbriggan?—Mr. Hodgson.

1240. Who paid your fare from Dublin to Balbriggan?—The money we had going up.

1241. They paid it all?—All myself got was very little.

1242. Was any one else with you?—Let every one speak for himself.

1243. Who else was with you?—Usher and McDonald.

1244. Mr. Hodgson paid for you all?—I suppose he did; he paid me half-a-sovereign.

1245. Why did you go to Dublin?—Because we thought it to be as good as to be in Balbriggan; to see the sport, as we were never at Dublin before.

1246. What sport was it that you were to see in Dublin?—The election.

1247. And was it for that purpose that Mr. Hodgson sent you to Dublin?—No, he did not send us at all; it was our own pleasure.

1248. Where did you stop in Dublin?—No place at all; we came back again to Balbriggan.

1249. I thought you said that you stopped Wednesday night in Dublin?—No, I did not tell you that at all.

1250. So that you must have stopped three nights in Balbriggan?—Yes.

1251. Do you know Emerson's?—No.

1252. Did you pay anything for your lodgings in Balbriggan?—No, we did not.

1253. Did you pay anything for your food in Balbriggan?—No.

1254. Who was to pay for that?—I do not know who was to pay for it.

1255. Now that your memory has been a little bit refreshed, perhaps now you remember what you said to Father Langdale?—No, I do not.

1256. Is it not a fact that you were forced to vote?—It was my own pleasure.

1257. Were you forced to vote?—For whom?

1258. For Sir Leopold McClintock?—No.

1259. You would have wished to vote for McClintock?—I would have voted for McClintock only I was afraid.

1260. Did you know what politics he had?—Indeed I do not know much of them.

1261. Did you know either of their politics?—I did not.

1262. Why would you prefer to vote for McClintock in preference to Whitworth, when you knew neither of their politics?—I had a good agent.

1263. Were you afraid of being put out if you did not vote for him?—No, I was not.

Re-examined by Mr. McDonogh.

1264. You told that gentleman that you would have voted for McClintock only you were afraid?—Yes.

1265. Of whom were you afraid?—Of the mob.

1266. Now, on the former occasion that you voted for that gentleman, Mr. Whitworth, when Mr. Brodigan and he were contesting, did Mr. Hodgson, the bailiff of Mr. Hamilton, canvass you for Mr. Whitworth?—Yes.

1267. Did you vote, to oblige Mr. Hodgson, for Mr. Whitworth?—Well, I did.

1268. Can you read?—I can, badly.

1269. Is that the letter which you got from Mr. Hodgson (*showing a letter to the Witness*)?—That is the last letter, I believe.

1270. It is the same; at all events we will read it:

"Balbriggan, 9th Nov. 1868.

"DEAR SIR,—Sir Leopold McClintock, one of the greatest men of the kingdom, will be member for Drogheda. You will oblige me and Mr. Cooper very much by voting for him.

"Yours truly,
"Henry Alexander Hamilton."

Was it of your own free will that you voted for Sir Leopold McClintock?—Yes.

1271. Did Mr. Hamilton threaten you in any other way?—I did not see Mr. Hamilton at all.

1272. Did Mr. Hodgson threaten you in any way?—No.

1273. Mr. Pallas (*through the Court*).] Did you see Mr. Clinton, and did Mr. Clinton ask you for whom would you vote, and did you say, "I would wish —?"

Mr. McDonogh objected to the question.

Mr. Pallas supported the question.

1274. Mr. Pallas (*through the Court*).] Did you meet, when you were brought down on the car, Mr. Clinton at the tally-room on the stairs or in the room, and did you say to him you would rather not vote, and did Mr. Clinton say to you, "Very well, do not." Or did any conversation of that kind occur?—No; Mr. Clinton came up to the station-house, and Mr. Hamilton was with me, and he rushed in, Mr. Clinton did, and he asked me to vote for Mr. Whitworth, and I didn't give him any answer at all, either yes or no. Then Mr. Whitworth came in a few minutes after, and asked for whom I would vote, and I said I would vote for no one.

1275. When you were taken away on the car, and brought to Mr. Whitworth's tally-room, did you see Mr. Clinton after that?—No.

[The Witness withdrew.]

MR. JOHN USHER, sworn; Examined by Mr. Ryland.

1276. ARE you an elector of Drogheda?—Yes.

1277. And a voter?—Yes.

1278. Where were you on the morning of the polling day; were you in Drogheda the night before?—No, I was in Balbriggan.

1279. When did you come into Drogheda?—I came in that morning.

1280. By train?—Yes.

1281. At what hour about did you get to Drogheda?—It was nearly up to ten o'clock.

1282. Who was with you, do you know, at the time?—Mr. McDonald.

1283. Who else?—Mr. Hamilton.

1284. Who else?—I cannot remember any more.

1285. Were you at the station for any length of time?—I was.

1286. Did you see any persons there; did anything happen while you were there?—Yes.

1287. Do you know Mr. Clinton?—Yes.

1288. Do you know Mr. Whitworth?—Yes.

1289. Did you see either of those gentlemen there?—Yes, I saw both, I think.

1290. Did they do or say anything that you can tell us?—He was down at the station himself. He came down and asked who I voted for? I made no answer at the time; it was Whitworth; then he went away, and we walked about for fifteen or twenty minutes; then he came back again. I saw rioting about the place at the railway; he asked me who I would vote for, and I said I would vote for him sooner than be killed.

1291. Had you promised to vote for any of the candidates before?—Yes, I had.

1292. For whom?—For McClintock.

1293. Did you intend that morning when you were coming by train to vote for McClintock?—I did.

1294. When you said to him that you would vote for Whitworth, what occurred?—The mob got round and shoved me off; they put me on a car.

1295. What was done to you then?—They brought me up to the tally-room; they brought me into the tally-room; Mr. Whitworth followed me and told me he did not want me to vote at all.

1296. Did you vote?—I did not.

1297. What did you do after that?—I remained there for about an hour, and I came out and went home.

1298. Did you vote at all?—I did not.

1299. Would you have voted for McClintock, but for the rioting you saw at the station that morning?—Yes, I should have voted for McClintock.

Cross-examined by Mr. Heron.

1300. You are a tenant on the Coopa estate?—Yes.

1301. And Mr. Hamilton is your agent?—Yes.

1302. How many acres have you?—About 60 or 62.

1303. What rent do you pay per acre?—Guinea an acre.

1304. You have no lease, but you are a tenant from year to year?—Yes.

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1305. Had you before that promised to Mr. Whitworth that you would vote for him?—I told Mr. Whitworth when he asked me to vote; I said, "If my landlord is pleased I will vote for you, if not, I must go with my landlord."

1306. How long before was that?—A few months; I suppose four or six weeks.

1307. Do you swear before his Lordship that you did not promise Mr. Whitworth who is here to vote for him?—I told him as I told you now; "If my landlord is pleased I will vote for you, if not, I must go with my landlord."

1308. Did you say I must go with my landlord?—Yes.

1309. Did you get half-a-sovereign also?—I did.

1310. When?—The day before I left home.

1311. Where?—I got it at my own place.

1312. Who gave it to you?—Mr. Hudson.

1313. Is Mr. Hudson a stranger?—No, he is the rent warden.

1314. You have known him a long time?—Yes.

1315. What did he tell you to do with the half-sovereign?—He told me to do nothing with it.

1316. Where did he tell you to go to with the half-sovereign?—He told me to go to no place; he gave it to me.

1317. Gave it to you for what?—He gave it to me for expenses to bring me from Balbriggan.

1318. Did he tell you what house to go to?—No.

1319. Did you go by accident into a house?—I did.

1320. Did you pay anything for your lodging in that house?—Not a halfpenny.

1321. Did you know the house you were going to?—No.

1322. And you do not know it now?—I know the house, but I do not know the name.

1323. You do not know the name of the people?—No.

1324. Did you go into the house by accident?—No, I did not.

1325. Who told you to go to the house?—Mr. Hudson.

1326. Which house did he tell you to go to? I do not know what is the name of the house.

1327. Answer now before his Lordship, where did Mr. Hudson tell you to go to?—I cannot tell the name of the house.

1328. Where did Hudson tell you to go to?—He told me to go to a lodging-house; I cannot tell the name.

1329. Did you know beforehand what lodging-house you were to go to?—No.

1330. Did you go into the first that occurred to you?—I did.

1331. Did you and Devine go by accident into the same house; did you travel with Devine?—I did.

1332. And McDonald?—Yes.

1333. And the three of you went into the same house?—Yes.

1334. And you paid nothing for meat and drink?—No.

1335. Did you get any more money?—I got another half-sovereign going home.

1336. From whom?—From Mr. Hudson.

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1337. Where

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1337. Where did he pay you that?—In Balbriggan.

1338. Who paid your railway fare?—I cannot tell.

1339. You did not pay any railway fare?—No.

1340. Did Devine and McDonald also get a separate half-sovereign?—They did.

1341. Did you not vote for Whitworth in 1865?—I did.

1342. Do you know anything about politics?—Not much.

1343. Did you know that McClintock was a Tory, and that Whitworth was a Liberal?—I knew there was a difference between them.

1344. Did you know which was which; did you know which was Tory, and which was Liberal?—I did.

1345. Which were they?—Whitworth was for the Liberals, and a good man in the town of Drogheda for the poor.

1346. And that McClintock was what?—I never knew him until I saw him in the street.

1347. Did you get a letter from Mr. Hamilton?—Yes.

1348. Have you that letter, or did he take it away from you to-day?—It is here.

1349. Show me the letter?—(*The same was handed in to the learned Counsel.*)

1350. When did Hamilton take the letter from you?—I sent it to him on Wednesday.

1351. “Balbriggan, 9th November 1868.—Dear Sir,—Sir Leopold McClintock, one of the greatest men in the kingdom, will be Member for Drogheda. You will oblige me and Mr. Cooper very much by voting for him.—Yours truly, Alexander Hamilton.” Had you ever heard of McClintock until you got that letter?—I heard he was coming in for Drogheda.

1352. Had you ever heard of him before you heard he was coming in for Drogheda?—Never.

1353. You told his Lordship that Mr. Whitworth finally told you that he did not want you to vote at all?—Yes.

1354. Where was it that he told you that?—In the tally-room.

1355. Had you said anything to him before that?—Not one ha’porth.

1356. Do you mean to say that he came up and told you that he did not want you to vote?—He came into the tally-room and said, “I do not want you to vote at all.”

1357. What did you do then?—Remained there for half an hour, and came out and went home.

1358. You were not molested in any way by any crowd?—No.

1359. Where was the tally-room which you were in with Mr. Whitworth?—In Lawrence-street.

1360. How long were you there?—About an hour.

1361. Was that the first time Mr. Whitworth came up to you?—It was.

1362. Was that before or after you heard the shot?—Before I heard the shot?

1363. Before you heard about the shot being fired?—Yes.

1364. It must have been before 12 o’clock?—Yes, it was before 12 o’clock.

1365. Was McDonald with you then?—No, he was not with us that day.

1366. Was McDonald with you that day in the tally-room?—No.

1367. Were you alone with your party?—Yes.

1368. Do you remember Semple coming with you from Balbriggan?—Yes.

1369. Do you remember Semple coming down before you?—I lost him in the train.

Re-examined by Mr. Ryland.

1370. You were asked whether you voted for Whitworth on a former election?—Yes.

1371. Were you canvassed by anyone?—Yes.

1372. By whom?—Mr. Hamilton.

1373. Mr. Heron.] Did you see Mr. Whitworth after the election?—I did.

1374. Did you tell him if you were put on the table, and told the truth, that you would not vote out of your farm?—No.

1375. What did you say to Mr. Whitworth when you saw him?—I told him that I could not go against my landlord.

1376. Did he speak about your evidence “on the table;” did you use the words “on the table;” did you say, “I cannot go against my landlord on the table”?—

1377. Mr. Justice Keogh.] Were you speaking in confidence to Mr. Whitworth at that time; whatever you were saying, did you expect it would be brought up to-day?—I was afraid it would.

1378. When you were speaking to him, did you understand that you were speaking confidentially to him?—Yes.

Mr. Justice Keogh.] Then the question ought not to be put.

1379. Mr. Ryland.] You told that gentleman that you voted for Mr. Whitworth at a former election?—Yes.

1380. Were you canvassed by your landlord, or anyone connected with the property, to vote for Mr. Whitworth?—At the last election?

1381. Yes, the last election?—Yes, I was.

1382. Who did you vote for?—Mr. Hamilton.

1383. Mr. Justice Keogh.] Did you vote at all at the last election?—No, I did not vote.

[The Witness withdrew.]

Mr. JAMES CAHILL, sworn; Examined by Mr. McDonogh.

Mr. J. Cahill.

1384. WHERE do you live?—At Pitcher Hill.

1385. Is that in the town of Drogheda?—The borough of Drogheda.

1386. Had you promised at the last election to vote for anybody?—I told the landlord I would vote for him if he would protect me.

1387. What is the name of your landlord?—Mr. Smith.

1388. Had he canvassed you for Sir Leopold McClintock?—He asked me to vote for McClintock.

1389. Was it then you told him that you would if he would protect you?—Yes, I told him and I told Mr. Cooper; he called along with Mr. McClintock at my house, and I told him I would vote for him if he would protect me.

1390. What

1390. What did you say about Mr. Cooper?—Mr. Cooper was with McClintock when he asked me for my vote, and I told Mr. Smith I would vote for him if he would protect me.

1391. Were those two gentlemen with you at the same time, or on two different times?—No; at one time.

1392. Did you intend to vote for Sir Leopold McClintock?—I did, if I was protected down to the poll; but I would not venture to come down to the poll unless I was protected.

1393. On the morning of the polling-day, before daylight, did anything occur?—The mob rapped at the door; my wife opened the door; I was in bed; I was not well, and she told them I was in bed; I cannot say what she said; I was in bed and was not well.

1394. Was there anything done to the door?—Not a ha'porth.

1395. At a subsequent time did any other mob come?—About 10 o'clock another mob came and rapped at the door, and they hailed across and came as far as that, and they wanted me to go to vote, and my son-in-law said I should not; they were there a long time; I do not know what they said, but they went away; it was not very long after till Father Matthews came, and he opened the door and walked into the room where I was and asked me to vote; I said I would vote for the landlord. Father Matthews said, "Vote according to your conscience." I went to the door; he linked my arm and helped me up on the car; I was not very well able to go on the car; a grey horse was standing at the door with a car and another respectable man, a farmer; I had know-

ledge of him, but I do not know his name; he was with the priest, and I went down with them.

1396. Mr. Justice *Keogh*.] They put you on the car and you came down?—Yes.

1397. Mr. *McDonogh*.] Where?—They brought me up to a place, and they told me to say, "Whitworth" when I was asked.

1398. Who told you that?—They never told me who to vote for once after.

1399. Who told you to say "Whitworth"?—Father Matthews, the priest.

1400. Did he accompany you on the car?—He was on the car with me.

1401. What next happened to you?—Nothing at all.

1402. Did you come up to vote?—Yes, I voted for Mr. Whitworth; he brought me back again and put me on the car again; the man left me at home at my own house.

1403. Mr. Justice *Keogh*.] For whom did you vote?—Mr. Whitworth.

1404. Was that according to your wish that you voted for Mr. Whitworth?—I said I would vote for the landlord if I was protected, and then when I was not protected I voted the other way; I did not vote in Drogheda before, and had not a vote.

Cross-examined by Mr. *Heron*.

1405. Before this had you promised Father Matthews to vote for Whitworth?—No; he never mentioned Mr. Whitworth's name in his life.

[The Witness withdrew.]

THOMAS MCKENNA, sworn; Examined by Mr. *Plunkett*.

1406. ARE you an elector of the Borough of Drogheda?—Yes.

1407. Do you know Mr. Brodigan?—Yes.

1408. Mr. *Plunkett* (to the *Witness*).] You were on Mr. Brodigan's committee, were you not?—Yes.

1409. And you know a great number of the Catholic electors of Drogheda?—I did.

1410. Did you canvass at all with Mr. Brodigan?—I canvassed five or six days in company with Mr. Brodigan and his committee.

1411. From your knowledge of the voters of the town of Drogheda, and from the canvass that you made for Mr. Brodigan, can you say whether a great number of voters had promised Mr. Brodigan?—The first day I went out with the canvassers?

1412. Had he asked whether there were many promises for Mr. Brodigan?—Yes; a vast majority in the places I went to with him. We went into the house of a Mr. Farrell, at the head of King-street, and he refused, and to the residence of a man named Pentona, who refused also; then we went to John Burne.

1413. Mr. Justice *Keogh*.] "The vast majority of those canvassed," was your expression?—Yes; that day.

1414. Mr. *Plunkett*.] Do you know, as a matter of fact, how those men voted afterwards?—Yes, of course; I was sent out afterwards on the Thursday.

1415. Mr. Justice *Keogh*.] Cannot you answer the question; do you know how the men voted afterwards?—I was not at the polling place; I cannot swear how they voted; I know

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they did not keep their promises from the result afterwards.

1416. Mr. *Plunkett*.] Did you vote for Mr. Brodigan yourself?—No.

1417. Who did you vote for?—I did not venture into the town; I did not vote at all on that day. I was attacked by mobs, and threatened in an extraordinary way.

1418. Just explain how that was?—I live in North Road, and I have property in one lane, and there were two miniature coffins put up at the gate in the lane where I had stables and a barn, and place for cattle; the morning of the 20th, the day of polling, I went early, intending to go to Mr. Brodigan's committee, and I was set upon by a ferocious mob, who attacked me with stones, pokers, hammers, and used violent language; they said they would set fire to the place if I dared to vote as an Orange Catholic against the Church; against the old religion. They said, "Be hanged for me;" that they would burn down the stables, and that they did in a most emphatic and violent way. They rushed up quite close to me with large stones in their hands, and all that.

1419. Were there any persons amongst those who threatened you, except the mob?—No.

1420. It was altogether the mob?—Yes.

1421. In point of fact, you did not vote?—No; and on the Monday, my Lord, Sunday was the 15th, and certain things took place on that day; everything was tranquil until then.

1422. What took place on the Monday?—On the Monday I saw that the reign of terror had commenced. I was walking along here, and a

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ferocious mob rushed forward and attacked and shook me, and pushed and drove me, and they nearly threw me on the face, except but for the police coming up and saving me. Mr. Garnill came just in time to save me, and Mr. Latimer, one of Mr. Whitworth's best supporters, was blandly smiling on the crowd and encouraging them from Shop-street out here.

1423. *Mr. Heron.*] "He blandly smiled"?—Yes; I wondered at it—

Mr. Latimer.] That is not true, my Lord.

Mr. Justice Keogh.] Who says that?

Mr. Latimer.] Me.

Mr. Justice Keogh.] If you interrupt the Court by making observations on the evidence given here, I shall at once have you committed to gaol for contempt of court.

Mr. Latimer.] I beg your pardon, my Lord.

Mr. Justice Keogh.] I do not commit you now, because I suppose you are ignorant of the consequences of your behaviour.

Witness.] I was surprised at him doing so, because he was a near neighbour and friend of mine before; I also complained to the policeman Gammon at the moment.

1424. *Mr. Justice Keogh.*] Is he a police constable in the town of Drogheda?—Yes; and the men who attacked me were in the employment chiefly of Mr. Whitworth's committee, and I think some of the sheriff's men.

1425. *Mr. Plunkett.*] You said before you went into that description, that before the violence commenced, some things occurred; what things occurred, I ask you now. You say everything was quiet, and then some things occurred, and then there was violence; what things?—

1426. *Mr. Justice Keogh.*] What do you allude to; you say certain things occurred on the Saturday; what were those things?—The addresses to the people on Sunday against the ascendancy candidate; I would rather not speak about it.

1427. *Mr. Plunkett.*] Who delivered the addresses?—The Catholic clergymen; those that I heard were not of an inflammatory character at all, I must say. I was with Mr. Brodigan and his supporters on the day of nomination at the court-house, and I was a witness of the terrific scene that occurred here; then, whilst we were waiting in the street, I saw a number of persons though the court door was closed; I saw a number of persons inside through the window looking out.

1428. *Mr. Justice Keogh.*] Was that before you came in?—Yes, it was 10 minutes before 10 o'clock; we were not admitted until the clock struck 10.

1429. But do you say you saw persons inside?—Yes, looking out.

1430. Before the court was open?—Yes; there were a number of persons in the court house previously to that public opening; I heard a fearful groaning and boisterous clamour outside, and saw a missile, it was an egg, thrown at the McClintock party; it seemed to be aimed at Sir Leopold McClintock; we got into the place then, and when the door was opened a tumultuous rush took place, magistrates, clergymen, sack carriers, and labouring men, all classes pushed and drove in together in the crowd, a thing that never took

place within the last 40 years to my memory before; since 1830 there was no such mode of admitting the people previously, and the crowd at the place here; I was standing down there (*describing the same*), a number were all standing with their backs to the gallery and round here, and what are called roughs were up here on this place, and some standing there along the ledge; Mr. McDonald and his brother jumped up where that hat is, and he appeared to me to act in some capacity like a fugleman or mob leader.

1431. Who did?—Mr. McDonald; from the time he stood on the spot, the place was one terrific scene of uproar; he was gesticulating and waving his hat, and flourishing; the Rev. Mr. Macarthy stood there, and two or three porters and labourers stood close to that pillar; Mr. Town Councillor Byrne and the Mayor of Drogheda, and an active member of Whitworth's committee rushed up and drove in my nose with his fist on the spot.

1432. *Mr. Plunkett.*] Who did that?—Mr. Byrne, the Town Councillor, he was Mayor of the town at one time; it is a few year ago.

1433. *Mr. Justice Keogh.*] You say he was a member of Mr. Whitworth's committee?—Yes, and he was round canvassing in the town.

1434. What did he do to you?—He punched my nose in with his fist, and two or three days afterwards he apologised and said he hoped I would drop it; and I said I would.

1435. Was that in the court-house?—In the court-house about the time that the sheriff was standing there with some paper in his hand, but you could hear nothing he said; at the same time, I saw Mr. Carty, an aged magistrate, struggling through the hostile crowd, and trying to push his way forward, driving through them; I saw several respectable citizens jostled about in the presence of the sheriff, without his affording them the slightest protection, nor did he take any measure, whatever, to have order in the court, or to afford any protection to the citizens, either to the candidates, or seconders, or supporters; I was at all the elections since 1830, and I heard the speakers here; order was preserved, and the speakers allowed to address the candidates and their movers and seconders, until Mr. Whitworth's party commenced to fill the place with paid mobs; and since then all order and freedom of election has gone, and that to the knowledge of every man in court who is present.

1436. *Mr. Plunkett.*] On the day after the nomination did you proceed to canvass for Mr. Brodigan, or attempt to do so?—No, I tell you I was at the committee-room on Friday, and heard the speeches made there.

1437. *Mr. Brodigan's?*—Yes, Mr. Brodigan's.

1438. On the Thursday, that is the day after the nomination, did you proceed about the town at all with Mr. Patrick Turner?—No; he is the sheriff; sure he did not accompany me on that day; I heard one of Mr. Brodigan's speakers out of the window.

1439. Did you, after the nomination, canvass at all for Mr. Brodigan?—No, I did not venture at all; I did not venture down the town at all.

1440. After the nomination?—No, not this far into the centre of the town.

1441. Did you on either party on Tuesday before the nomination attempt to canvass; between Sunday and Wednesday did you attempt to canvass for Mr. Brodigan?—I think I was engaged

engaged all the time examining the lists of the voters with Mr. Simpson and Dr. Atkinson and some others; no, not on those days I did not.

1442. You have already told us you did not vote yourself on the polling day?—No, I did not venture down; there is another circumstance I must mention —

Mr. *Heron* stated that he objected to the Witness making a speech.

1443. Mr. *Plunkett*.] What does the circumstance which you wish to mention relate to?—

Mr. *Heron* objected to the question.

1444. Mr. *Plunkett* (to the *Witness*).] Do you know Mr. Hill?—Yes, he is an eminent merchant in the town.

1445. Do you know of his having taken part in the canvassing for this election; did you see him taking any part in the canvassing for this election?—No, I did not; I do not recollect that.

1446. Do you know, of your own knowledge, anything of mobs being hired in the borough of Drogheda?—Yes, upon one occasion, in Mr. Brodigan's room I saw 30 tickets given to a party to form a mob.

1447. Mr. Justice *Keogh*.] In Mr. Brodigan's room?—Yes.

1448. Mr. *Plunkett*.] Do you know, of your own knowledge, anything of the hiring of mobs for any of the other candidates?—No.

1449. Mr. *Heron*.] Did you see it?—No, I did not.

1450. Mr. *Plunkett*.] Did you on the night before the election go round for the purpose of bringing any of Brodigan's supporters up to the poll?—Yes, I did; the district was assigned to me and Patrick Turnan.

1451. Now tell us all about that, whatever you saw on that occasion yourself, when you went round with Patrick Turnan in your district?—I went to the house of a good many voters with Mr. Turnan on Thursday, who I had known to have promised to vote for Mr. Brodigan.

1452. Had these persons promised to vote for Mr. Brodigan?—Yes.

1453. When you went to them to bring them up, as you say, the night before the election, did they consent to come?—

Mr. *Heron* objected that the names were not in the list, and there was no evidence to be given of a person not named in the list.

1454. Mr. *Plunkett* (to the *Witness*).] Did these men, in point of fact, come up with you?—

Mr. *Heron* objected to the question.

1455. Mr. *Plunkett* (to the *Witness*).] Can you tell the names of any persons who had promised to vote for Mr. Brodigan; they did not come up with you?—Mr. Charles Barron; he said —

1456. You cannot say what he said; anyone else?—Peter O'Neill and Mr. Thomas Green.

1457. Anyone else?—Peter Matthews; I cannot say whether they voted or not, because they did not come in with us. I was not present in the booth.

Cross-examined by Mr. *Pallas*.

1458. How many people were there altogether in Mr. Brodigan's mob?—I cannot say.

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1459. Give it as far as you are able?—I saw 30 tickets given.

1460. I mean the entire number that constituted his mob on the day of the polling; about 200, is it?—I have not the slightest idea.

1461. About 200?—I am not aware, the mob having been hired only on one occasion; I was present when tickets were given out.

1462. You cannot say that?—No; they would not let me know it, because I objected to the mob being hired at all; I protested in committee against it.

1463. Mr. Justice *Keogh*.] Was that at the last election or any former election?—The last election.

1464. You say you saw the mob hired in Mr. Brodigan's committee-room at the last election?—Yes, and I protested against employing the mob at all.

1465. Mr. *Pallas*.] You know that the mob consisted of a great many more persons than the 30 you know of?—No, there were 30 in the street present when I saw them go out of the house.

1466. You intend to tell his lordship that Mr. Brodigan's mob only consisted of 30 persons?—Upon that day it did not consist of 30 persons.

1467. On the day of the polling it did not consist of 30 persons?—No.

1468. On the day of the poll do you mean to say that Mr. Brodigan's mob did not consist of 30 persons?—No.

1469. I believe the election before the last you voted for Mr. Whitworth?—Yes.

1470. Mr. Brodigan was the only other candidate?—Yes.

1471. On this occasion you changed your mind, and preferred Mr. Brodigan to Mr. Whitworth?—Yes.

1472. You were aware, were you not, that Mr. Whitworth was on the grand jury in Manchester that found the bills against the Fenian prisoners; did you ever hear that?—I heard that. I had no objection to him on that account.

1473. I am not asking you what you yourself think, but you knew he did?—Yes. I read it in the papers.

1474. During the course of the election did you frequently hear Mr. Whitworth called the Manchester butcher?—I heard Dr. Waters denounce him that way (he does not belong to Drogheda), in reference to his having been at the Manchester trial.

1475. There was a Mr. Waters brought down in the interest of Mr. Brodigan?—I think he was brought from Dundalk.

1476. I only ask you as to the address of Mr. Waters, from Mr. Brodigan's committee-room?—I say I do not recollect the word "butcher."

1477. Whatever he said, he said something in reference to it?—His whole speech consisted in the denunciation of Mr. Whitworth on that account.

1478. That denunciation was from Mr. Brodigan's committee-room?—It was.

1479. How long did that speech last?—He made three or four speeches; it was very distressing to me to hear him talk at all.

1480. He made three or four speeches?—Yes.

1481. Upon what days were the speeches?—During the week of the election.

1482. And the day before the polling?—Yes.

1483. Were any of them on the day of the polling?—I cannot say.

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1484. How long did the speeches occupy; a quarter of an hour?—One of them longer.

1485. Half-an-hour?—I do not think he could speak for half-an-hour.

1486. What evening was it when his speech, which was rather the longest, was delivered?—He spoke on Wednesday and Thursday evenings.

1487. I dare say he spoke on some other evening's as well?—He spoke in the day-time, as well.

1488. In fact, Mr. Waters was in the habit of denouncing Mr. Whitworth, in consequence of the Manchester matter, from Mr. Brodigan's committee-room?—He was.

1489. I believe there were large mobs usually assembled opposite the committee-room, where Mr. Waters was so speaking?—Yes; there was a crowd of people.

1490. Did you ever hear any other person make speeches of a similar character to Mr. Waters, or use similar expressions?—No; I think not so forcible as he.

1491. Perhaps more politely, but conveying the same idea?—He is the person who harped on the Manchester affair. I did not hear any other speaker do so.

1492. Did not you hear any of the other speakers refer to the Manchester affair?—They were speaking of Whitworth's nationality, and that he was an Englishman and a Saxon.

1493. Did you ever hear Connor denounce him for the Manchester affair?—I heard Connor attack his father in a most abominable way.

1494. From Mr. Brodigan's committee-room?—Yes.

1495. Did not he refer to the Manchester affair?—He did not refer much to it.

1496. Three or four words, such as "Manchester butcher," and "hangman;" did you hear him use those expressions?—Not "butcher," but I think he called him the "Manchester hangman," when he was speaking of Mr. Whitworth out of the window.

1497. Did you hear him denounce the people who were in the interest of Mr. Whitworth in his speeches from Brodigan's committee-room?—His speeches were very vulgar and low.

1498. Especially anything connected with Mr. Whitworth?—He denounced his father.

1499. Did you hear the expression "Manchester butcher" frequently shouted by the mob at the court-house on the nomination day?—No; you could hear nothing on that day.

1500. Were the mob outside shouting "Manchester butcher"?—No.

1501. You heard the mobs in the street shouting "Manchester butcher" frequently, did you not, or "hangman"?—No; the tables were turned completely from the Sunday during that week, by the mobs, in Mr. Whitworth's favour.

1502. Is it not the fact that his denunciation continued down to the Friday?—Yes; but without any seeming effect by Dr. Waters, who was talking upon two evenings.

1503. Did you yourself ever use that expression, "Manchester butcher," or "hangman"?—No, but I did in another sense.

1504. Tell me first the words you used, and then the sense?—A Protestant gentleman in town called me in and showed me a report of the Evangelical Alliance, and he showed me Mr. Whitworth's name as a contributor to what the Catholics call the soup system; he was connected with the Band of Hope, the Evangelical Alliance, and things of that sort. They talked

of his inconsistency in upholding these things in England when he was upholding other things in Drogheda. I said, "Manchester souper," because I had heard it in Drogheda.

1505. In addition to "Manchester souper," did not you refer, one way or another, to his finding the bill in Manchester?—No.

1506. Do you swear that?—I had no sympathy with it at all.

1507. I ask, did you in any way allude to it in conversation or speaking?—No, I think not.

1508. You think not; will you swear you did not more than once?—I referred frequently to the "Manchester souper," but not to the "Manchester butcher." I never applied such an epithet to Mr. Whitworth.

1509. Nor "Manchester hangman," nor allude to his finding the bill?—It was spoken of repeatedly to me. That matter was alluded to by Mr. John Morton.

1510. Will you swear just now; one word will do. No; did you ever speak or denounce Mr. Whitworth as the "Manchester butcher" or the "Manchester hangman"?—I swear I did not.

1511. Or alluded to Mr. Whitworth having found those bills?—I do not think I did.

1512. You are not so certain; did you see the town placarded with placards denouncing Mr. Whitworth as the "Manchester butcher"?—Yes.

1513. Did you see this (*handing a placard to the Witness*)?—Yes.

1514. There were other placards in addition?—Yes.

1515. Were there any other placards that had your name at the bottom of them?—Yes, which I will explain. The conducting agent, Mr. Healy, has stated this. I stood up in the committee and I objected emphatically to issuing such placards. I denounced them forcibly, whereupon Mr. Healy stood up and said, in the presence of Mr. Brodigan, the members of the committee, and the chairman, "I endorse every word of the condemnation uttered by Mr. McKenna."

1516. Mr. Healy was the conducting agent of Mr. Brodigan?—Yes; I objected entirely to it.

1517. Was not that placard issued from Mr. Brodigan's committee-room?—With my knowledge it was not.

1518. Do not you know that it was issued from Mr. Brodigan's committee-room?—I heard a man say it was. I never saw that placard in Brodigan's place.

1519. Did you hear it discussed in Brodigan's committee-room, whether those placards should be issued or not?—Not more than I have described now; my own condemnation of them.

1520. Were not you overruled?—All persons agreed that I was right.

1521. Were not you overruled, and were they not issued?—They were issued notwithstanding.

1522. That is one of them (*handing a placard to the Witness*)?—Yes.

1523. In addition to that placard, was there another placard denouncing Mr. Whitworth in the same manner, published by Mr. Brodigan's committee?—No, not to my knowledge.

1524. Not to your knowledge?—No.

1525. You never saw one?—No.

1526. Directly or indirectly; that is the only placard you ever saw denouncing Mr. Whitworth?—I did not say that. I saw them on the walls.

1527. Was there a placard that had your name

to it?—There was, but it was a proper placard. A letter addressed to the electors and non-electors of Drogheda. I have that placard here.

1528. Give it to me now?—Here it is (*handing the same to the learned Counsel*).

1529. It denounces mobs and all that; the demoralisation and drunkenness which Mr. Whitworth has caused by his distributing money among the people?—Certainly it does.

1530. Mr. Justice *Keogh*.] “That Ireland never trusted a Saxon but she was betrayed”?—That is true; I believe it firmly.

1531. Did you think that expression would make the Fenian mob more conciliatory towards Mr. Whitworth.

Mr. *McDonogh* objected to the question.

Mr. Justice *Keogh* ruled that the question could not be put.

1532. Mr. *Pallas*.] Who signed this?—I wrote every word of it except one word.

Mr. JOHN CLARKE, sworn; Examined by Mr. *McDonogh*.

1538. WHERE do you reside?—James-street.

1539. Are you a voter of Drogheda?—Yes.

1540. On the occasion of the last election had you promised to vote for any of the candidates?—I promised to vote for Mr. Brodigan on certain conditions.

1541. What was the condition?—

Mr. *Heron* objected to the examination, the witness's name not being in the list furnished to his clients.

Mr. Justice *Keogh* ruled that questions might be asked as to general intimidation, but that the rule, with reference to the furnishing of lists, must be adhered to.

1542. Mr. *McDonogh*.] Do you know Father Matthews?—I do, perfectly well.

1543. Did you meet him upon the occasion of the polling day or the day before?—I did not.

1544. Did you meet him on an occasion antecedent to the election; to the polling?—I met him one day at my own door, and he asked me who I was going to vote for. I said I would vote for Mr. Brodigan if I thought he would; if not, I would vote for Mr. McClintock.

1545. What did Father Matthews say to that?—He said he would trample me and Mr. Brodigan under his feet, if it was required.

1546. Was there any other expression used by Father Matthews on that occasion?—No, there was not; I walked away from the gentleman.

1547. Did any mobs come into your house?—Yes, there was a mob all round, and they attacked a party by the name of Ray; the mob said to me that if I voted for Mr. Brodigan or McClintock it would be the last I ever voted for.

1548. Was that after the expressions from Father Matthews to you?—It was four days before the election Mr. Matthews spoke to me.

1549. On what day was it that the mob said this to you?—On the day of the polling.

1550. Did you see any persons beaten on that day?—I saw they came and attacked the Rays and beat them.

1551. Tell his Lordship who you saw beaten?—I saw them beat a man of the name of James Ray and a man of the name of Edward Ray; I saw them beaten.

27.

1533. What is that word?—The word is “cordially,” and the word I wrote was “candidly.”

1534. As you wrote that, perhaps you made some speeches against Mr. Whitworth and in favour of Mr. Brodigan?—Yes, I attended five or six speeches every night.

1535. And you made speeches, in addition, to the mob?—No, I could not catch the ear of the mob; I was ousted on that occasion.

1536. You did not make speeches to the mob?—I do not call it a speech; a few words.

1537. I ask you whether in this court-house you did not use expressions similar to this: “Mr. Whitworth is a man who executed your countrymen in Manchester”?—No, I used no such words.

[The Witness withdrew.

1552. When was that?—The morning of the poll.

1553. Where was it?—One hundred or 200 yards from where I live, in James-street.

1554. About what hour?—I could not say; it was before 10 o'clock; I could not swear what hour it was.

1555. Mr. Justice *Keogh*.] You have not stated whether these men were electors; were James and Edward Ray voters?—Yes, they were voters, I think, Sir.

1556. Mr. *Heron*.] You think so; do you know whether they were or not?—I saw them on the list of voters.

1557. Mr. *McDonogh*.] Do you know a person of the name of Connor; did you see anything done to his windows?—No, I did not.

1558. Did you see Father Gavan at any time?—I saw Father Gavan go up the road that morning.

1559. Do you know a person of the name of Kearns?—Yes.

1560. You know his place?—Yes, I know Mr. Kearns, the brewer.

1561. Did you see anything occur to his windows?—No, I did not.

1562. When was it that you saw Father Gavan?—They said there were 400 or 500 Orangemen coming down in a train; there was a mob of people going up the road; he was going up. I cannot say whether he was quieting them or encouraging them; I could not tell, for I was not going to run the danger of my life by getting up among them.

1563. Now, we must fix the place where you were at the time; where were you?—I was standing at the corner of old Maugan's public-house; I stood inside the door.

1564. What did you see pass?—I saw a whole crowd of people with sticks; crowds of women with stones in their aprons, and boys and girls.

1565. What did you hear about the Orangemen?—I heard the crowd saying they would be down by this next train.

1566. Where was Father Gavan when the crowd was going up with sticks and stones?—He might be going direct to his home, for what I know.

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1567. Where

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—

Mr. J. Clarke. 1567. Where was he?—On the road, going up with the mob.
 1568. Was it in the direction of the railway?
 16 January 1869. —It was in the direction of his own home and the direction of the railway too.

1569. Can you fix the hour when it was that the mob passed?—I cannot give the hour at all for you.

Cross-examined by Mr. Hamill.

1570. Tell me, did you vote?—Yes.

1571. For whom did you vote?—For Mr. Brodigan.

1572. You voted quietly, and went home quietly?—Yes; I voted after the man was shot.

1573. Mr. McDonogh.] Did the mob pursue you this morning?—They did; I went out with two or three others to accompany Mr. Brodigan's voters from the country, and the mob pursued us, and some of them ran across the fields and across the gardens; there were five or six of us.

[The Witness withdrew.

Mr. JOHN O'DAIR, sworn; Examined by Mr. Ryland.

Mr. J. O'Dair. 1574. ARE you an elector of Drogheda?—Yes.

Mr. Heron objected that the Witness was not on the list furnished to his clients.

Mr. Ryland stated that he only intended to examine the Witness as to general intimidation.

1575. Mr. Ryland.] Do you recollect the evening before the poll?—I do.

1576. Were you in your house that evening?—I was, the whole day, and kept my door locked and barred.

1577. Did any people come to your house?—They did; a party, between eight and nine o'clock at night.

1578. Were there many in that party?—To the best of my knowledge, there was 50.

1579. What took place when they came to the house?—My wife said she would open the door; I said, not; and they insisted they would beat it in; and for the third time they arrived; they said they would get in. I said I would remove, or go on the roof for protection. I went up on the roof, for further protection. My wife says, "You are going to be killed." I said, "Do not attempt opening the door; I will suffer my death before I leave the house." She got her hands round me, and cried out, and began to cry.

1580. What occurred at the door?—"I will open the door," says she.

1581. What was done at the door?—They insisted to get in; I went then out to the garden, and hid myself.

1582. Is that at the back of the house?—Yes; out of the back door.

1583. Did you hear the mob shouting out anything?—Yes.

1584. What did they shout out?—They shouted out to "tear him out of the house;" and then the door was opened by my wife; and I was hiding in the garden, and they entered the house, and the mob cried out, "He is on the roof." "No," says my wife; "there is the house; search it." With that she held a candle to them.

1585. Mr. Heron.] Did you hear all this?—I did. She held a candle to them; the mob cried out, "He is on the roof." My wife said, "Here is the ladder; go on the roof"; and I knew no more about the mob.

1586. Was your door damaged on that occasion?—Yes, it was all broken down, the next morning.

1587. Mr. Ryland.] Was the damage done that night?—No.

1588. The following morning tell us what happened?—The following morning John Martin

(I have the names in my pocket). I was lying in bed, before eight o'clock.

1589. When were you subpoenaed to come here?—A week, last Monday or Tuesday.

1590. Were you asked to give a statement of your evidence?—

Mr. Justice Keogh stated that he could not allow this course of examination to be pursued.

1591. Mr. Ryland.] Did you see any violence, the following day?—I did. A party came the next morning, before eight o'clock.

1592. I do not want to ask their names; but what did they do?—There came a party, before eight o'clock, and said to me, "You will come out of that." I asked them whether they were coming into my house, and the door locked to them. I said, I was very angry at my wife letting them in; but a lot of people did come, the house was full in a minute. The first came in the bed-room to me, and said, "Come up out of that." "What do you want"? says I. "We want you to come and vote for Mr. Whitworth." "Now, just go out of the house," says I, "you are breaking the law." "We are not," says a man, named Martin.

1593. Do not mind the names?—"We are not," says he; "but I am the man," says he, "who will make you bounce out of that, in a few minutes"; and then the mob began to catch stones; and I cried out to my daughter, "Shut it as quick as you can"; for I was lying just anent the door, where the stones came in. She shut the door, and they kicked away, and kicked away. The window was next to it; that got soused by some of the mob; but there were no windows where I was lying.

1594. What happened to you after that; did you leave your house after that?—No, not the whole day.

1595. Did you vote that day?—I did.

1596. Mr. Justice Keogh.] For whom did you vote?—For Mr. Whitworth.

Cross-examined by Mr. Heron.

1597. Did you want any money for voting for any one?—No.

1598. You never asked money from any one in your life for voting?—Not about the election.

1599. Nor any one to you?—They did.

1600. Who?—One of the parties of the mobs. They said I would be going down every night, getting money; and I knew nothing about it.

[The Witness withdrew.

JAMES RAY, sworn; Examined by Mr. *Plunkett*.

1601. ARE you an elector of the borough of Drogheda?—Yes.

1602. Did you leave your house on the day of polling?—Yes.

1603. Were you alone, or was any one with you?—My uncle.

1604. What is his name?—Edward Ray.

1605. Tell his Lordship what occurred when you left your house on that morning?—We proceeded down to vote for M^cClintock; we were assailed by a party of men on the road.

1606. What o'clock was it in the morning?—About half-past eight.

1607. Were these men a mob, or were they people whom you knew?—I knew some of them as being workers in Mr. Chadwick's mill; they were living just beside us.

1608. Those were mill-workers?—Yes.

1609. Except the persons who worked in the mills, were there any persons there whom you knew?—There was.

1610. Who?—There was a clergyman there that I knew.

1611. What is his name?—The Rev. Mr. Gavan.

1612. When this crowd met you with whom Mr. Gavan was, did you hear him say anything to them?—I did.

1613. What was it he said?—You have a holiday, and you know how to enjoy it.

1614. What happened then?—Stone-throwing commenced then; we both linked together.

1615. What did you do?—We got out of the way as quick as we could.

1616. Did you succeed in getting out of the way?—I succeeded in coming down, and then the parties that were throwing stones turned back. I was coming to the entrance of the town. They were principally composed of girls and boys and mill-workers.

1617. You say your uncle was with you; did you see anything happen to him?—I did.

1618. What?—When we came over the town, nearly opposite James-street, we met a man there, and he told us to go back or we would catch it.

1619. What happened; never mind what he said?—I proceeded further and my uncle was attacked, and the stick pulled from him, the hats knocked off both our heads, and he was knocked down on his knees by the mob of men, women, and boys as they were.

1620. After that where did you go, or what did you do?—We lost both our hats, and I dragged him on his knees from a place they call the Old Hill in James-street till we came over to the public-house of a man of the name of Parry; I dragged him in there on his knees, and the mob kicking and beating him, and the same with me, the whole time.

1621. Did you succeed in getting to the polling-booths at all yourself?—Yes.

1622. How did you get there?—When I got into the house, the man of the house said he could not keep us, or the house would be pulled down.

Mr. *Heron* objected to the Witness stating what the man said.

1623. Mr. *Plunkett*.] Never mind what you said to him; when you left the court afterwards who was with you?—The high sheriff and Mr. Verdon got a car, brought us up to vote.

27.

1624. What o'clock was it?—I should say 11 o'clock, because we were home about 12; he left us on the car too.

1625. How long were you in the court where you were shut up before the sheriff came; how long was it before the sheriff came?—I should say it was three-quarters of an hour; I am not very exact as to time.

Cross-examined by Mr. *Pallas*.

1626. Have you anything to say as to hiring any men for M^cClintock?—There came a man to write a list for him for 20 men for that day, and I wrote it for him.

1627. What is that man's name?—John Fatheler.

1628. What was the list?—For to go up to tally-rooms or the polling-booths to let the voters in.

1629. Did you see those men yourself?—I did.

1630. Give me their names?—I could give a good many names.

1631. Give as many as you can?—The two Brogans that swore on the inquest.

1632. Just give the names?—Hugh Brogan and Patrick Brogan, and John Fitzpatrick, Pat Dockett and James Plunkett.

1633. Go on?—I cannot think of them, you go so quickly; a man of the name of Sheils, I do not know his christian name; I gave the list to the man; I cannot recollect.

1634. How much were the men to be paid?—I do not know.

1635. You did not hear that?—No.

1636. Who was to pay them?—The man I wrote the list for.

1637. I suppose in the interest of Sir Leopold?—I do not know.

1638. Those men were roughs?—They were labouring men.

1639. Had they sticks?—Not one.

1640. You saw them afterwards in the crowd?—I saw them coming down the town; they had not a stick in the world.

1641. Do you know of any other man being employed on Sir Leopold M^cClintock's part, except the 10 men?—I heard—

Mr. *McDonogh* objected to the Witness giving hearsay evidence.

1642. Mr. *Pallas*.] Did you write out any other list?—Yes.

1643. What other list?—The day of the nomination.

1644. What list did you write out on the day of the nomination?—Thirty-one.

1645. What is the name of the man for whom you wrote them out?—For Mr. Harvey.

1646. They were to act in the interest of Sir Leopold M^cClintock?—They were.

1647. In keeping order?—Yes, not to have them crowded, coming in here to the nomination.

1648. Were the 31 different from the other 20?—Some were and some were not.

1649. Did you write out any third list?—No.

1650. Did you see any other persons not included in those lists acting in the crowd for Sir Leopold M^cClintock?—No, not one of them.

1651. You were yourself a paid agent of Sir Leopold M^cClintock?—No.

1652. Were you acting gratuitously?—Yes.

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1653. Was

J. Ray.
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J. Ray.

1653. Was there any dispute about money by these men afterwards?—Not by me.

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1654. Was there by any other person?—I heard there was.

1655. When did you first hear there was a dispute about money?—From some of the summoned parties.

1656. Before the poll was over did you hear of

any dispute about money?—I heard nothing that day, because I was punished.

[The Witness withdrew.

Mr. *M'Donogh* stated that he found John O'Dair was mentioned in his opening speech.

Mr. Justice *Keogh* stated that in that case he could be re-called and examined.

Mr. JOHN O'DAIR re-called; Examined by Mr. *Ryland*.

Mr.
J. O'Dair.

1657. Did you promise your vote at the last election to any one?—I did.

1658. To whom?—To M^cClintock.

1659. You told us that you voted for Mr. Whitworth afterwards; what was the reason you did so?—For the fear of my life, my family, and my property.

1660. You say that a number of persons came to your house and attacked you, and you were about telling us the names of some of them?—Yes.

1661. Now you may tell the names?—I have the names here in my pocket; when they came

to my house I only took a few names down; one of them is John Martin, of Thomas-street.

1662. What is he by occupation?—He is a man that keeps a huckster's shop.

1663. What is the other name?—Pat Brannaghan. He keeps a huckster's shop at Lawrence Gate. Those are the remarks I took of the mob when they began to throw stones.

1664. Were they the first?—No, but they stated at the door, "We will make him bounce out of this again;" and then I told my daughter to lock the door.

[The Witness withdrew.

PATRICK BOYLE, sworn; Examined by Mr. *M'Donogh*.

P. Boyle.

1665. Do you know Mr. Kearns?—Yes.

1666. I believe you are in his employ?—Yes.

1667. I believe all your life you have been with the Kearns?—Yes, since I was 20 years of age.

1668. Are you a voter?—Yes.

1669. Did Mr. Kearns canvass you for Sir Leopold M^cClintock?—Yes.

1670. Did he ask you to vote for him?—Yes.

1671. What did you say to Mr. Kearns?—I told him that I would vote for Mr. M^cClintock.

1672. Did you go to the election?—No.

1673. What prevented your voting?—I was not able to come. I was afear'd of getting out into the crowd; I did not come out at all; I stopped in the yard; I was frightened.

1674. Had any persons applied to you?—No.

1675. On the morning of the polling were you again applied to by Mr. Kearns?—Yes.

1676. To vote for Sir Leopold M^cClintock?—Yes.

1677. What did you say?—I told him I was afear'd to come out.

[The Witness withdrew.

JOHN LODGE, sworn; Examined by Mr. *Plunkett*.

J. Lodge.

1678. You came down on the morning of the polling day to Drogheda?—I did.

1679. What did you come down for?—I came down as poll clerk, or check clerk, or to serve in the booth till the clerk came, or whatever I might be appointed to when I would report myself.

1680. For whom?—For Sir Leopold M^cClintock.

1681. Do you know, of your own knowledge, any of the persons who were employed in the same way for the same person?—Oh yes, I know several that were there.

1682. Were any of those persons Roman Catholics?—They were.

1683. When you arrived at Drogheda did you succeed in getting to the tally-rooms?—No, I had to shelter in the ditches and hedges in the road, and I was thrown down in the road, and I had a tailboard over my head, and I escaped blows.

1684. Did you see at that time any persons

who came down as clerks?—I did. I saw some on the road, and men with sticks beating them.

Cross-examined by Mr. *Heron*.

1685. How much were you to get for the day's work?—A guinea; the same as all the rest.

1686. The same as all the rest?—Yes.

1687. Who employed you?—A party of the name of Kennedy.

1688. In 47, Dane-street?—Yes.

1689. Were there about 50 of you there the night before?—No, I do not think there were 50.

1690. How many were there?—About 40.

[The Witness withdrew.

Mr. *M'Donogh* stated that that was his case.

Mr. *Heron* was heard to open the case on behalf of the sitting Member.

PATRICK TERNAN, Esq., sworn; Examined by Mr. Pallas.

1691. I BELIEVE you are at present High Sheriff of Drogheda?—Yes.

1692. And you were high sheriff at the time of the last election?—Yes.

1693. You remember the day of the nomination?—Yes.

1694. Do you remember whether, when the doors were opened the three candidates entered together in a body?—I cannot say. I was inside the court-house at the time; I cannot say that the three entered in a body, but very soon after the door opened Mr. Whitworth, Sir Leopold M'Clintock and his supporters and Mr. Whitworth's supporters also got in.

1695. Did you observe some of Sir Leopold M'Clintock's supporters enter nearly the first?—I did.

1696. Can you name any in particular?—Mr. Frederick Smith was up almost immediately beside me, one of the first.

1697. I need hardly ask you whether you did your utmost at the nomination to obtain a hearing for the candidates?—I did all in my power to do so.

1698. And I believe that there was equal difficulty in hearing any of the candidates, and any of the proposers and seconders?—Yes.

1699. At that nomination, with the exception of the noise which you heard, did you observe any actual violence as distinguished from noise?—There was a great deal of shoving and pushing about, and I observed one person strike at Mr. Cooper, of Cooper-hill.

1700. Was that the only blow that you observed during the nomination?—That was the only blow I saw during the nomination.

1701. Did you hear some opprobrious epithets used during the nomination?—There were cheers and counter cheers; I could not catch what the expressions were.

1702. I believe you had given instructions to the police to escort Sir Leopold M'Clintock to his committee-rooms?—I had.

1703. Did you yourself accompany him?—To the best of my recollection I did; I went up immediately after himself and his friends on leaving the court-house.

1704. Were you through the town the entire of that day of the nomination?—I remained here in the mayor's office some time afterwards, getting the poll-clerks sworn and deputy sheriffs, for, I think, about two hours, and then I walked through the town afterwards.

1705. Did you continue about the town during the greater part of that day?—I did until about seven or eight o'clock in the evening.

1706. Will you describe to his Lordship the state of the town when you were so passing through it?—I did not observe any violence except just in one instance. There were vast crowds through the streets, and I saw a crowd gathered together as it were, with some person in the centre, and I went over towards them, and immediately one man came out and walked away, and got away.

1707. With that exception you observed no violence?—None whatever on that day.

1708. Now I will come to the polling-day; that was the 20th day of November. At what hour were you in the town upon that morning?

—I was in the town I think about seven o'clock in the morning.

1709. Where were you principally during the day?—Here in the vicinity of the polling-booths almost all the day.

1710. Will you tell his Lordship what violence if any, you observed during the day of polling?—At one time, I think about half-past nine or 10 o'clock, or so, I observed some voters coming down (I thought they were voters, and I believe they were) from Sir Leopold M'Clintock's committee-rooms, and as they turned the corner going into the polling booth, I saw some sticks thrown at them; I at once ran up and got between the crowd and those voters, and called upon the people to desist, and just as I got there they had got into the polling-booth and the disturbance ceased.

1711. At about what hour of the day was that?—I cannot be quite certain, but I think it was about half-past nine o'clock or 10 in the morning.

1712. Do you remember getting some information that there were voters in Mr. Alexander King's house?—Yes.

1713. What did you do when you got that information?—I at once asked some of the police to accompany me down to that house. There was a body of police in Shop-street with a sub-inspector, and I asked them to accompany me down there, as I wanted to escort some voters up to one of the polling-booths. I got down to this house, and I saw those two voters there.

1714. Did they go with you to the booth?—On reflection I sent the police away again. I thought it just as well to do without them, and I had sent for a car, and got those two voters on a car, and I took them round up to the polling-booth in Lawrence-street, and they both voted for Sir Leopold M'Clintock.

1715. While they were with you, were they assaulted or obstructed in their progress?—Not in any way. I afterwards got them on the car again, and left them up very near the railway station; in fact, near their own residence in the Dublin-road.

1716. On their return to their residence were they either assaulted or obstructed?—No.

1717. I believe that you were present at the bridge when this unfortunate man was shot?—I was.

1718. Will you just tell us what you observed upon that occasion. I do not wish you to repeat everything which you saw, but state exactly what happened after the man was shot?—I had gone down the street with a view of going up to the railway station in company with two of the local magistrates, and I had told a man to keep a car in the street for me. When I went out I found that the car had gone away, so I said, "We will get a car down street, and as we walk down we shall meet one." As we turned into James's-street we saw the troops coming down from the railway station, and as they were entering the far end of James's-street I could observe some sticks and stones thrown at them from each side; that is to say, as those in front got into the street I could see sticks and stones coming as it were from the square on each side. There is rather a wide space as you enter the street, and I observed sticks and stones thrown at them there, not at those

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those in front, but at those towards the centre of the escort. As I got up to the troops I found some men in front with sticks making a feint, as it were, to strike at the horses, and to prevent their coming on. I at once turned about in the centre of the street, and got between those men and the cavalry, and kept them off them as well as I could. There was a man on the pathway who observed what I was doing and the position I was in, and he came over to my assistance, and he took two of those men over to one side on the pathway, and after that there was, I may say, little or no obstruction in front until after the word "halt" had been called on the bridge, and the troops were standing there for some time.

1719. I believe you asked the resident magistrates if the troops might go on?—After the halt had occurred. The word "halt" was cried out behind. I was walking in front of the troops at the time, and when I heard the word "halt" I turned back, and I went to the stipendiary magistrate, Captain Talbot, who was on the extreme left next to Captain Knox; I asked him to get the men to come on at once, and not to remain there. He turned about in his saddle and called to those behind to come on. There was some answer made to him; I could not exactly catch what it was, but I found that they did then come on a few paces, and stopped again just as the bridge joined Shop-street. When I observed that they stopped again, I began to get more alarmed, and I went back to Captain Knox and I said, "For God's sake get your men to come on out of this; do not let them remain here; let us get those voters whom you are escorting up to the Tholsel; you are only inciting the crowd to collect and assail you by remaining here."

1720. I will not go into the question connected with that shot, but you remained there till after the shot was fired?—I did.

1721. After the shot was fired, we have heard the crowd fell back; is that so?—Yes.

1722. Did you remain there until the streets were nearly quiet, upon that occasion?—No.

1723. What was the next act which you did after the crowd fell back?—After the shot was fired I heard a second shot. The crowd had got past me; as the cavalry fell back they got past me, in between me and the cavalry, and I was under the apprehension that some more shots might be fired, and that I was in rather a dangerous position; and I went into Mr. Curtis's house, which is the third door from the bridge, on the left-hand side.

1724. Did you observe, or see there any voters who wished to poll; do you remember meeting a Mr. Jamieson?—I do; I was then going out into the street again. I do not know whether I met him exactly in the street or at the door. When I saw him first he was in company with a Mr. Collins. I took him upstairs into Mr. Curtis's, in company with Mr. Collins, and got him on to a sofa; and Mr. Curtis thought he was a bit frightened and faint, and got him a glass of sherry wine, and gave it to him. I told Mr. Jamieson to remain there until I would come back, and take him away after a little time.

1725. Did you afterwards return for him?—I did.

1726. In company with whom?—Mr. Whitworth.

1727. And anybody else; was Mr. Clinton with you?—I cannot say exactly. I chanced just to say to Mr. Whitworth that Mr. Jamieson was in a place, and that I must go down to get

him out of it, and he at once said, "I will go along with you."

1728. And he accordingly accompanied you?—Yes.

1729. Did he accompany the gentlemen to the booth?—He took Mr. Whitworth's arm, and I accompanied him too, and we came up street, and I believe he went into the booth and voted.

1730. Were you present at the meeting of the magistrates?—I was.

1731. Did that meeting take place before or after the occurrence which you have last mentioned?—Immediately afterwards I called a meeting of the magistrates.

1732. The gentlemen in charge of the military were there too?—They were.

1733. And I believe amongst other resolutions that were come to, it was thought that the military ought to be withdrawn from the streets?—That was the fact.

1734. Were the military immediately after that withdrawn from the streets?—They were; they were removed up towards the goal.

1735. About what hour was that when they were removed?—I should say it would be about one o'clock, or so.

1736. After one o'clock, when the military were removed, did you continue in the streets, and about the booths, until the election was over?—I did.

1737. Do you remember going to the house of a man of the name of Maguire, in the Bull Ring?—I do.

1738. I believe you heard some report that there were voters there who wished to vote?—Yes.

1739. Were you accompanied by any gentleman; was Mr. Hammond with you?—Yes.

1740. And I think Mr. Bradwell?—Yes; I think so.

1741. The Rev. Thomas Matthews?—Yes, he was.

1742. Was Mr. Clinton there?—I think he was.

1743. Will you state what you observed on entering Maguire's house; did you find any voters there?—There were two or three voters there.

1744. Are you able to mention their names?—One of them was Mr. Ball; but I took his arm and brought him upstairs.

1745. Was Mr. Harris there?—I am not certain, but I think Mr. Harris was the other gentleman.

1746. What did you say to them?—I told them I had come there to escort them wherever they wished to go, either to Sir Leopold M'Clintock's committee-rooms, or to any of the polling-booths.

1747. And did any of the gentlemen accept that offer?—Yes; I took Mr. Ball up into the polling-booth which is in the top-room of this building, and I saw him vote there for Sir Leopold M'Clintock.

1748. Do you happen to remember whether you went to the tally-rooms before you went to the booth, or whether you went direct to the booth?—I went direct to the booth.

1749. Are you able to say whether any of the other gentlemen voted: for instance, did you go with Mr. Harris, or do you know who went with him?—I think it was Mr. Clinton went with him.

1750. But he went with some person to the booth?—He did.

1751. You do not remember the name of the third voter?—I do not.

1752. When

1752. When Mr. Ball had voted, did you conduct him back to any place?—Upon my word I do not remember whether I did or not.

1753. In bringing him from Maguires to the polling booth, did you experience any obstruction?—No.

1754. Had the violence at that time partially or altogether subsided?—It had altogether subsided, I may say.

1755. About what hour was that?—I should say it would be about one or half-past one o'clock.

1756. Did you go there immediately after you left the meeting of the magistrates?—No, I first went to take up Mr. Jamieson immediately after the meeting of the magistrates, and after having brought up Mr. Jamieson, I then heard of this other gentleman and went back for him.

1757. Did you again go into another house for the purpose of conducting other voters?—Yes, I heard there were some other voters in Mr. Kelly's on the Bull Ring.

1758. Did any persons accompany you to Kelly's?—Yes, Mr. John Farrer.

1759. And Alderman Chadwick?—Yes, and Alderman Chadwick.

1760. How many electors did you find there?—I think it was either seven or eight.

1761. I think you found Colonel Fairclough there?—Yes, he was one of them.

1762. And Mr. Samuel Ekins?—Yes.

1763. And Mr. William Smith?—Yes.

1764. And Mr. Morton?—I do not know as to Mr. Morton; Mr. Macready was there too, as I think, and Mr. Vanhomrigh was there too; there were six or seven, at all events.

1765. What took place when you went into Kelly's house?—I at once told those gentlemen I had come there to escort them either to the polling booths, or in fact to any place they chose to go to.

1766. Did any of them avail themselves of your offer?—At first they were talking amongst themselves as to what they would do, and for some little time they did not decide upon what course they would adopt, and ultimately they all came away with us.

1767. Do you remember some of them going to Sir Leopold M'Clintock's committee rooms?—Yes.

1768. Those rooms are in Peter-street?—Yes.

1769. In passing to Sir Leopold M'Clintock's committee rooms, did you pass any of the polling booths?—We passed them all.

1770. Were you able to conduct them to Sir Leopold M'Clintock's committee-rooms, without any obstruction or violence?—Yes.

1771. Could they have voted without difficulty if they had been so inclined?—They could.

1772. Did you offer to protect them if they wished to vote?—I did.

1773. Did you hear in the course of that election up to five o'clock of any elector who wished to vote and had not voted?—

Mr. M'Donogh objected to the question.

1774. Mr. Pallas (to the *Witness*). Did you know of any elector who wished to vote, and had not voted?—I did not, and if I had heard of any

persons, I would at once have thought it my duty to have gone and escorted them, wherever they chose to go.

1775. Did you use your utmost exertions to find out if there was any person who wished to vote?—I did, because somewhat earlier in the day, I had gone up to Sir Leopold M'Clintock's committee-rooms and offered to go and escort any voters who wished to go up.

1776. Whom did you see upon that occasion; do you know the gentleman who acted as Sir Leopold M'Clintock's counsel at the election?—I saw Mr. Ryland for one, I think; Mr. Ryland came out, and I think Mr. Kay, and I think Mr. Mayne.

1777. Was this after the meeting of magistrates?—It was.

1778. What did you state to them?—I stated that I had come there to ascertain if they had any voters who wished to be escorted to the polling booths, and that if so, I would render them all the assistance in my power, and that I would do everything to take them without being molested in any way.

1779. Was any reply made to that statement of yours by any of the gentlemen?—When I went in first, I stated that I wished first to see Sir Leopold M'Clintock, and I think either Mr. Kay or Mr. Ryland, or Mr. Mayne came out; he went in as it were to let Sir Leopold M'Clintock know that I was there. I may mention that Mr. Whitworth and some other of his friends had followed me up, and they were on the landing just below me at the time.

1780. Then Mr. Kay went into the committee-room as if to make some enquiry?—One of the gentlemen did; I am not certain which of them.

1781. When he returned, what did he state?—I think he first asked us not to go in; that the floor was bad, and if so many of us went in, the floor might break down.

1782. How many people were with you when he said that?—

Mr. M'Donogh objected to the reception of this evidence.

Mr. Justice Keogh said that it appeared to him to be of no value.

1783. Mr. Pallas (to the *Witness*). When Mr. Kay returned from the room, what did he say?—He stated then that they had closed the poll, because they had in fact given up endeavouring to poll any more.

1784. At that time were the streets in such a state that any person could have voted if he wished?—They were.

1785. Did you continue about the town up to five o'clock of the day of the election?—I continued up to seven o'clock in the evening.

1786. From the time the military were removed from the streets, up to the closing of the election at five o'clock, was there any difficulty to any person who wished to vote?—Not that I saw.

[The *Witness* withdrew.

[Adjourned to Monday next, at Ten o'clock.]

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Esq.

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Monday, 18th January 1869.

PATRICK TERNAN, Esq., further Examined by Mr. Pallas.

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1787. You stated on Saturday that before the doors were opened some persons were observed in the court-house; will you tell his lordship how that happened and what you did when you observed it?—I just wish to make a statement with reference to that. Captain Gardener had 170 police in front of the Tholsel under his command on the morning of the nomination. The instructions I gave him and the head constable, Coghlan, were that at 10 o'clock on the opening of the doors, they were first to admit the candidates and their friends; Secondly, any electors who presented themselves, and if there chanced to be room after that in the Tholsel, that they then were to admit the general public; about 20 minutes before ten at which time the court was opened, I ordered 20 or 30 police inside the court-house lest anything might occur after the candidates were let in, and those 25 or 30 police and a magistrate, namely Mr. Patrick Matthews, the sub-sheriff, the court keeper, Devitt, who was to open the door, and myself, were the only persons inside the court-house previous to the admission of the candidates. Two of the polling booths were in this court-house, and three others within about 50 yards or so of the court-house, so that they were all in view of the court-house, and I spent the greater part of the day on Friday in the street in view of the polling booths, and whenever I saw it necessary at all or saw any of Sir Leopold McClintock's voters either come out of his committee-rooms or returning after voting, I walked beside them or behind them lest they might be molested in any way.

1788. During the entire election did you afford all the protection in your power to every person independently of party?—I did.

1789. And in all respects acted *bonâ fide* and impartially?—Yes.

1790. I think I asked you on Saturday whether a person could vote without difficulty in any of the booths from one o'clock to five?—Yes, I say so.

1791. You say that from personal observation?—Yes.

Cross-examined by Mr. McDonogh.

1792. You took all the precautions possible to maintain public tranquillity?—I consider so.

1793. I am sure you did; where was Mr. Cooper when he was struck?—He was passing out.

1794. By whom was he struck?—I do not know.

1795. Did you see the blow inflicted?—I saw one blow inflicted. The top of his hat was a little bit dented in, and the man was making a second blow against him, and I put up my arm and saved the second blow from him.

1796. Mr. Justice Keogh.] That was in the court-house?—That was in the court-house.

1797. Was that on the day of the nomination?—That was on the day of the nomination.

1798. Mr. McDonogh.] Notwithstanding all

those precautions which you have indicated?—Yes.

1799. Did you see that a vast mob had assembled outside?—I did.

1800. And you gave directions that first the candidates should be admitted, and then their friends, and then the general public?—No, that is not what I stated; the directions I gave were that, first the candidates and their friends should be admitted and then the electors; and, thirdly, if there was room in the Tholsel, the general public.

1801. And how was Mr. Gardener, the officer of police, to distinguish between the electors and non-electors?—He is a long time in Drogheda, and he ought to know.

1802. He ought to know every man?—I don't say that he ought to know every man.

1803. In consequence of what happened on that day, I believe you provided an escort to take Sir Leopold McClintock from the court-house?—As soon as I went out, Mr. Cairns and Sir Leopold McClintock were standing on the stairs. There were some of the parties passing out threatened them, and I stood at the foot of the stairs myself between them and those parties, and when the people had got out of the court I went down before Sir Leopold McClintock and Mr. Cairns and some others, and I thought it more prudent to tell constable Coghlan outside the door to provide an escort for them to the tally rooms.

1804. Having heard threats in the precincts of the court offered to Sir Leopold McClintock and his friends?—Not to his friends. I heard one man say something to Mr. Cairns that I did not like.

1805. Mr. Justice Keogh.] What was the remark that you didn't like?—I think he said something about "Yellow Cairns," or something of that sort, in a nasty way; that is the expression he made use of.

1806. Mr. McDonogh.] On the day of the polling itself, will you tell me at about what hour exactly, just to fix the time, you went for the Rays that were locked up in the house?—I cannot tell exactly, because I didn't look at my watch or a clock at the time; but I should imagine somewhere about 10, or half-past 10 o'clock.

1807. Or it might be a little earlier?—I do not think so. I think it was about 10 o'clock.

1808. Where were you when you received the information that those men were in the house?—Just outside the Tholsel here, in Shop-street.

1809. And that they could not dare to leave it?—I cannot exactly say. I was told they were in a house in John-street, and that they had been beaten, I believe.

1810. Have you a doubt of it?—Yes, that they had been beaten.

1811. And that they could not come to the poll?—They could not come to the poll.

1812. And you felt it your duty to go and take them out?—I did.

1813. Where

1813. Where did you leave them?—I took them to the booth in Lawrence-street, where they both voted for Sir Leopold M'Clintock, and I left them afterwards in their own house on the Dublin road, a little beyond the poorhouse.

1814. And so long as they were in your company, I venture to think they were not touched?—Not in any way.

1815. So I should suppose; you were an active supporter of Mr. Whitworth?—I cannot say that I was an active supporter of Mr. Whitworth.

1816. You were a supporter of his?—I was.

1817. At what hour did you vote?—I voted, I think, at about 10 o'clock myself.

1818. At what time did you see the voters of Sir Leopold M'Clintock with stones and sticks thrown at them?—It was before that.

1819. How long before that?—I don't think there were any stones thrown. It was sticks I saw thrown at them. I think it was sticks I stated on Saturday.

1820. How many voters were there?—I think, to the best of my opinion, there might be about six or eight.

1821. Where were they coming out of?—They came down from Sir Leopold M'Clintock's committee-rooms, and passed round the corner of the street, and they were going into the booth in Lawrence-street.

1822. Was it as they were entering the booth, or just before that the sticks were thrown?—A little before it.

1823. Did you see a clergyman there at that time?—I did not notice any clergyman.

1824. That was before the other?—To the best of my opinion it was before the other.

1825. I think you told us that you were going to the railway station before the transaction on the bridge?—Yes.

1826. You thought your personal presence was necessary there?—No, I did not hear of any disturbance having taken place at the railway.

1827. At what hour were you going thither?—I think something before 12 o'clock.

1828. And you had not heard of the beating of the men in the early morning, at eight o'clock?—No, I had not.

1829. Or of the blood flowing on the station?—No, I had not heard a word of the blood flowing on the station. I will tell you what was the fact. There were two magistrates up at the railway station; Mr. Hannay was there; and I had spoken previously to that of going up to the railway with Mr. Hannay, and he asked me not to go but to remain here.

1830. What took you to the railway station?—I thought it was a long time that these voters were coming down; and I made the remark that the escort was delaying a long time, and I thought I had best go up and see what was detaining them.

1831. Then you knew of the arrival of the voters?—I knew of the requisition of Sir Leopold M'Clintock in the morning asking for an escort.

1832. And you knew that an escort, either large or small, had gone there?—I did.

1833. And you thought there was delay there?—I did.

1834. It appears the second train had come in, and you saw the full escort accompanying the voters down to the bridge?—Yes.

1835. Were they on the bridge when you first saw them?—No.

1836. They were approaching it?—No; they were just entering the far end of James's-street when I first saw them. They were just approaching James's-street, at the end of the Dublin road.

1837. Is that the other side of the bridge?—Beyond the bridge.

1838. Towards the Dublin side?—Yes, towards the Dublin side; it is a good distance beyond the bridge. In fact, as I turned into James's-street with Mr. James Matthews and Mr. John Chadwick, both magistrates, I observed them about entering James's-street; they had not quite reached the far end of James's-street at the time we turned the corner into the near end of James's-street.

1839. Did you perceive the stone throwing then?—As those in front got into James's-street, I perceived there were sticks and stones thrown from each side, from what they call Mangan's corner, and also from the other side of the street.

1840. Did you see any soldiers dropping from their horses?—No.

1841. But you saw the party was then in peril?—I saw sticks and stones thrown.

1842. Mr. James Matthews and Mr. John Chadwick were both supporters, as well as yourself, of Mr. Whitworth?—They were, I believe.

1843. Did you see the Rev. Mr. Matthews then?—I cannot say that I did.

1844. When did you see him?—I do not know when I saw him.

1845. Did you not say on Saturday that you saw him in Maguire's house?—That was after the thing occurred altogether.

1846. Did you see the Rev. Mr. Gavan that morning?—I cannot say that I did.

1847. Can you say you did not?—I do not know as to whether I saw him or not.

1848. Did you happen to see an old gentleman; did you know the name of the person who had a long flowing beard down to his waist?—No.

1849. Did you know Colonel Fairclough?—No, not until after I had seen him in Kelly's.

1850. You knew him then?—I knew him then.

1851. Was he the old gentleman who was beaten down?—I do not know.

1852. Was he bleeding profusely when you saw him?—When I saw him he had a cut on his forehead.

1853. Was it then that you saw the Rev. Mr. Matthews?—No.

1854. When was it?—It was previous to that.

1855. How soon was it before that?—I should say 'about half-an-hour or three-quarters of an hour before that.

1856. Now could you fix the hour for me exactly when you saw the escort entering James's-street?—I think it was about 12 o'clock, as near as I can tell you.

1857. How long after that did you see the Rev. Mr. Matthews?—I think about an hour afterwards.

1858. Then it was near one o'clock when you saw him?—About that.

1859. Who was it that was taken into Maguire's house?—I saw Mr. Ball there. I took Mr. Ball myself out of Macguire's house.

1860. At what hour did you take Mr. Ball out?

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out?—Almost immediately after seeing Mr. Matthews; I was going down to Shop-street, to that place when Mr. Matthews and some other person came up, and then we went down together, and I think Mr. Hammond was with him too; Mr. Hammond was with me first; I don't know whether Mr. Clinton was or not; I cannot say.

1861. Did you see the mob beating the horses with bludgeons?—When the cavalry—

1862. Will you kindly answer me first, and then you may explain, if you think it needs an explanation?—My opinion is this—

1863. I do not ask your opinion at all?—Let me say then that when the horses became restive and began to swerve round, and did swerve round, there were sticks thrown at them.

1864. Although that is perfectly accurate, yet that is not the question; before the horses swerved did you see them beating them on the head?—Well, I cannot say that I did.

1865. You cannot say that you did not?—I cannot say that I did.

1866. When the horses were swerving round, were there stones flying then?—There were.

1867. When the horses had turned round and went behind the infantry, did you see the state of things at that moment?—The next thing that I heard was a shot fired, and looking round I saw a man fall.

1868. You saw a man lying prostrate?—I did.

1869. He was never raised, I believe, until he was carried upon the door?—No.

1870. Did you see any of the voters at that moment?—As the cavalry opened out, I saw some gentlemen in the centre between them.

1871. And they had a pleasant prospect, those persons who came from Mayo to vote; they saw the dead man, and they saw Colonel Fairclough lying upon the ground; this old man whose beard and venerable age might have entitled him to some regard?—I suppose it was so.

1872. There is a respectable paper (as there are many respectable papers in this town) on the Liberal side, the “Argus,” is there not?—There is.

1873. I may take it that anything I find there touching the persons engaged in this election is accurate; were you, upon the 23rd of September 1868, appointed one of the committee for conducting the election?—No.

1874. Were you present at that meeting?—I don't recollect as to the date. I will tell you what passed. Some months before the election, and before there was any Conservative candidate in the field, in fact, before Mr. Whitworth had canvassed at all, I got a circular, one day, from Mr. Henry Clinton, to attend a meeting in his house; I don't know the date of it.

1875. And you did attend?—I did attend.

1876. That was before August, you know; we heard the dates from my learned friend, Mr. Heron, the other day?—I don't know the date of it.

1877. September the 26th, Saturday; the “Drogheda Argus”; that is the meeting to which I wish to call our attention, if you please, held on the 23rd of September; did you not attend that meeting?—I don't know as to the date.

1878. In September did you not attend a meeting?—I don't know that it was in September or in August.

1879. Did you attend another meeting, after the one for which Mr. Clinton sent you the cir-

cular, I mean the one when you took the second chair; do you remember that meeting?—I cannot say I do exactly.

1880. Do you remember a meeting at which you took the second chair?—Not exactly.

1881. Do you remember it substantially?—I recollect attending a meeting in Mr. Clinton's office.

1882. But did you not attend another meeting?—I don't know; I cannot exactly say. If you will mention some little particulars about it, perhaps they might be able to bring it to my recollection. All I can say is that up to the present time I never thought that I attended any other meeting but that one.

1883. The fairest way is to hand you the “Argus” paper, so that you may look for yourself (*handing a newspaper to the Witness*)?—I think that is the only meeting that I attended, that is alluded to there.

1884. That meeting was held on the 23rd?—

1885. Mr. Justice Keogh.] Where was that meeting?—At Mr. Henry Clinton's office.

1886. Mr. M^cDonogh.] You know these gentlemen, Patrick Ternan, justice of the peace and high sheriff; that is yourself?—Yes.

1887. John Chadwick, James D. Matthews Clarke, Simcocks (I am not reading them all) Hughes Gallagher, and so forth; and I believe you were all appointed on the committee?—Well, I don't think there was any committee appointed.

1888. I will refresh your memory: will you be kind enough to read this accurate newspaper (*handing a newspaper to the Witness*)?—

Mr. Heron objected to this mode of cross-examination.

Mr. Justice Keogh over-ruled the objection.

Witness.—I see it is moved, “That the independent electors now present do form a working committee.” I see that that is so.

1889. Mr. Justice Keogh.] Was the working committee formed?—There is a resolution there to that effect.

1890. Mr. M^cDonogh.] Were you not present, and did you not take the second chair?—I don't think I did.

1891. But you were there?—I was there.

1892. Have you a doubt now that the gentlemen present were appointed a working committee?—I know that at the meeting I attended there was some talk about going out to canvass.

1893. That is generally the result of appointing a committee?—Yes.

1894. And, accordingly, you all did go out to canvass?—No, I never did.

1895. You, holding the office of high sheriff, abstained from canvassing?—Yes.

1896. You saw them on their canvass?—I saw Mr. Whitworth a few days afterwards.

1897. Who were with him?—I don't know exactly.

1898. Was Mr. James Matthews with him?—Not when I saw him.

1899. Did you ever see him with him?—I often saw him with him, but I don't know that I ever saw him canvassing with him.

1900. Was Mr. Clinton present at the meeting I spoke of?—He was.

1901. Were you at the great meeting in November 1868?—When did that take place? (*A newspaper was handed to the Witness.*) I didn't attend that meeting at all.

1902. Then

1902. Then I will not trouble you at all about it. I believe that you are a gentleman extensively engaged in trade?—Pretty much so.

1903. A fine establishment, I am told, it is; where is it?—On the quay.

1904. Is it a mill?—Yes.

1905. You have a great number of porters and workers in your establishment?—Not a great number.

1906. How many?—I dare say about 17 to 20 are employed in it altogether.

1907. On the day of the polling, were they not out?—All I can say is that my establishment worked the whole day of the polling.

1908. Were they out?—I don't know, of my own knowledge, whether they were or were not; if they were they were not out with my sanction or my leave.

[The Witness withdrew.]

P. Ternan,
Esq.
—
18 January
1869.

PATRICK KELLY, re-called; Cross-examined by Mr. *Heron*.

1909. Do you know a person named Thornton?—I do.

1910. James Thornton?—Yes.

1911. Had you any conversation with him about voting?—No; but he came to my house.

1912. Did he speak to you about voting?—He did, and another man with him.

1913. Did you ask him to get you 20*l*. for your vote?—Not to my recollection; but he showed up his hand, with five fingers, to me.

1914. Did you use the expression "Twenty"?—Not to my recollection.

1915. Did you use the phrase that you wanted to get money for your vote?—I might say that may be, but I never asked for money.

1916. Did you say that you expected to be paid for your vote?—Not to my recollection.

Re-examined by Mr. *M'Donogh*.

1917. Who is this Mr. Thornton?—He was a publican in the Bull Ring.

1918. Is he a supporter of Mr. Whitworth's?—Well, I heard he was.

1919. And when he held up the five fingers, what did you understand him to mean?—I cannot tell.

1920. Could you tell us the day he came to you?—The day of the polling.

1921. How soon before was it that you were in the hands of the mob, when the Rev. Mr. Matthews told them to "hold the rascal"?—It was after that.

1922. Was it after you went away and refused to vote?—Yes; in my own house, just after leaving the streets.

1923. It was after leaving the streets and going home that he came to you?—Yes.

Mr. *M'Donogh* proposed to examine the Witness as to what had recently occurred to him.

Mr. Justice *Keogh* said that anything that had occurred since had better be stated by affidavit, and informed the Witness that he might depend upon the protection of the Court.

[The Witness withdrew.]

P. Kelly.
—

BENJAMIN WHITWORTH, Esquire, a Member of the House of Commons, sworn; Examined by Mr. *Heron*.

1924. I BELIEVE you were first returned for Drogheda at the general election of 1865?—I was.

1925. Had you been previously residing in Drogheda, and were you the proprietor of a mill here?—I commenced building a mill here in 1864. I had resided here for eight or nine years, commencing in 1854 or 1855.

1926. At the recent election do you remember issuing your address, about the 8th of August?—I cannot speak as to the exact date, but it would be somewhere about that.

1927. It would be early in August?—It was in the beginning of August, I believe.

1928. You had stood on the Liberal side in 1865?—I had.

1929. And you expressed those opinions while you were Member for Drogheda during 1866, 1867, and 1868?—I did.

1930. Did you stand in the same interest in 1868?—I did.

1931. You have also property, and carry on business in Manchester?—I do.

1932. Do you remember going on your canvass for the present election?—I do.

1933. Do you remember at about what date you commenced to canvass from house to house, and to conduct a personal canvass?—I think it was in October.

1934. Was that about the 23rd of October?—Somewhere about that.

27.

1935. Did you in the course of your canvass experience obstruction?—Very great.

Mr. *M'Donogh* objected to this evidence.

Mr. Justice *Keogh* ruled that evidence as to the state and condition of the town was legitimate.

1936. Mr. *Heron* (to the Witness).] I believe you have been on the Manchester grand jury?—I was on the grand jury on the trial of the Fenian prisoners there.

1937. Now, during your canvass, what was the nature of the obstruction which you received?—There was a mob who kept following me, and several prominent men in that mob always got before me into the doors during my canvass, and cried out, "The Manchester hangman! the Manchester butcher!"

1938. Did that continue for some time?—It continued for two or three days.

1939. I ask you shortly, were you finally obliged to discontinue what I may call a public canvass of the town?—I was.

1940. And did you then yourself proceed occasionally without any public canvass of the town?—I did.

1941. At the previous election of 1865, had there been between yourself and Mr. Brodigan a public canvass of the town, going from house to house with your supporters?—There had.

H 3

1942. You

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1942. You said you were finally obliged to discontinue a public canvass?—I did.

1943. During this time, when you were going on with your canvass, where were you residing at Drogheda?—At "Simcock's Hotel."

1844. I believe you have not a residence in Drogheda?—I have not.

1945. What rooms had you engaged in "Simcock's Hotel"?—I engaged a back sitting-room and a bed-room adjoining.

1946. Had you any other rooms engaged in the hotel during the entire time?—I had not at any time.

1947. Were those the rooms that you had been in the habit of engaging at "Simcock's Hotel" when you came to Drogheda?—Invariably.

1948. I mean irrespective of election times?—Invariably the same, at election times or other times.

1949. How long was it before the nomination day that you had been obliged to discontinue a public canvass of the town?—I should think it would be about the 1st of November, as near as I can recollect.

1950. You remember Sir Leopold M'Clintock making his appearance as a candidate, as has been stated, on or about the 11th of November?—I do.

1951. Up to that time, had any one addressed the electors except Mr. Brodigan?—No.

1952. Mr. Brodigan's address and canvass was on the Liberal side?—It was.

1953. I may say, on the extreme Liberal side?—It was.

1954. And it had been the same in 1865, when he was a candidate?—It had.

1955. I come now to the Thursday evening, the statement of the speeches; you heard the names of the reverend gentlemen mentioned, Father Gavin and Father M'Kee, as having made speeches?—I did.

1956. Had these gentlemen canvassed with you, or had they declined to canvass with you?—I never asked them myself, but I understood—

1957. Never mind what you understood. Had, in fact, Father Gavin and Father M'Kee canvassed with you?—No, they had not.

1958. Did you receive from a supporter of yours a message from Mr. Gavin and Mr. M'Kee declining to canvass with you?—

Mr. M'Donogh objected to the question.

Mr. Justice Keogh overruled the objection.

1959. Mr. Heron (to the Witness).] Did you hear Mr. Biggar give evidence on Saturday?—I did.

1960. Before I come to that, do you remember that Thursday evening?—I do.

1961. Where were you during that Thursday evening?—The great portion of that evening I was in my own private sitting-room.

1962. Will you state where that private sitting room is situated in reference to the room from the balcony or verandah from which it is stated speeches were made?—It is immediately at the back of it; the verandah and coffee-room are in front, and my sitting-room is the next, and the bed-room behind that again.

1963. Had you engaged, or did you, in fact, pay for the use of the coffee-room?—I did not.

1964. Did you hear the reporter, M. Maccabe, read out from his note the speeches delivered by

Mr. M'Kee and Mr. Gavan and Dr. Murphy?—I did.

1965. Did you hear the speech of either Mr. McKee or Mr. Gavin?—I heard Mr. Gavin speak at the end of the meeting.

1966. Did you hear any of the other speakers?—I heard Dr. Murphy say a few words.

1967. "Rev. Dr. Murphy.—Up to this moment the greatest peace had existed amongst the people; he trusted the same quietude would mark the proceedings up to the hour of closing the poll next day, and a glorious victory would be theirs." Did you hear him say something to that effect?—I cannot say that I remember the exact words.

1968. The whole of the speech before that is, "The Rev. Dr. Murphy next addressed the meeting, and said they had arrived at a very important crisis in the history of their land; the would-be Catholic Member, Mr. Brodigan, and Orange emissaries from hell, had come amongst them; at this critical juncture he advised the people to be faithful in following the advice of their clergy, secular and regular, and the Catholic traitors and Orange demons would be soon routed from Drogheda (great cheering)." Did you hear the phrase uttered by any one of throwing the Orangemen into the Boyne?—I did not.

1969. Were you present, or did you hear any priest saying anything about meeting the Orangemen on the Boyne Bridge and hurling them into the Boyne?—I did not.

1970. Is it true, as we were led to infer from the evidence of Mr. Biggar, that you were present when these speeches were made?—I was not present when those speeches were made which you have described.

1971. You heard him give evidence about these two phrases on Saturday last?—I did.

1972. When did you yourself come out, as it were, from your own room to do anything about the meeting?—I came out; the committee told me that the crowd would not disperse unless I said a word or two to them.

1973. Then you came out?—Then I came out, and Father Gavin spoke a few words to them after I came out.

1974. What were those words that he spoke to them after you came out?—I really cannot say. I think that was a fair report, as far as I recollect it.

1975. That was Dr. Murphy's speech?—I think the speech that was taken down by the shorthand writer was, so far as I can recollect it, a fair report of Father Gavin's speech. I did not take particular notice of it.

1976. Mr. Justice Keogh.] You apply that observation to Father Gavin's speech, and you think it was a fair report?—I do.

1977. Mr. Heron.] What did you yourself then say?—I told them that I hoped that they would keep the peace, that any man who broke the peace was not a friend but an enemy; that it was the last expiring effort of the Orange party in Drogheda, who came to take advantage of what they considered a division in the Liberal ranks; that the only chance that they had was to petition against my return; that my victory was certain. And I then said, "Now I trust you will all go home and be as quiet as you usually are in Drogheda."

9978. Were you directly or indirectly on that or any other occasion a party to any act of violence towards electors or non-electors, or any persons?—Of course I had an altercation with Mr. Hamilton.

9979. Never

1979. Never mind about that; what I mean is this; did you, directly or indirectly, and as the petition charges, organise any violence or attack against any human being?—Certainly not.

1980. Directly or indirectly did you authorise any human being to intimidate any voter or any non-electors?—I did not.

1981. I come now to the day of the nomination. As we have been told, the entrance to the court-house was that entrance by which we enter?—Yes.

1982. And that was the only entrance?—The only entrance.

1983. How long had you been waiting at the door with your friends?—I should think about 10 minutes.

1984. Was Sir Leopold McClintock there?—He was there before me.

1985. And also Mr. Brodigan?—Mr. Brodigan came a few minutes after.

1986. You were with a few of your friends on the steps, the police next, and the crowd outside?—Sir Leopold McClintock was on the top step, and I was next to him. I was just close to him, within a yard. Mr. Brodigan was, I should think, four or five yards lower down.

1987. Had you been introduced to Sir Leopold McClintock, and were you conversing on that day with him?—I was introduced to him on the steps by Mr. Mayne.

1988. Mr. Justice *Keogh*.] Was that on the nomination day?—On the nomination day. It was either Mr. Mayne or Mr. Cairns; I forget which.

1989. Were you and Sir Leopold McClintock and Mr. Mayne, and the others, before you came in, all conversing together?—We were.

1990. It is said that an egg was thrown. Do you remember the occurrence of an egg being thrown?—I do well.

1991. Whom did the egg finally hit?—It hit the door, and fell on the head of Mr. John Bradwell, a friend of mine.

1992. Was he a supporter of yours?—He was.

1993. Was anything else thrown on that day?—I saw nothing else.

1994. The door was opened, and everybody rushed in?—The people who were immediately near it.

1995. How did they get in?—The candidates and their immediate friends came up those stairs.

1996. By which his Lordship comes on the bench?—Yes.

1997. Then you all got possession of the bench first?—We did.

1998. Were you on the bench before the mob got into the body of the court-house?—There was a regular rush; we all came in at once. I think we were rather longer in getting on to the bench than the mob were in getting here.

1999. Where were you standing?—I was standing about opposite this lamp (*pointing to a lamp*), and Sir Leopold McClintock immediately under me to the left.

2000. Had you any conversation with Sir Leopold McClintock?—I had.

2001. I suppose, as described, there was great uproar?—There was great uproar indeed. I thought it a most disgraceful uproar.

2002. Mr. Justice *Keogh*.] What do you mean when you say Sir Leopold McClintock was under you?—He is rather a little man. He stood under me.

27.

2003. But he was on the same platform?—He was on the same floor.

2004. Mr. *Heron*.] Were you and Sir Leopold McClintock, while the uproar was going on, conversing of course as honourable opponents, and talking together in a friendly manner?—Yes we were.

2005. Had you and Sir Leopold McClintock then any discussion about the chances of the election?—We had.

2006. What passed between you?—I said, “I hope this will convince you of the necessity of the ballot.”

2007. What did you mean by “this”?—The uproar and disturbance. He expressed dissent from that, and I said, “Well, now you have come here, and you have been completely deceived; you cannot pole more than 120 votes unless you buy them or the voters are coerced. Mr. Brodigan cannot poll more than 80 under any circumstances.” He said, “You are quite mistaken, he will poll double that; we shall buy no votes.”

2008. Was this while the high sheriff was either reading, or attempting to read, the writ?—It was during the proceedings. I did not hear the sheriff myself read it. My hat was knocked off, and I think it was half-an-hour before I could get it again. I think it was under Sir Leopold McClintock’s feet.

2009. And considerably damaged?—It was; I never could wear it since.

2010. Now I go to the day of polling. The polling commenced, and I want to know when you first went up by the railway station?—I went up, I think, at about a quarter past 10.

2011. Had you received any message from the railway station to make you go up?—My friend, Mr. Garnan, of Dublin, came into the polling booth—

2012. Mr. *McDonogh*.] Never mind that; don’t tell us what your friends said?—I will tell you why we went up to the railway station—

Mr. *McDonogh* objected to this evidence.

Mr. *Heron* argued against this objection.

Mr. Justice *Keogh* ruled that the Witness might be asked what was his business at the railway station.

2013. Mr. *Heron* (to the *Witness*).] What brought you up to the railway station?—I was informed that several voters—

Mr. *McDonogh* objected to the reception of this evidence.

Mr. Justice *Keogh* overruled the objection.

Witness.] I went up to the railway station and looked on to the station to see if there were any Conservative voters who wished to come down. I could see none except a few gentlemen that I knew, and I then came out of the door of the station again, and I was informed that three of my own supporters—

Mr. *McDonogh* objected to this evidence.

Mr. Justice *Keogh* overruled the objection.

Witness.] There were three supporters of mine who were detained—

Mr. *McDonogh* objected to this evidence.

H 4

2104. Mr.

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Whitworth,
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2014. Mr. *Heron* (to the *Witness*).] Did you see the two men, Usher and Devine?—I did.

2015. Did you hear anything about Usher and Devine until you had gone up to the station?—I did not.

2016. Had you known Usher and Devine before?—I had.

2017. Had you known that they voted for you in 1865?—I had.

2018. When you saw them first, where did you see them standing?—I saw them standing against the wall with Mr. Hamilton, with his arms encircling them in this way (*describing the same*).

2019. Which wall?—The wall just to the left going into the station.

2020. Was it outside or inside the station?—Outside the station.

2021. Did you go up to Mr. Hamilton and the two men?—I went up to Usher, whom I knew intimately; I said to him, "For whom do you wish to vote, Usher?" He said, "For you." I said, "Come along, then." So I just got hold of him by the collar, and Mr. Hamilton got hold of him and detained him. I said, "You ought to be ashamed of yourself; it is a bad cause that requires such conduct as this." Then I got Usher away, and put him on to a car and returned.

2022. Did you strike Mr. Hamilton, as he swore you did?—I didn't strike him; I certainly just used my open hand in this way (*describing the same*) when he came to interfere with Usher when he was coming with me.

2023. Had you canvassed Usher for this election?—I had.

2024. What promise did he make to you?—He had promised to vote for me.

2025. How long before this election?—I should think two months before.

2026. Did Usher go away with you of his own free will?—He did.

2027. Did he get up on a car?—He got up on a car.

2028. Did he go away then?—Not immediately.

2029. Did you go back to where Devine was standing?—I did.

2030. How was Mr. Hamilton then in reference to Devine?—He was standing close to him.

2031. Now say what you said?—I said, "Who do you wish to vote for?" After some hesitation he said, "I don't wish to vote at all." I said, "Well, I have no more to say to you." And then I left him, and went down town.

2032. Did you leave him and Hamilton then behind you?—I did.

2033. Then did you get on the car with Mr. Clinton and Usher?—I did.

2034. Was there any one else?—There was either one or two, but I cannot remember who they were.

2035. Did you, after that, in any way whatever, interfere with Devine up at the station?—I never saw him after; not at the station.

2036. After that did you see Usher in your tally-room?—I did.

2037. What did you say to him about voting?—Devine and Usher were both together. I said, "Well, have you voted?" And they said, "No, we have not; we shall only give offence to our landlords if we do." I said, "Very well, I don't wish you to vote; we have got quite plenty without you."

2038. Did you ever catch Devine or touch him at all?—I never touched him in any way.

2039. Did you see the other man that has been mentioned, McDonagh?—I did not.

2040. You know nothing about him?—No.

2041. Except that you knew that he had voted for you in 1865?—He did.

2042. You heard Dr. Boyd, I presume by mistake say that you were on horseback up at the station.

Mr. *McDonogh*.] He said he had heard Mr. Whitworth was on horseback.

Witness.] He said somebody was pointed out to him as Mr. Whitworth.

2043. Mr. *Heron*.] Were you on horseback for the last 25 or 30 years?—I was not.

2044. You were not on horseback on that day?—No.

2045. You heard Patrick Boyd's name mentioned, and John Odair's name mentioned?—I did.

2046. Did you ever canvass those people?—I never did.

2047. Had you anything, directly or indirectly, to say to any intimidation being practised on those men, or any knowledge of it?—Certainly not.

2048. I come now to the unfortunate occurrence at the bridge. At what hour did you leave the railway station?—At about, I think, 20 or 25 minutes past 10 o'clock.

2049. Then after that, did you remain in the town about the business of the election?—I did; I never was, I should think, 50 yards from the Tholsel.

2050. Where were you when in fact you heard anything about what had occurred at the bridge?—I was up in the Record Court.

2051. Was that a booth?—Yes.

2052. When you heard of anything having occurred, tell his Lordship what you did, and what you saw?—I heard a great noise; I went to the window, and saw cavalry rushing up the street. I at once went down and heard that those men had been shot. There was considerable excitement. After some time the high sheriff said that he had requested a number of the magistrates to meet upstairs, and would I go with them. I went up, and Colonel Knox was also there, and I think two of the stipendiary magistrates. After some discussion, I said, "Well, I think the best course would be to take the troops from the streets; I am confident that it would quiet the people more than anything else." After some discussion it was decided to do so, and that those two men who had fired should be taken and given up to the civil authorities. Immediately afterwards the troops were withdrawn from the streets; and everything continued as quiet almost as it is to-day.

2053. Did that continue until five o'clock?—It did.

2054. At what hour were the troops withdrawn?—I should think about one o'clock, or a little after; a quarter past one.

2055. Was this court-house and the neighbourhood of the place where the five booths were, from one o'clock to five o'clock, perfectly quiet?—From one o'clock to five o'clock, certainly perfectly quiet.

2056. You were of course working in the election, and going about from the court-house to the

the different booths before the riot occurred?—Yes.

2057. What was the condition of the streets from eight o'clock in the morning until five o'clock in the evening, and with what exception of time?—I was there at eight o'clock or a little before, but with the exception of ten minutes or a quarter of an hour when this unfortunate disturbance occurred, there was perfect tranquillity. Of course there was a little cheering, and that when my supporters came up, and perhaps a "boo" or two when one or two noted men came up to vote against me. But I never saw the slightest interference with any elector.

2058. Did you yourself go to any of the Conservative electors?—I did.

2059. After the rioting?—After the rioting.

2060. After the 12 o'clock riot?—Yes.

2061. Will you state what occurred then?—I understood that some parties were in houses near the Bull Ring, and I accompanied the sheriff, and I think Mr. Chadwick, a magistrate, and Mr. John Bradwell, and we saw several of those men who had been in the escort. They seemed of course alarmed, and we at once offered to bring them up to the poll, and guaranteed their safety. I brought up Mr. Jamieson, who voted for Sir Leopold McClintock, and I took him back again to Mr. Cairns' Brewery, on the other side of the river. Then I brought up Mr. George Ball, of Dublin; Mr. Ball, while I was linking with him up the street, said, "If you wish I will vote for you." I said, "Well, Mr. Ball, whoever"—

Mr. *McDonogh* objected that this was not evidence.

Mr. *Justice Keogh* allowed the objection.

Witness.] He offered to vote for me---

2062. Mr. *Heron.*] Did Mr. Ball plump for Sir Leopold McClintock?—He did.

2063. Who else did you bring up?—Those were the only two that I brought up.

2064. Can you name the gentlemen whom you offered to bring up?—There was Dr. Breed, and one or two others. I don't know their names at all.

2065. Did you go into the tally-rooms of Sir Leopold McClintock?—I did.

2066. Did you make the offer of protection there?—I did.

2067. What did you say?—I said that if they had any voters who wished to poll, if they would let me know where they were, I should be very glad to go and escort them to the polling.

2068. At what hour was that?—I should think it would be half past two o'clock.

2069. At what hour did you go to the houses you mentioned?—I should think about half past one or two o'clock.

2070. Did you enter the houses before you went to the committee-rooms?—I did.

2071. You heard Kelly examined?—I did.

2072. Do you remember going to the polling-booth in Peter-street, a little after one o'clock?—I cannot recollect the hour, but I recollect---

2073. Was it after the riot?—It was.

2074. Had you known before you went that Kelly was there at all?—I did not.

2075. Did you see in the hall the Rev. Mr. Powderley, and Mr. O'Donnell, who was described as a Christian Brother?—I did.

2076. Did you hear what they were saying to
27.

Kelly, and do you know what they were trying to do?—They were trying to persuade him to vote for me.

2077. Mr. *Justice Keogh.*] Where?—In the hall of the polling-booth in Peter-street; the polling-booth was upstairs, and this was on the ground-floor.

2078. Were there any other persons with him?—There were two or three others, but I really cannot recollect who they were.

2079. In Kelly's presence, then, did the reverend gentlemen say anything to you?—They said, "Do you speak to him, and he will vote for you." I went to Kelly, and I said, "Come, Kelly, you'll vote for me, won't you?" "No," he said, "I've made up my mind not to vote." "Well," I said, "I have made up my mind that I will ask no man to break his word:" and I then said to Mr. Powderley and Mr. O'Donnell, "Don't interfere with him." I had the number at the time polled. I said, "We don't want a vote at all; we can do very well without him, if he is unwilling."

2080. What was the number?—I cannot speak as to the number at that particular time.

2081. But had you then an immense majority?—Oh, an immense majority.

2082. Did you, in fact, then interfere in any way with the man?—Not at all. Those were the only words that I said to him.

2083. In your presence, on that day, was the expression attributed to Mr. O'Donnell used; "Let him go to hell, where he is always going," or anything to that effect?—There was not. I remember the expression used. Mr. O'Donnell said, "Won't you vote for your church, and your clergy, and your country." That is all that I heard.

2084. Now, as to numbers; did you ask any elector to break his promise?—I did not; I distinctly refused to ask any man who had promised.

2085. Did you do that more than once?—I did.

Mr. *Heron* stated that it appeared from the poll books that the numbers polled for Mr. Whitworth were 365; for Sir Leopold McClintock, 138; and for Mr. Brodigan, 30. He also produced the register, which showed that the constituency numbered 726.

Mr. *Justice Keogh* inquired whether the counsel for the Petitioner objected to this.

Mr. *McDonogh* raised no objection.

2086. Mr. *Heron* (to the *Witness*).] At the previous election in 1865, did you hear the sheriff declare the poll at your election?—I did.

2087. Do you remember now the number?—

Mr. *McDonogh* objected to the numbers at the election of 1865 being given, and stated that he had raised no objection to the last statement because he believed it to be totally irrelevant as evidence.

Mr. *Justice Keogh* said he did not see how the question of the poll of 1865 could affect this election.

Mr. *Heron* submitted that in the statement he had made he had followed the precedent in Election Committees of the House of Commons.

2088. Mr. *Heron* (to the *Witness*).] You
I having

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having been Member from 1865, do you know the constituency thoroughly?—I know it very well.

2089. Did you yourself canvass personally the vast majority of the constituents?—The great majority.

2090. Of the 193 unpolled, first of all give the entire number who had promised to vote for you, and the number who had promised, or who had said they would not vote at all?—The total number of pledges in my favour were about 325 before the election.

2091. Of the 193 unpolled, dividing them according to the Protestants and Catholics, what were the proportions?—102 Protestant voters remained unpolled, and 90 Catholics.

2092. That leaves only 192; can you account to his Lordship for the missing man?—There is one double entry.

2093. What is the name of the double entry?—Cahill.

2094. What are his two franchises?—He has two different franchises.

2095. Is he in two different wards?—No, he is in the same ward, I think.

2096. Of the 102 Protestants, how many had promised to vote for you?—Out of the 102 Protestants 14 had promised to vote for me, but abstained from voting; 13 had promised not to vote against me; two are dead; three were agents, and engaged by the sheriff, and could not vote. There were in England, Scotland, or abroad, 17. There were in Ireland above 25 miles away, 29, leaving 24 in the immediate neighbourhood who didn't vote.

2097. Of the 90 Roman Catholics, how many had promised to vote for you?—I cannot tell you exactly the number of the Roman Catholics.

2098. Can you not give the same comparison as regards them?—I cannot.

2099. Then 90 Roman Catholics did not vote?—Yes.

2100. On the morning of the polling day do you remember about the state of the poll at half-past ten and half-past eleven?—At half-past ten I think I had 296 polled. I am not so clear as to the exact numbers polled by the other two candidates.

2101. We will prove that by the totting up of the poll; at eleven o'clock how many had you?—At eleven o'clock I had 326.

2102. And the polling was going on during the hour before the shot was fired?—It was; the polling never was interrupted altogether, even for a minute.

2103. I believe you are an Independent?—I am.

2104. When you went out from the room on the day of the speechifying, the Thursday evening, was Mr. Gavin speaking?—No; Dr. Murphy was speaking.

2105. When you came back again who was speaking?—I remained till the close, perhaps five or six minutes.

2106. And then you spoke yourself?—Then I spoke a few words for about a minute and a-half.

Cross-examined by Mr. *McDonogh*.

2107. You told my learned friend, Mr. Heron, that you met with considerable obstruction in the course of your canvass?—I did.

2108. On what day did you commence the canvass?—I don't remember the exact date.

2109. How soon after that meeting in September that you heard me ask the high sheriff about?—It was very soon after that.

2110. You were present at the meeting, I suppose?—I was.

2111. You saw the sheriff there?—I saw the sheriff there.

2112. And you saw the Rev. Mr. Matthews there?—I don't think I did.

2113. Soon after that you commenced your canvass?—Yes.

2114. On what day were you obliged to discontinue the canvass?—I cannot speak to the exact date, but the first day we commenced canvassing West-street, and before we had got very far, this mob commenced their disturbance, rushing before me to every door, and crying out "The Manchester butcher! The Manchester hangman!" and some stones were thrown.

2115. And they were a violent and angry mob?—They were.

2116. Were they in the interest of Mr. Brodigan?—I cannot say.

2117. What do you think?—I think they were.

2118. Is it not a fact, as you heard your counsel say the other day, that Sir Leopold McClintock didn't make his appearance until the 11th of November?—So I believe.

2119. And Sir Leopold McClintock had nothing to say to this?—Certainly not.

2120. Finally you were obliged to give up and discontinue the canvass; you had not gotten the 325 pledges then, had you?—I had not.

2121. They were refused in many instances?—No doubt.

2122. Did they not say they would vote for Brodigan?—I don't think I met half a dozen during the whole of my canvass who said they would vote for Brodigan.

2123. But you did meet half a dozen?—Certainly not more.

2124. The others refused you?—Others refused to promise me.

2125. Mr. Brodigan's people were active?—They were.

2126. You heard Mr. McKenna examined?—Yes.

2127. A respectable man?—Well, there is a difference of opinion.

2128. So there is about everybody; when did you hear about the two miniature coffins being placed opposite his door?—I never heard of them until he named it.

2129. Having given up on the 1st of November, how came you?—I do not fix the 1st of November.

2130. Well, it was about that time; at all events, you and Mr. Brodigan were actively in the field when Sir Leopold McClintock made his appearance?—We were.

2131. Mr. Brodigan was then the popular man for the time?—Well, I don't think he was.

2132. When did you resume your canvass?—While I was in Drogheda I kept slipping out by stealth; Mr. Clinton and I used to say, "Well now, you go one way, and I'll go the other;" and we generally met at his house, and then went and canvassed for perhaps a quarter of an hour, or half an hour, and then came back again to keep this mob from following us.

2133. In fact, to escape them?—We did.

2134. That

2134. That was a private canvass, which you were enabled to carry on in that way?—Yes; we carried on the canvass in that way.

2135. When did the light of popularity again beam upon you?—When Sir Leopold McClintock came into the field.

2136. Then it was about the 11th of November?—Somewhere about that.

2137. Had you canvassed in company with any of the Roman Catholic clergy up to that time?—I had.

2138. When?—Pretty early in the canvass.

2139. Will you mention the names of the clergymen?—The Reverend Canon Tiernay, and the Reverend Mr. Powderley, and the Reverend Father Smith, who doesn't reside in Drogheda; he canvassed with me in the country districts.

2140. Is the Reverend Mr. Powderley a gentleman located in the town?—He is.

2141. He is a Roman Catholic curate, I suppose?—He is.

2142. And well known in the town?—Very well.

2143. Although he was with you, do you mean to say that the mob exhibited this angry feeling towards you?—I do.

2144. Even in his presence?—Even in his presence.

2145. Mr. Smith was a country clergyman?—He was.

2146. And you canvassed the country with him?—I did.

2147. When did you get the accession of any other of the Catholic clergy?—I had no accession at all.

2148. None at all?—None at all.

2149. Did the Reverend James Matthews ever accompany you?—He did one day.

2150. When?—I think about three or four days before the polling.

2151. Had they stood aloof from you for some time?—Who?

2152. The Catholic clergy?—Two or three of them had.

2153. Had the Reverend Mr. McKee?—He had.

2154. Had the Reverend Dr. Murphy?—No.

2155. Was he with you all through?—He was always a friend of mine.

2156. Was the Reverend Mr. Murphy; there are two?—He never interfered at all; I saw him at one meeting, but he never canvassed with me to my knowledge at all; he did not take an active part.

2157. Mr. Justice *Keogh*.] Did Dr. Murphy canvass with you?—He did not; he is very infirm, and could not walk about.

2158. Mr. *McDonogh*.] It appears that you had the whole body of the Roman Catholic clergy with you afterwards?—I believe so.

2159. The Reverend Mr. Gavin?—Yes.

2160. Did he canvass with you?—He did not.

2161. Did he canvass for you?—I do not think he did; I don't know that he did.

2162. Did the Reverend Mr. Matthews canvass for you?—I believe he did not in my presence; I have been told so; I don't know from my own personal knowledge.

2163. Did not the Reverend Mr. Matthews tell you that he was successful in his canvass for you?—He told me that he had spoken to several men.

2164. And that they had promised for you?—Yes, he did.

2165. Did the Reverend Mr. Powderley tell you that he had got promises from people?—He

told me in one or two instances that he had seen voters who were away when he had called upon them, and that he had succeeded in getting promises.

2166. When did you manage to get Mr. Brodigan out of the field?—We didn't get him out.

2167. Up to the time that the tide of that charming thing called popularity set in in your favour, when you were hooted in the streets, how many pledges had you got, do you think, good, bad, or indifferent?—The hooting began on the very first day of my canvass.

2168. But you then, by stealth, endeavoured to pursue it. Up to the time that the tide turned in your favour how many pledges had you got?—I cannot say.

2169. Can you say, as an honest man, that you got 50 pledges?—I can say that on the very first day I got between 70 and 80.

2170. Notwithstanding all the insults and refusals that you met with?—Exactly.

2171. Did your getting pledges then stop?—Certainly not; I got pledges every day that I went out; the fact is, that I met with very few opponents.

2172. Did you hear that Mr. Brodigan claimed that he had a vast majority?—I did; I had heard that before.

2173. Suppose this went on, and that Mr. Brodigan retained his hold, there was peril between you both, that if a Conservative stood he might slip in between you?—My firm conviction was—

2174. I am asking you as a matter of fact, and not your own opinion?—My firm opinion is, that if Sir Leopold McClintock had spent 10,000*l.* in bribery he could not have got in.

2175. Although you told him he had no chance unless he bribed?—I told him he had no chance of polling more than 120 votes unless he bribed.

2176. And you whispered that to him on the Bench?—We were chatting very comfortably together.

2177. That was a very interesting dialogue between the two candidates amongst the noise?—I told him exactly what I thought.

2178. But he entirely disagreed with you?—I don't think he did; he didn't express any dissent as to the number who would vote for him, though he dissented as to the number that would vote for Mr. Brodigan.

2179. But he said that he would not bribe?—Yes, he did.

2180. Do you remember when Mr. Brodigan became unpopular?—He was always unpopular.

2181. Pardon me for a moment; do not be too severe upon him; wasn't he the popular man when you were hooted?—Certainly not.

2182. When did you see that he and his friends went through the streets?—I did not see him.

2183. Nor his friends canvassing for him?—I may have seen him just pass, but I never saw him canvassing; I never went near them.

2184. Your mob finally extinguished his, did it not?—I don't know; I had no mob.

2185. Now, you are serious?—I am indeed, perfectly serious; you will find that I shall not equivocate in any way; I will tell you the plain honest truth.

2186. Now, I wish to know as to the locality of this sitting-room at Simcocks's; first, there is what one soldier called the verandah, or the balcony; then there is the room inside; you call it the coffee-room?—It is the public coffee-room.

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2187. Then there were folding doors between your sitting-room and it?—There were.

2188. And beyond that again was your bedroom?—Yes.

2189. Then the folding doors being open, the rooms were all *ensuite*?—No doubt.

2190. And you had been long a resident at that hotel?—Ever since I came to Drogheda.

2191. How was it that the meeting of that evening was arranged?—I don't know; I was not a party to it.

2192. Who made that arrangement?—A considerable number.

2193. And you don't know how it was arranged?—No.

2194. And Mr. Clinton never told you?—He did not.

2195. Well, you were very glad to see them all?—Well, I was not.

2196. Did you in opening the proceedings, or at all, ask them to give three cheers for Father McKee?—I did not.

2197. Did you ask them to give three cheers for anybody?—I did not, except for "Old Ireland," at the close of my speech.

2198. Were the folding doors open that evening?—They were not during this election; Mrs. Simcocks, or Mr. Simcocks had lined the crevices with green baize, and with something to hinder the noise, or people hearing anything that might occur in one room from the other.

2199. Were you in quietude in your sitting-room on that evening?—I was a considerable portion of the evening; and another portion of the evening I was down in the sitting-room of Mrs. Simcocks, on the ground floor.

2200. When did you know the meeting was going on?—I could hear the cheering and noise the whole time.

2201. And you knew it was a meeting in your interest?—I supposed it was.

2202. Had you the slightest doubt about it?—I had not.

2203. And you went up into the room, did you not?—I went into my own room.

2204. But did you not go into the coffee-room?—I will tell you exactly what I did—

2205. First, do me the favour to tell me whether you went into the coffee-room?—They came and told me the crowd would not disperse unless I said a few words to them.

2206. Where were you then?—In my own sitting-room.

2207. Were you reading?—I was not; I was speaking to Mr. Chadwick, and I think my brother William; I believe those were the two gentlemen that were there.

2208. Who was it that brought you that message?—I really cannot say.

2209. Then you went in?—I went out on to the balcony; of course I passed through the room.

2210. Was there a clergyman next you when you went on the balcony?—Yes, Dr. Murphy.

2211. Was he on your left hand or right hand?—He was on my right hand, I think.

2212. Who was on your left?—I cannot say; I think Mr. James Daff Matthews.

2213. And you heard Mr. Gavin make his speech?—I did.

2214. And you heard the reporter recite it the other day?—I did.

2215. That was an accurate report?—I could

not speak positively to it, but I should consider it a fair report.

2216. Did you hear him read the report of Dr. Murphy's speech?—I did.

2217. Was that a fair report?—Well, I think it was.

2218. Did you hear him read the report of the Rev. Father McKee's speech?—I did.

2219. Do you think that was a fair report?—I did not hear the speech.

2220. Did you hear any portion of it?—No.

2221. But you stood with a clergyman on one side and the counsel on the other?—Mr. Matthews, I believe, was next.

2222. That was your counsel?—Yes.

2223. Another great man stood between two clergymen, but you had a clergyman on one side and a barrister on the other?—Yes.

2224. Was Dr. Murphy speaking whilst you stood by his side?—He was; he was speaking when I went on to the balcony.

2225. Then if a gentleman swore here that whilst the speaking was going on he saw you standing beside a priest, it would be true?—It would be true at that time.

2226. Now you gave them "a touch of a speech," as Lord Eldon said?—I did.

2227. And you took care, in that "touch of a speech," to assure them that this was the last expiring effort of the Orange party?—I did.

2228. That was to tranquilize them, of course?—I do not know; I just told them exactly what I thought.

2229. Was it for the purpose of tranquilizing them?—It was, I believe; I don't know that that particular sentence was, but the whole of my speech was.

2230. The general context?—Certainly it was.

2231. What did they cry out when you said it was the last expiring effort of the Orange party?—They cheered.

2232. Do you remember their crying out, "Yes, Father, we will meet them in the morning"?—I do not.

2233. And after assuring them that victory was certain, and that it was the last effort of the Orange party, you told them to go home quietly?—I did.

2234. And as a commentary on that text, they broke Mr. Moore's windows?—They broke the windows in Simcocks' Hotel, too, at the very time.

2235. What an impartial mob! Now, with respect to your not riding, I am sure nobody will contradict that; does your brother ride on horseback?—I never saw him; I don't think he does.

2236. Are there two gentlemen of the name in the town besides yourself?—There are two.

2237. Does neither of them mount a horse?—I never heard of their so doing; I know they have no horse.

2238. They are not afraid of that noble sport, horsemanship, I hope?—I don't know.

2239. Now, may I ask you, did you hear anything said in addition to what you said Mr. Gavin and Mr. Murphy may have said to the people about the Orangemen that were expected from Dublin?—I heard nothing except what Dr. Murphy and Father Gavin said.

2240. Upon that subject?—Upon any subject.

2241. Did you hear either of them say that the

the Orangemen were to be down in the morning?
—Father Gavin said so.

2242. Mr. Justice *Keogh*.] Was that from the balcony?—Yes.

2243. Were you present when Father Gavin spoke?—I was; he said that an Orange mob would come to butcher the Catholics of Drogheda.

2244. Did he not say, upon the word of a priest, that 500 Orange assassins were coming to butcher the people?—He said something to that effect; I cannot say exactly what the words were.

2245. Now, do you remember their saying, “Yes, Father, we will meet them in the morning”?—No, I do not; and I don’t think such words were used at all.

2246. How soon after that was it that you made use of the expression that it was the last effort of the expiring Orange faction?—It was just at the close of the meeting.

2247. Did you, on the morning of the polling, take any step to prevent a collision between the supposed Orangemen and the mob?—I never feared any; I never had any idea of a collision.

2248. You did not do it?—I did not.

2249. Where did you first hear, if you ever heard, that Father Gavin was there in the early morning?—I never heard it until I heard it proved in evidence here.

2250. Is Father Gavin here?—Yes, he is.

2251. You were attending to the polling in the morning?—Yes, I was.

2252. As time is of some importance, and as you were not quite clear about the 1st of November, I will ask at what hour you reached the terminus yourself?—On that morning?

2253. On the day of the polling?—I think it would be about a quarter past ten o’clock, perhaps ten minutes past.

2254. Did you then learn anything of the violence which had occurred there?—I did not.

2255. It was then you saw Devine, the voter?—I did, and Usher.

2256. Was there a large mob then outside?—There were, I should think, 100 or 150.

2257. Did you see whether they had sticks and stones?—Some of them had sticks; I saw no stones at all.

2258. Did you lay your hand upon Mr. Hamilton?—I did, as I have described.

2259. Well, I want you to describe it fully; did you see that Devine had him by the hand at the time?—Devine was not touching him at the time that I had my altercation with him.

2260. Did you see Devine at any time holding the hand of Mr. Hamilton?—I did not.

2261. Was Mr. Hamilton near Devine when you had the altercation with Mr. Hamilton?—Usher was between Hamilton and Devine.

2262. What made you lay your hand upon Hamilton?—I pushed him with my hand when he came to interfere with Usher going along with me after he said, “I want to vote for you.”

2263. When you first asked Usher to vote for you wasn’t he silent?—I think he was for a moment.

2264. And you repeated it?—I did.

2265. Did Mr. Hamilton then approach him and Devine?—He was close to him at the time, because he had his arms encircling him at first.

2266. And in order to enable you to take

27.

Usher away, you put your hand upon Mr. Hamilton?—I asked Usher, as I said before, “Usher, whom do you wish to vote for?” After some little hesitation, which, of course, in the presence of his agent, he naturally felt, he said, “I want to vote for you.” “Well,” I said, “come along.” Then Mr. Hamilton got hold of him, and forcibly prevented him from coming; and I then said, “You ought to be ashamed of yourself for such conduct, it is a bad cause that requires such work as this.” I just shoved him again with my open hand, and Usher walked out.

2267. And then you say you shoved him again with your open hand?—I pushed him again; I did not say “shoved.”

2268. I beg your pardon, you did. Having pushed him again, you got Usher away?—I did; he came away.

2269. Did you leave Mr. Clinton behind you?—I did not.

2270. Did you make any effort to take Devine?—I did not.

2271. Will you swear that?—I do, most positively.

2272. Was the car yours upon which Usher was taken away?—I don’t know whose car it was.

2273. Had you cars engaged?—I had not.

2274. Had your committee?—I believe not.

2275. I am not asking you what you believe?—I tell you I had no cars hired, and I don’t believe any were hired.

2276. How soon after that did you meet Devine and Usher at the Tholsel?—I didn’t meet them at the Tholsel; I met them at my tally-room at, I should think, about half-past eleven o’clock.

2277. And it was then that you said you did not want them?—I asked them, “Have you voted?” and they said, “No, we have not; we don’t want to offend our landlord.” “Well,” I said, “never mind voting, I have got quite plenty without.”

2278. I suppose you thought you had the election nearly won then?—I was sure.

2279. Were you perfectly sure?—I was as sure as I can be of anything that is not an absolute certainty.

2280. However, you were quite sure, I presume, that at twelve o’clock, or a little after half-past twelve o’clock, when the man was shot, there was no doubt whatever you had a majority then?—None whatever.

2281. Then after the time of the riot, from one till five o’clock, you know there was serenity in Drogheda?—It was quite as quiet as one could wish it to be.

2282. But at the close of the rioting, and when the man was shot, the election was in your favour, virtually?—No doubt.

2283. And could not be retrieved?—It could not be retrieved under any possibility.

2284. You had received but 325 pledges, and you had 326 at a certain point of time, as you stated to my learned friend?—Yes, at eleven o’clock.

2285. After the rioting had ceased, by the death of the man; then, at about one o’clock, was there a meeting of the magistrates?—I think about one o’clock, or a little before, perhaps.

2286. And then it was utterly irretrievable that any man could win the election?—Except myself.

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2287. In fact your success was indubitable, and was complete, when the rioting was over?—It was, and before.

2288. Do you not think it was as arrant a mockery as ever was enacted, for you and your friends, after you had triumphantly won the election, and the rioting was over, to go round to the poor voters belonging to Sir Leopold McClintock and tender your services?—I can swear this, that I should have been very glad to have brought up any of Sir Leopold McClintock's voters at any time of the day; that my success was as certain, in my own mind, as anything in the world could be.

2289. What state or condition was Ball in; was he bleeding?—I don't think he was.

2290. Was he weak?—He is naturally weak; he is an old man, and he is a weak man.

2291. Was he tottering?—No, he was not tottering.

2292. Was he leaning upon you?—He did lean upon me, no doubt.

2293. Had you known him before?—I had not.

2294. You never saw him before?—Not that I am aware of.

2295. Had he known you?—He had known me by reputation.

2296. He knew that he was speaking to Mr. Whitworth?—Yes.

2297. You had never canvassed him?—I had not.

2298. You had never seen him before?—I had not.

2299. Was he weak after being beaten?—I do not know that he was weak.

2300. Do you think that one of the voters escaped being beaten who were escorted?—I think so.

2301. Do you mean to tell me that this man, whom you had never seen before, and never canvassed, while he was walking arm-in-arm with you, said he would vote for you?—He did; he had promised, through his agent, to vote for me.

2302. Did you see him vote for Sir Leopold McClintock when you brought him up?—I did.

2303. Sir Leopold McClintock's clerks and people had been all withdrawn at that time, had they not?—No, they had not, that I was aware of.

2304. About how many thousand did the mob consist of that day?—Where?

2305. In this town, where the firing took place, and the man was killed?—I was upstairs when that occurrence took place, very much to my surprise. I had no idea there was any rioting going on.

2306. You did not hear of the way in which the voters were treated when they came in in the morning; sticks and stones being thrown at them?—Not a word.

2307. The high sheriff did not tell you?—He did not.

2308. You did not know of the house being locked up after the Ray's had been beaten?—I did not.

2309. How many hundreds of people are employed in your factory?—I should think about 600.

2310. How many women are there?—I should think there would be one-half.

2311. Of those 600?—I should think so.

2312. Did you hear the priest say, "Boys, you have a holiday, and you know how to use it?"—I did not.

2313. Did you give them a holiday?—I did not.

2314. Were they out?—They were, on the nomination day.

2315. Did they form a portion of the assemblage which ornamented the room?—Not that I am aware of.

2316. But they were out on that day; you let them all out?—They would not work. We told them they must work, but they would not work; it is a very great loss.

2317. Did you pay them for that day?—We did not.

2318. Were they out the next day?—Which next day?

2319. The interval between?—Certainly not.

2320. Were they out on the polling day?—They were, part of the day; we started the engine, as I have heard from my brother; my brother consulted me as to it. It is a serious loss; a loss of 30*l.* or 40*l.* a day, every day the mill stops, and it gets them into idle habits. They will not come, even after the election is over. They started the engine at about six o'clock, but at half-past seven a message was sent to my brothers' house to say that he was wanted down at the mill. They there told him that they would not work on that day, and, of course, he could not compel them to work.

2321. And they all left?—They did; the engine was stopped, and they left.

2322. The starting of the engine was not a make-believe, any more than the going about with those voters?—It was not.

2323. But at all events, starting at six o'clock, it was stopped at half-past seven?—Somewhere about that time.

2324. And the whole 600 men and women walked out?—There are very few men employed at our mill.

2325. But they are stalwart boys, are they not?—The majority of them are 15 or 16 years of age.

2326. And the women?—They are young; they are young girls.

2327. And they wear aprons, I suppose?—I cannot say.

2328. Fit to carry stones?—I cannot say.

2329. And did you pay them for that day?—No.

2330. Did your brother?—He did not. I only know from what I have been told.

2331. Do you know Mr. Thomas Owens?—I do.

2332. He was an active supporter of yours?—He was a supporter of mine.

2333. Did he pay a mob?—I do not know.

2334. Is he in this town?—He resides in the town.

2335. Do you not know that they got 5*s.* a-piece?—I do not.

2336. Do you know John Odair?—I never saw him till I saw him in this chair the other day.

2337. Do you know Mr. Martin, of Thomas-street?—Yes.

2338. He is an active supporter of yours?—I believe he voted for me.

2339. And canvassed for you?—Not that I am aware of.

2340. Did he not tell you so?—He may have done;

done; I dare say he may have said, "I have spoken to So-and-so."

2341. Do you know Mr. Brannigan, of Lawrence-gate?—I do not.

2342. Is Mr. Martin in this town?—Not that I am aware of; I do not know.

2343. Is he not here now?—I do not know.

2344. He lives in the town?—He does; there are several Martins.

2345. What is his business?—I think he is a shopkeeper.

2346. He is a huckster, is he not?—He is a huckster.

2347. Did you hear Odair say that Martin and Brannigan came to his house with a mob, and that the door was battered in with the stones?—I did not.

2348. Were you here?—I was, but I do not remember hearing him say that.

2349. Did you know that Odair had hidden in the garden?—I did not; I never knew anything of him. I never knew who Odair was till I saw him in this chair.

2350. You saw that man Kelly, the baker?—Yes.

2351. At about what hour was it that you saw him, when he was addressed by a clergyman?—I should think about half-past one o'clock, as near as I can speak.

2352. That was after the dreadful riot at the bridge, and the death of the man?—It was.

2353. Was it the Rev. Mr. Powderley that addressed him, and asked him to vote for his Church?—I think not; I think it was Mr. O'Donnell.

2354. The Christian Brother?—I think so.

2355. Did you hear him say, "It is not my Church that is concerned in this election?—I did not.

2356. Did you catch any words to that effect?—I did not.

2357. Showing that the man knew the question was the disestablishment of the Protestant Church?—I did not.

2358. After they had spoken to him, as you say, in the manner you have told us, was it true that they said, "Ask him yourself, and he will vote for you"?—It was.

2359. Which of them was that?—I think it was Father Powderley, but I am not very clear.

2360. You did ask him?—I did.

2361. If the election were so completely won, no matter what the violence was, no matter what the intimidation was, why did you press the man to vote for you, if you were so sure?—I did it because I was asked to do it.

2362. By the clergyman?—Yes.

2363. Did you speak to Father Matthews about him?—I did not.

2364. Do you know now that it was Father Matthews that had him kept by the mob until the father ascertained that he had not voted?—I do not.

2365. Did you hear Kelly state that?—I heard him say something of the sort.

2366. Did you make any apology to the owner of the hotel for the use of his apartments on that night?—Certainly not.

2367. You are an old familiar customer?—It was not my business to do so.

2368. You did not meddle with the matter at all?—I did not.

2369. How many thousand pounds has the election cost you?—This election?

2370. Yes?—I have paid 700*l*. How much of that has been spent I do not know. Of course I have paid fees to my counsel on this trial; 600*l*. or 700*l*. is all that I have spent.

2371. That is all that you have spent?—It is; and I said that I was quite sure that no such amount as that would be required. That remark was occasioned by my brother writing to say that he had paid 600*l*. into the Bank of Ireland to the credit of the election agent, for election expenses.

2372. Who is he?—Mr. Campbell.

2373. And then there was another 100*l*.?—The other 100*l*. was before that.

1274. How much do you believe it will cost you?—I expect I shall have some returned. Mr. Clinton says, "I can return you some of it; I do not think it will be all wanted."

Re-examined by Mr. *Heron*.

2375. How much did you pay for the last election in 1865?—Between 400*l*. and 500*l*. If I may be allowed to volunteer a statement, I will swear positively that if the election had depended upon illegal expenditure, I would not have done it.

[The Witness withdrew

Mr. GEORGE BUTTERLEY, sworn; Examined by Mr. *Hamill*.

2376. You are the sub-sheriff, are you not?—Yes.

2377. Do you remember the morning of the polling?—I do.

2378. When the doors were opened can you tell who were the parties inside this place?—There was the high sheriff, the court keeper, I think some members of the constabulary, and myself, and a gentleman came in at that window, a magistrate.

2379. Were those the only persons in the place when the doors were opened?—Yes.

9380. Up to the time of what is called the riot did you observe any personal violence to any one in Drogheda upon that day?—No personal violence.

2381. Were the poll-booths open for any one to come forward to vote?—They were.

27.

2382. After the riot, say from about half-past 12 o'clock up till 5 o'clock, when the booths closed, was there perfect liberty for any one to come to any of the polling-booths to vote?—Perfectly so.

2383. Did you canvass for Mr. Whitworth or take any part for him?—No, I did not.

2384. You remained independent?—Neutral, except voting.

Cross-examined by Mr. *Plunkett*.

2385. On the day of the nomination were there any tickets distributed to the various candidates?—No.

2386. Was there any application made that there should be any such distribution to your knowledge?

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Butterley.

Mr. G.
Butterley.
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knowledge?—Well, there was a good deal of—

2387. Who made the application?—Well, I think Mr. Brodigan did.

2388. Any person else?—And his agent, Mr. Healy, the solicitor.

2389. Any person else?—There may have been, but I am not so clear about anybody else.

2390. Do you know whether there was any application made on behalf of Sir Leopold McClintock for tickets?—There may have been, but I will not say.

2391. Were tickets given out?—No.

2392. Will you explain why they were refused; you were the person who was applied to, I presume, for tickets?—I was asked would tickets be issued.

2393. You took that as a requisition, I presume, that they should be?—Well perhaps I did. I said I would consult the high sheriff, and I did; and the high sheriff said he did not see the necessity.

2394. The advantage of it?—"The necessity," I think, or words to that effect.

2325. Were you asked a second time to give out these tickets for the nomination?—Indeed I was, more than twice.

2396. Did you make any promise about opening the door a little earlier so as to let people in quietly?—No, I did not.

2397. Did you make a promise that you would open the door at a quarter before 10 o'clock?—No.

2398. Do you happen to know yourself whether the sheriff made that promise?—I do not know, neither do I believe he did, from the conversation I had with him.

2399. You were asked just now whether you observed any violence on the day of the polling, before the affair of the bridge, and you said, no personal violence. What do you mean by "no personal violence"?—I did not see any person injured, that is, struck, or any assaults committed.

2400. Did you see any people about the streets at all?—Indeed I did.

2401. Did you see any mobs about the streets?—I did.

2402. Were they in rather an excited state?—They were.

2403. Were any of them in an intoxicated state?—With liquor?

2404. Yes?—No.

2405. Were they in rather a friendly state?—No.

2406. In rather a quarrelsome state were they?—I cannot say that I saw any number of people under the influence of drink on that day at all. I beg your pardon, at the row at the bridge I did see one man, and he must have been in a fearful state of intoxication to act as he did. There may have been hundreds, but I did not happen to see them.

2407. What did this one man in Drogheda do who was in this state?—After the man was shot at the bridge, I saw him race over to attack the military a second time, and if I recollect right, he had a cudgel in his hand.

2408. And I suppose he was the only person there who had a cudgel in his hand?—Oh, hundreds had, as well as I recollect, but this one individual made himself remarkable to me. I was pretty convenient to him, and Mr. Brady, the pawnbroker in West Street, caught him and drove him back again.

2409. You are prepared to say that except the little incident of that man rushing forward, you saw no person that day under the influence of drink?—I think I saw them in the evening, but not up to that hour.

2410. Do you mean to say that after this rioting was over there was no more violence in the town at all?—The town was remarkably quiet, considering there was an election.

2411. Were there any crowds about?—There were, but it was remarkably quiet for an election.

2412. That was from one o'clock until five o'clock?—From one o'clock until the close of the poll.

[The Witness withdrew.]

THOMAS GREEN, Esq., sworn; Examined by Mr. Pallas.

T Green,
Esq.

2413. WERE you mayor of this town during the last election?—Yes.

2414. Do you remember the day of the polling?—Yes.

2415. During the principal part of that day, where were you?—Principally in the court-house.

2416. Did you continue there until five o'clock?—No, not until five o'clock; I might have been here until about three o'clock.

2417. Up to the time you had left, was there any obstruction in the court-house as to voting?—None.

2418. Was it free to everybody to vote as he wished?—Free to everybody.

2419. I suppose, being in the court-house, you saw nothing of this rioting?—No.

Cross-examined by Mr. Ryland.

2420. Were you on the committee of Mr. Whitworth?—I never was on a committee at all, but

I was chairman of a meeting of his supporters. I never heard of a committee.

2421. Were you walking about before twelve o'clock on the day of the polling?—I was here nearly all the day.

2422. Were you outside the court-house, or in the window?—In the window, in what they call the mayor's court.

2423. That commands a view, I believe, of both Lawrence-street and Peter-street?—It does.

2424. Did you see any mob of people in Lawrence-street, near the tally-rooms, on the morning of the polling, between eight o'clock and 12 o'clock, at any time?—Of course I saw several.

2425. Did you see sticks or stones flying in the air?—I did not see sticks and stones flying in the air, but I saw them in the hands of the people.

2426. Did you see the men with the sticks strike any people?—No.

2427. Did you see them rush at any people?—I might have seen it, but I did not; I saw no one struck.

2426. You

2428. You saw them rush after them with sticks as they were going to the tally-rooms?—I did.

2429. Did you see them flourishing the sticks?—Not to my knowledge.

2430. Had they the sticks raised above their heads?—They generally had them on a level with their arms or shoulders.

2431. So that you could see them plainly?—Certainly.

2432. Did you see green hatbands on any of those men?—I saw two or three, I think.

2433. Two or three, I think, with each mob?—No.

2434. Was there but one mob that you saw there?—I could not say whether there were mobs or one mob.

3435. Did you see a mob of people where there was not a man with a green hatband on?—Yes; I only saw three persons with green hatbands, small green ribbons.

2436. Were they the leaders?—I had no idea that they were the chief persons; I thought they only had the green on for safety to themselves going through the mob.

2437. You say you saw this mob in Lawrence-street; did you see any mob in Peter-street?—I did.

2438. Did you see them there rushing at the people as they went to the booth in Peter-street?—I saw them rushing up and down occasionally.

2439. Did you see the people coming down to the booths in Lawrence-street?—I saw them come from the committee-rooms down to the court-house, and to Lawrence-street, but I did not see anyone going from Shop-street.

2440. Did you see any persons rushing at them with sticks as they came down?—No, I did not see a single stick raised to strike anyone, or at least I did not see anyone struck by a stick.

2441. But did you see people rushing towards them; when they came out of the committee-rooms to vote did you see the mob rushing towards them?—I did, occasionally, but they were very generally protected; the sheriff was generally with them, and the two Mr. Chadwicks.

2442. And the police?—The police were stationary; they very seldom walked with them.

2443. Did you see any voters walking down that the mob did not rush towards them?—I cannot say.

2444. You did not see them?—I did not.

2445. Did you look down Shop-street at all?—No, I could not; there was no view from that place.

2446. Were you out at all during the day?—I suppose I might have been out during the day.

2447. At what hour?—I daresay it might have been, perhaps, near two o'clock.

2448. Were you out before one o'clock?—I think not.

2449. From eight o'clock to one o'clock, were you in this building?—No; I was not here, I suppose, until about half-past nine o'clock; that is the hour at which I used to hold my court.

2450. By what way did you come to this building?—From my own house.

2451. Where is your own house?—Near the viaduct; I think it was over the back lanes I came, and up Shop-street; I am not certain, really, but I think so.

2452. Did you see many people as you were coming at half-past nine o'clock?—There were not many in the streets then, as I thought.

2453. Did you see many people towards the bridge, and towards the quay, as you passed through Shop-street?—No; I did not see any people there at that time.

[The Witness withdrew.]

BENJAMIN WHITWORTH, Esq., M.P., re-called; further Examined by Mr. Heron.

2454. HAD you, in fact, any committee?—I had no committee.

Further cross-examined by Mr. McDonogh.

2455. Were you not present at the meeting in September, when those several gentlemen whose names you heard me mention to his Lordship, as stated in the "Argus," were in attendance?—I was.

2456. Was not the last resolution put then, "That the gentlemen now present do form a working committee"?—There was a resolution passed, but I certainly have no recollection of what that resolution was.

2457. That is the most you can say?—It is.

2458. Will you look at that paper (*handing a paper to the Witness*)?—"That the independent electors now present do form a working committee, with power to add to their number, for canvassing purposes." I have no recollection of that; I suppose it must have been so if it is in that paper; I have no recollection of any committee being formed; I was at the meeting, but I have no recollection of that resolution being passed.

2459. You will not deny that that resolution was passed?—I will deny that I have any recollection of it.

[The Witness withdrew.]

RICHARD BRADWELL, Esq., sworn; Examined by Mr. Pallas.

2460. I BELIEVE that you are a Magistrate of the county of Meath?—Yes.

2461. Do you remember the day of the polling?—I do.

2462. I believe you and your brother have certain mills in this town?—The firm of Bradwell, Chadwick & Co. have mills.

2463. How many mills?—Two.

2464. Were you about the town the entire of

27.

the day at the polling?—From about half-past nine o'clock, until about four o'clock, I think I was.

2465. Do you remember the time at which the riot occurred?—I do.

2466. After the riot had ceased, and the military had left the streets, were the streets quiet?—I went up to the gaol with the military, and was away nearly two hours.

K

2617. And

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B.
Whitworth,
Esq., M.P.

R. Bradwell,
Esq.

R. Bradwell, Esq.
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2467. And with the exception of the time that you were at the mills were the streets quiet, as far as you saw?—There was a great deal of excitement before the military were withdrawn from the streets, but when I returned from the gaol the streets were perfectly quiet.

2468. At what hour was it when you returned from the gaol?—At about three o'clock.

2469. At that time was there any difficulty in a person polling if he wished it?—Certainly not.

2470. Did the streets continue in that state as long as you were there?—I left the town at four o'clock.

2471. Were your mills working on that day?—One mill was working up to one o'clock, and the other mill worked up to the breakfast hour; and the engine was stopped after the breakfast hour, and was obliged to be stopped because the people were not coming in.

2472. Why was the mill that was worked up to one o'clock in the day stopped?—I was told—

2473. Mr. *McDonogh*.] Never mind what you were told?—Then I don't know anything about it.

2474. Mr. *Pallas*.] Who is in charge of that mill that worked till one o'clock; is Mr. Moran in your employment?—He is the manager over all the mills.

2475. Did you give permission to any of your work-people to be out on that day?—Quite the contrary; I gave most decided instructions to them to do all in their power to keep the mills working.

2476. Was there any pay stopped in consequence of the men being absent?—All those who were absent did not get their pay.

2477. I believe you from time to time escorted voters of Sir Leopold McClintock's?—I assisted in escorting them. I went down to the Bull Ring twice.

2478. Whenever you heard a voter was anxious to poll, did you offer an escort?—Yes, I was running about the whole day.

Cross-examined by Mr. *McDonogh*.

2479. When did you begin to be escort for Sir Leopold McClintock's voters?—After the row.

2480. After the row you went to the gaol, I think?—No, not immediately; I escorted some voters first.

2481. At about what hour did you become escort for Sir Leopold McClintock's voters?—There was a meeting of the magistrates immediately after the row. After I attended that, I was told, when I came from the room up-stairs, that there were some voters in the Bull Ring who wished to vote, so I went down with some others.

2482. You, I believe, voted for Mr. Whitworth?—I did.

2483. And you were on his Committee?—No, I was not.

2484. Were you at the meeting?—No, I was not.

2485. At the time that you volunteered your services as an escort for your opponent's voters, or Mr. Whitworth's opponent's voters, may I ask you, did you believe that the election was virtually over?—Yes, I was quite sure of it.

2486. Are you the active member of the firm in managing the mills?—No.

2487. Who is?—Mr. Chadwick.

2488. In fact, the work-people did not come back after breakfast, and the water was running away; was that so?—No, the steam-engine was running away.

2489. The rotatory motion went on?—You can imagine that when an engine is intended to drive a hundred and twenty horse-power, and you have no power on it, it is very likely to run away.

2490. Well, the people would not come to work. How many hundreds of them were absent?—I cannot tell that.

2491. About how many?—I was told only about 70 came in after breakfast.

2492. You do not know how many hundreds were away, seven hundred or eight hundred?—Precisely.

[The Witness withdrew.

JAMES MATTHEWS, ESQ., sworn; Examined by Mr. *Heron*.

J. Matthews Esq.

2493. I BELIEVE you have been on the Commission of the Peace for about 35 years?—Yes.

2494. And you have been five times Mayor of Drogheda?—Yes.

2495. Were you in Drogheda on the 20th of November last?—I was.

2496. That was the day of the polling?—Yes.

2497. Do you remember driving up to the railway station?—I do.

2498. Did you drive your own phaeton?—I did.

2499. Did you see there Mr. Henry Alexander Hamilton?—Yes, he was there along with several others.

2500. Did you make any offer to Mr. Hamilton to bring him into the town?—I did.

2501. And to any of the other gentlemen?—Yes.

2502. How did you offer to bring them into the town?—In my phaeton.

2503. At what hour was it?—I suppose it was about 11 o'clock.

2504. That was for the purpose of bringing them up to the Tholsel here to vote?—Yes.

2505. You knew Mr. Hamilton and the other gentlemen came to vote for Sir Leopold McClintock?—Oh, of course.

2506. Were you about the town during the day until five o'clock?—No; I was about the town in the early part of the day, but not the latter part of the day; after the unfortunate occurrence, I went home.

2507. Except the unfortunate occurrence at the bridge, was there any rioting in the streets during the day?—I saw none except from the bridge up to the railway.

2508. That is, after the man was shot?—Yes, and before it.

2509. How long before it?—Well, perhaps a quarter of an hour.

2510. Before you drove up, had you been about the Tholsel and the polling booths here?—Yes.

2511. Was there any interruption whatever to the voting before the riot at the bridge?—None that I saw.

2512. Of course, I presume there was the ordinary excitement, cheering, and shouting?—There

There was cheering, and occasionally booing, and all that, you know.

2513. But did you see any violence whatever?—I did not.

2514. Or any necessity for your interfering as a magistrate?—I did not.

2515. I need scarcely ask you whether you would have done so had it been necessary?—Most certainly.

2516. For either Conservative or Liberal voters?—Certainly.

2517. Did you, through the day, as far as you could as a magistrate, do your best to keep the peace?—Certainly.

Cross-examined by Mr. *McDonagh*.

2518. At what hour did you drive in from your country house?—Perhaps a very few minutes after eight o'clock.

2519. And then, I presume, you were in the immediate vicinity of the court-house?—Yes, a great part of the time.

2520. You did not see the violence offered to Sir Leopold McClintock's voters as they were coming to the booths?—Yes, I did with the military, but not otherwise; I saw no violence offered before that.

2521. You were not present when the high sheriff interfered to prevent the throw of stones?—No, I was not.

2522. And you did not see anything of the Rays being beaten?—I did not.

2523. May I ask, had you heard of the injuries inflicted upon the people at the railway at about eight o'clock in the morning?—I had,

2524. Perhaps it was that that took you to the railway?—No, it was not; hearing that Mr. Hamilton was there, I went up.

2525. To offer your assistance?—Yes.

2526. You knew that the state of the town was at that time very bad?—I knew no such thing.

2527. And perhaps you thought it very good?—Well, I thought the usual excitement was going on at the election; I saw a great many elections at Drogheda a great deal worse than that.

2528. I should be sorry to think that there was anything worse, but do you think Mr. Hamilton required your protection?—I believe if Mr. Hamilton had walked down he would not have been molested.

2529. Did you think he required protection when you invited him to come into your phaeton?—I thought he was under apprehension of being assaulted.

2530. Who was the other gentleman?—Mr. St. George Smith.

2531. Those were the two gentlemen whom you invited?—Yes; I saw a great many gentlemen there; the Reverend Mr. Morton, whom I had not seen for a great many years.

2532. They having declined to go into the phaeton with you, did you drive down towards the town?—I did.

2533. Did you see the dreadful stone-throwing?—I saw nothing at all as I was coming down, and then I came here to the Tholsel.

2534. Then, were you here before the riot commenced?—I came down and returned with the sheriff and Mr. Chadwick.

[The Witness withdrew.]

Mr. JAMES LATIMER, sworn; Examined by Mr. *Hamill*.

2535. You heard Mr. McKenna's evidence on Saturday?—Yes.

2536. He is asked, "What took place on the Monday?" (A.) On the Monday I saw that the Reign of Terror had commenced. I was walking along here, and a ferocious mob rushed forward and attacked and shook me, and pushed and drove me, and they nearly threw me on the face, except for the police coming up and saving me. Mr. Gardener came first in time to save me, and Mr. Latimer, one of Mr. Whitworth's best supporters, was blandly smiling on the crowd, and encouraging them from Shop-street out here." Is that true?—It is not true.

2537. Is there any other person of your name in this town, or any person of the name who could be spoken of as a warm supporter of Mr. Whitworth's but yourself?—There is not.

2538. Will you tell his Lordship what occurred?—I was in Shop-street, standing talking to Mr. Eugene Clarke in his doorway on a matter of business, and Mr. McKenna turned out of West-street, round the corner of the Tholsel, into Shop-street, and a few women after him; I think a considerable number of women. They were using language that would indicate to me that it was owing to his own conduct, not at all in connexion with the election, that they were abusing him; I do not wish to go into the matter, because it is a private matter; I did not see it commence; I was not in the street with McKenna; neither by act nor motion, directly or indirectly, did I either encourage or do a single thing; Mr.

Clarke and I drew into his shop when we saw them coming on.

Cross-examined by Mr. *McDonagh*.

2539. About how many women were there?—I cannot tell.

2540. About how many?—I should think there might be about 30 or 40.

2541. Might there be a hundred?—I cannot say; I drew a little into the shop with Mr. Clarke.

2542. Might there have been a hundred women?—Indeed there might; I will not pledge myself to the number.

2543. Did you not in your very first answers, say that there were a few women?—I only saw a few coming round the corner at first.

2544. Did you not then go on to say, "a considerable number of women"?—I will not bind myself to the number at all.

2545. Did you see any men amongst them?—Not that I remember.

2546. Did you see men following Mr. McKenna down the street?—Some may have been.

2547. They may have been; did you see a hundred men following him down the street?—I did not.

2548. Did you see many men following him down the street?—I do not remember many; there may have been some.

2549. You do not know in your conscience that there were?—I do not.

J. Matthews,
Esq.

18 January
1869.

Mr.
J. Latimer.

Mr. J. Latimer. 2550. What do you believe?—The persons that I saw pulling at McKenna's hat were women.
 18 January 2551. Did you see any men following him?—
 1869. There may have been.
 2552. Were there not?—I don't believe there were.
 2553. Will you swear that you don't believe it?—I will swear I don't believe there were.
 2554. Did you see them going down the street?—I did.
 2555. Did you hear the shouting?—I didn't hear any shouting except afterwards.
 2556. Did you hear them booing at him?—

No, if you wish, I will tell you what the women said to him.

2557. I have no wish whatever about it; were there about a hundred women; did you smile?—Really I cannot tell.

2558. Did you hear the manner in which he described it; that he described it that you "blandly smiled"?—Yes, I did; I heard him say so.

2559. And you cannot say that you did not smile?—I cannot say that I did not, but I did not blandly smile.

[The Witness withdrew.]

PATRICK KINSILLA, sworn; Examined by Mr. Pallas.

P. Kinsilla. 2560. WHERE do you live?—24, Vicar's-street, Dublin.
 2561. Do you remember the day before the polling of the Drogheda election?—I do.
 2562. Do you remember meeting a man of the name of O'Rourke upon that day?—Yes.
 2563. You and O'Rourke had a conversation?—Yes.

Mr. McDonogh submitted that this evidence was irrelevant..

2564. Mr. Pallas (to the Witness).] Did you speak to a man of the name of O'Rourke, on the day before the polling for the Drogheda election?—Yes.

2565. Did you and O'Rourke go to any place after that conversation?—47, Dame-street.

2566. Do you know a Mr. Kennedy?—I do.

2567. Did you see a Mr. Kennedy at 47, Dame-street?—I did.

2568. Will you state what took place, if anything, between you and Kennedy?

Mr. McDonogh objected to this as being recriminatory matter.

Mr. Justice Keogh considered that at present there was no ground for the objection.

2569. Mr. Pallas (to the Witness).] Is Mr. Kennedy in court?—He is.

2570. Will you point him out?—He is beyond, at the corner there in the window (pointing to a person in court).

2571. State what passed between you and Kennedy.

Mr. McDonogh objected to the question.

Mr. Justice Keogh overruled the objection.

Witness.] Mr. O'Rourke brought me up by the shoulder and says, "This is a stout lump of a chap that would not be afraid of a row." That is the way he introduced me, and he took down my name.

2572. Mr. Pallas.] Was there anything else that passed?—He told me on Saturday at 10 o'clock, that Mr. Hamilton would pay us 1 l. for coming down.

2573. When were you to go down?—The next morning at half-past four.

2574. Were there any other persons present on that occasion?—There were over 70 in the house.

2575. Was Kennedy employing these persons?—Taking down the names; he took down my name and read to the whole of us that we would

be paid by Mr. Hamilton at 10 o'clock the next day, Saturday.

2576. What Mr. Hamilton was that?—That was the Member that was for the county of Dublin.

2577. You saw the 70 men that were being hired?—I cannot say that all of them were hired.

2578. Were some of them strong fellows?—They were.

2579. Like yourself?—Yes.

2580. Did you see Kennedy again that evening?—Yes, I did.

2581. Where?—In O'Connor's public-house.

2582. What were you doing there?—I was brought in to get drink.

2583. By whom?—Mr. Kennedy.

2584. Did you next morning, go by train to Drogheda?—I did.

2585. Did you see Kennedy?—I did.

2586. Did you see a great number of others there?—I did see them.

2587. Did others come after you?—Yes.

2588. How many altogether before the train left?—There were 50 that got tickets, and then there were four or five left behind.

2589. Had any of them any sticks or weapons with them?—I seen sticks in, too.

2590. Many?—In the side of the carriage that I was in there were 12 men, six on a side, and I could say there were about six sticks, and out of that there was one short one loaded.

2591. Had you yourself any?—No, I had no stick.

2592. Did you hear anything said by Kennedy about any weapon that the men had?—That they had them for to hide them going down the town.

2593. When did Kennedy say that?—I think it was at Laytown.

2594. Do you remember Kennedy saying anything in which the word "coward" was used at any time?—That we should have no cowardice about us.

2595. When was it that he said that?—I think it would be on the platform.

2596. Did you see any arms beside the sticks? No.

2597. Kennedy, I believe, got the tickets, and then the party came down?—Yes; I was about the fifth that was served with a ticket, a single ticket.

2598. Do you remember when the train arrived at Drogheda?—I do.

2599. And the men getting out?—Yes.

2600. Were there girls and boys collected on the platform, or near it?—Sitting on the wall as you come down from the railway.

2601. Do

2601. Do you remember any words being used on that occasion about fighting?—I saw a few girls there and a few boys.

2602. Did you hear any of your party say anything of what you were to do when you got to Drogheda?—I did not know myself what I was for.

2603. Were you to act as poll-clerk?—I never heard a word of it.

2604. Do you know what a poll-clerk is?—He has to take the votes as they come in.

2605. When you got out of the train, did you see a girl struck by a person?—I did by one, for hooting; she was hooting.

2606. Did he say anything when he struck her?—I forget now.

2607. Was she knocked down?—She was.

2608. Did you see a woman knocked down by a stone?—I did.

2609. Was that stone thrown by one of your party?—They were thrown at both sides.

2610. Did you see any man knocked down with sticks upon that occasion?—I saw one.

2611. When did you leave these 50 people?—This is what made me leave the town altogether. There was one man called Woodhouse, and he met some priest on the road, and he said, "If I had a revolver I would shoot that bloody papist priest. So I says, "I am in bad quarters," says I, "and I will get away."

2612. What was the Catholic clergyman doing when these expressions were used?—When the girls and the man began to pelt the stones at one another, he told them not to pelt any stones.

2613. And it was then that these expressions were used?—Yes.

2614. After that, before you left, did you see another girl knocked down?—I only saw the woman and the girl altogether.

2615. When did you leave Drogheda on that day?—I suppose it would be about half-past nine o'clock in the morning.

2616. And at about half-past eight o'clock, I suppose, you arrived?—Yes; I got into a house, and I stood there smoking a bit.

2617. Were you afterwards paid for coming down?—Yes, I was. On Saturday morning, after I had walked in from Drogheda, I went up to Mr. Kennedy, and I told him that I had to cut my old shoes up for walking home. "Well," he said, "we will not make you the same as the others; there is 5s.," he says, "on account." So the following Wednesday night I walked up, and he gave me a shilling. Then they were to be all paid on Friday, so I did not go on Friday, but I heard that they were paid, and I went up to Kennedy's own place, and he paid me 19s.

2618. All the men were to be paid the same?—No, but I was to get half-a-crown extra for walking home.

2619. Did you see a list of names with Kennedy of the persons who were brought down?—I did.

2620. Do you remember how many names there were on the list?—I know there were 50 came, but there might be a lot that were left behind.

2621. Did you see that list within the last week?—I saw it yesterday.

2622. In whose possession?—In Kennedy's.

2623. Is your name on that list?—It is.

2624. Do you remember the number of it on the list?—54.

2625. Is that the Mr. O'Rourke that you refer to?

(pointing to a person in the Court)?—That is the man that introduced me to Kennedy.

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Cross-examined by Mr. M'Donogh.

2626. Mr. O'Rourke keeps a public-house in James's-street?—Yes.

2627. What are you?—I am a dealer.

2628. In what?—In fish, such as oysters and shell-fish.

2629. You are not an Orangeman?—No.

2630. You are not one of the "bloody Orangemen"?—No.

2631. You did not come down to take the town of Drogheda by storm, did you?—Give and take, that was the name.

2632. You had no stick?—No.

2633. Were those small sticks, the six that you saw amongst all those men?—Some of them were big ones, and one loaded with lead.

2634. With a ferule on it, as you would call it?—No, no ferule; it was loaded in the head with lead.

2635. Did you see the attack that was made upon the men, when they came here?—It was nothing of any account.

2636. You did not see the blood flowing?—I saw blood.

2637. Did you see the shower of stones coming from the women?—Aye, and I saw them going back too.

2638. They went back as they came in?—Other stones, not the ones that were thrown.

2639. Did you throw a stone?—Yes.

2640. You really did?—Yes.

2641. Were you struck with a stone?—Well, slightly, I was not hurt at all.

2642. Did you see any man amongst them?—No, they were all little girls. There were only two men with sticks at the cross of St. James's-street.

2643. You do not mean to say you threw a stone at the little girls?—I did at the women and girls.

2644. Did you see the men come in upon the station?—I did not go to the station; I did not go back to it.

2645. But did you not go to the station in the first instance?—From Dublin I did.

2646. Did you see the men break into the station?—No.

2647. Did you see any one in the station?—I did.

2648. Did you see them beating those men who came from Dublin?—No, not then.

2649. When did you see them doing it?—Give and take; I see them coming down with stones, I did not see them beaten at all.

2650. Did you see them beaten with stones by the men?—Who beat with stones?

2651. The men that came down in your company?—I was told they were beaten, but I did not see them.

2652. Was blood flowing?—I saw the cuts, but I did not see the blood from them.

2653. Where was the priest?—There is a little gateway on the road as you come down from the station, and he was just there.

2654. And he was there when the train arrived?—Not at the train.

2655. Was he at the station?—I did not see him until I saw him where I tell you.

2656. How soon after you arrived at the station did

P. Kinsilla. did you see him?—I saw him the very minute I came into the road.
 18 January 1869. 2657. Do you know who he was?—No.
 2658. Did you hear that his name was Father Gavan?—No.
 2659. Would you know him again?—I might.
 2660. Is he in this Court?—I do not know.
 2661. Look about, look up in the gallery, is that the gentleman (*pointing to a person in the Court*)?—I am not sure; I think that is like the gentleman, that put up his hands, and told them not to be throwing any stones; I am not thoroughly sure about that.

The Rev. JAMES POWDERLY, sworn; Examined by Mr. Heron.

Rev. J. Powderly. 2666. Are you one of the Roman Catholic curates of Drogheda?—Yes, I am curate of this town.
 2667. Who is the parish priest?—The Very Rev. Dr. Tierney.
 2668. How long have you been in Drogheda?—I am in my 16th year in Drogheda now.
 2669. As Roman Catholic curate of this parish?—As Roman Catholic curate of this parish.
 2670. You remember the day of polling at the last election?—I do.
 2671. Did you hear a person named Kelly examined in Court on Saturday?—No.
 2672. Did you see him here to-day in Court?—Yes, I saw him here to-day.
 2673. Do you remember on the day of polling seeing Kelly in the hall leading to the booth?—I met a person said to be named Kelly, but I did not know him, otherwise, except that I heard his name was Kelly.
 2674. Was he then in the booth in Peter-street?—Not in the booth; he was in the hall leading up to the booth.
 2675. In Kelly's presence, were you asked whether you would go and speak to him?—I was walking in the street, and some person came to me and said there was some voter in Peter-street, and that if I would ask him to vote for Whitworth, he would probably do so; and I complied with the request.
 2676. Did you go and see Kelly?—Yes.
 2677. What did you say to him?—I asked him whether he would vote for Mr. Whitworth. I said that Mr. Whitworth had strong claims upon the people of Drogheda; that he was a Liberal, and would support the great Liberal party, who were now promising good measures for this country; and that it would be a great matter for us to return a man who would carry out our wishes, and support measures that might be brought forward in the Imperial Parliament for the benefit of Ireland.
 2678. What did Kelly say?—Kelly said that he would rather not vote.
 2679. Did he assign any reason for not voting?—I think I recollect him to say that he was afraid of his landlord.
 2680. Was that all that occurred before Mr. Whitworth came up?—I do not know whether that occurred in the presence of Mr. Whitworth or not. I am not quite sure about the moment that Mr. Whitworth appeared or Mr. O'Donnell.
 2681. Were you speaking to him before Mr. O'Donnell, the Christian brother, came?—I think I was speaking to him before Mr. O'Donnell came. I remember distinctly that I saw Mr.

2662. Did you see amongst those men that came down with you, one that had a wooden leg?—I did.
 2663. Did you see another of them that wanted an arm?—Not with us, he did not come down.
 2664. What was the wooden legged man's name?—Reeves, I believe.
 2665. Did he sit in the carriage with you?—Not in the carriage with me.

[The Witness withdrew.]

Whitworth and Mr. O'Donnell, and there were some others present, but I could not recollect at all who there were.
 2682. From the time Mr. O'Donnell came up to Kelly, did you hear all that occurred?—I heard all that occurred while I was there, of course.
 2683. Did Mr. O'Donnell say that Kelly would go to hell if he did not vote for Whitworth?—Certainly not in my hearing at all. I heard Mr. O'Donnell, I think, say to this person, who was supposed to be Kelly, "Won't you vote for your priests?" or "with your priests?" and he might, perhaps, have added the words, "for your country"; but I could not be so sure of that. That is all I heard Mr. O'Donnell say on that occasion.
 2684. Do you remember Mr. Whitworth coming up and saying anything to him?—I remember Mr. Whitworth asking him, "Won't you vote for me, Kelly?" and he declined, and said he would not.
 2685. What did Mr. Whitworth then say?—I think we left them there. Immediately after I said, "If this man does not wish to vote, we do not want the man." I was only there a few minutes altogether.
 2686. Did Mr. O'Donnell say, "Let him alone; let him go to hell; he is always going there"?—Certainly not; I never heard him say such words.
 2687. On the day of the polling, were you in and about the Tholsel and the different booths?—I was, frequently.
 2688. Did you point out to the mob to attack an old gentleman with a long white beard who had voted for Sir Leopold McClintock?—Certainly not.
 2689. On that day, or at any time during, or before, or after the election, did you excite the mob, or lead the mob, or in any way influence the mob, to commit personal violence upon any person?—Certainly not. On the contrary, I did everything in my power to prevent the mob doing any harm of any kind. I made no speech, I may remark, before the day of polling or on the day of polling, until after the man was said to be shot. When I heard that there was a man shot, I at once said it was time to draw the people, if possible, off the streets altogether, and to prevent any further disturbance or confusion; and I went to the nearest place at which I could address them publicly in the streets, and that was at Mr. Thomas Daly's, where the judges' lodgings are. There is a balcony, and I went there, and I knew when they saw a priest standing there they would come away from the soldiers. I may remark that,

that, when I saw the soldiers, they seemed in a most excited state after coming up from the bridge. I saw only one of the soldiers bleeding a little from a wound on the side of the head, and I spoke to them for a moment, and I said, "If you can at all keep quiet here, do so." They were trembling with emotion, and in a most excited state, and seemed to have their guns ready to fire almost, and I was really afraid that some other accident might occur; and I begged them to have a little patience for a moment, and said that I would do everything in my power to withdraw the mob. So I went to Mr. Daly's windows, and I told them that the state of the poll was now such that Mr. Whitworth was certain to be returned, and I said that I was very sorry to say that the victory now gained was not gained without some bloodshed; and in order that there might be no further accident, I begged of them to hear one of their pastors who had been here so long with them, and to follow his advice, and that was, to disperse, and to go home as quickly and as quietly as they possibly could to their own houses. I then told them to go up to the Whitworth Hall, which is in Lawrence street, some distance from the polling, in order to take them entirely from the streets, and that they would be addressed there by the clergy, and by other friends of Mr. Whitworth. This was merely to take them away from the place, and when we got there I repeated what I had said at Mr. Daly's windows, and begged them then to go home quietly; and, in order to do this more effectually, I left the place and went down, before them, to the post-office, which is about half-way up Lawrence-street, and I stood in the centre of the street, and I told them, as they went back, that I would not allow anyone of them to pass; at least I requested them not to go down to the Tholsel any more, and I begged them to go home; and that if they lived in this side of the town, they could go to it; and if they lived in the other part of the town, they could go to it by a lane which is called Free School-lane, on the one side, and on the other side by the lane leading down to Shop-street, and across the bridge. Not more than one or two passed me, and those living in Lawrence-street, so they all dispersed; and afterwards the town remained perfectly quiet.

2690. Except on that occasion when you were walking before the crowd?—I brought them with me; they followed me at once.

2691. Except on that occasion, is it true that on that day you were in any way a leader of a mob?—Not of a mob in any manner.

2692. You walked up the street before them, telling them to come after you?—Yes; I told them publicly from the balcony of Mr. Daley's, to follow me, and to come up Lawrence-street.

2693. To take them away from the soldiers?—To take them away from the soldiers, and to make them disperse peaceably, and for no other object.

2694. Did you on that day hiss on the mob at the station?—I was not at the railway station at all that day; I did not cross the bridge at all that day.

2695. Had you canvassed for Mr. Whitworth?—I had.

2696. When did you do so first?—Almost at the beginning of his canvass; the first time he went to see the voters that lived in the country, I went with him.

2697. Did you, on the day of the polling, do

your best as a minister of peace, to preserve the peace?—Certainly, on all occasions.

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Cross-examined by Mr. McDonogh.

2698. You canvassed for Mr. Whitworth, (as you had a perfect right to do), and went with him, I presume, on his canvass?—I did.

2699. And from the very commencement?—Not from the very commencement; it was about the commencement, certainly, but he had been canvassing a few days through the town before I went with him.

2700. And you reported to him the results of your canvassing as you went along?—Certainly.

2701. Upon this occasion in question, it appears that you saw this man Kelly; did you see the Rev. Mr. Matthews before you saw Kelly?—Mr. Matthews was not there at all to my recollection.

2702. Did it come to your knowledge that Mr. Matthews had had the man in custody?—I knew nothing whatever of it.

2703. Can you tell who the person was that said to you, "Do come and speak to the man to induce him to vote"?—I could not at all; I did not know the person at all.

2704. And did you canvass the man?—I asked him to vote for Mr. Whitworth, certainly.

2705. And then Mr. Whitworth joined you?—Yes.

2706. And then he canvassed the man?—Certainly.

2707. Did you hear anything said by anybody about his bread being taken?—Not a word at all that I recollect.

2708. You knew he was a baker?—I did not know what he was; I never knew anything of him at all, whatever.

2709. Did you hear Mr. O'Donnell, the Christian brother, say anything at all about his bread being taken?—I do not remember anything of it at all; it might have been said, but I have no recollection of it. Mr. O'Donnell may have been there after I left.

2710. Do you remember this expression; when he was asked to vote for his church, then did Kelly say, "This election has nothing to do with my church"?—I do not.

2711. Can you say whether or not; you can swear those words did not occur?—Everything I say, I am swearing.

2712. I know that, but there is a difference between swearing and positive affirmation; did those words occur in your hearing?—Certainly not.

2713. The man was very reluctant to vote?—The man was very reluctant to vote; consequently, I left him; I was not two or three minutes speaking to him; we did not want him, and I told him so.

2714. At what hour was that?—I do not recollect what hour.

2715. Was it after the man was shot?—I really could not decide; I heard some of the witnesses say it it was half-past one, but I cannot say myself, whether it was before or after the man was shot.

2716. You cannot tell me the hour?—I cannot indeed.

2717. The man was shot before one o'clock?—I heard so; I do not know from my own personal knowledge.

2718. But

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2718. But the dreadful event must have impressed itself on your mind?—Certainly.

2719. Are you able to say whether this conversation was after the shot had been fired?—I am not able to say, because I was in and out from half-past seven o'clock, or eight o'clock in the morning, throughout the entire day.

2720. Where were the soldiers when they were trembling with emotion and agitation?—Standing opposite the Tholsel here, on the other side of the street, near Shop-street; they appeared to be very excited.

2721. And you very properly came to the determination of withdrawing the people?—Certainly.

2722. Lest some dreadful collision might occur?—I did not know at the time what had occurred at the bridge; I was in West-street at the time.

2723. Surely you had heard of it?—I had heard of it, but I did not see it; I did not know the particulars of the man being shot.

2724. But you knew at the time that the man was killed?—Yes; at what time?

2725. At the time you saw the soldiers trembling with emotion?—Yes, that was about half past 12 o'clock or a quarter to 1 o'clock when the man was shot that I was aware of.

2726. And then you came to the determination of withdrawing the people?—Certainly.

2727. And making them all quiescent?—Yes.

2728. And sending them away?—Yes.

2729. And you did that to prevent any collision with the soldiers who had their guns in their hands?—They had, and I think they were at full cock and ready to fire if they got the least word of command.

2730. They were in that nervous state that if they were not assailed they would have fired?—I could not tell.

2731. But you were apprehensive of that?—Yes.

2732. The thing to be achieved was that you as a Christian minister should get the people out of the trouble?—Certainly.

2733. And then you went and addressed them from Daly's?—Certainly.

2734. And you had a powerful influence over them?—I got them all off; I knew the state of the poll at that time to be that Mr. Whitworth had such a majority that there was no possibility of any other result; I knew from the beginning there was no chance for Sir Leopold M'Clintock at any time.

2735. But you knew then the victory was won?—I did.

2736. And you announced it to the people?—Yes.

2737. And you knew, of course, the victory having been announced, that that was a tranquillizing statement coming from a gentleman in your position?—Certainly; it is generally called a victory when one succeeds in an election matter.

3738. I have no doubt of the truthfulness of your feeling, that you regretted that your victory had not been won without bloodshed?—I regretted that there had been bloodshed.

3739. And you so stated to the people?—Yes, I so stated to the people.

2740. And still acting with a determination of withdrawing the people and getting them out of the way, you, as it were, went at the head, and you knew they would follow you?—Some went

before and some followed; I was in the middle of them sometimes.

2741. But you took up a position amongst them?—Yes.

2742. Then you separated them from the soldiers?—They were separated from the soldiers before this; I took them away from the soldiers up to the end of Lawrence-street, and the other clergymen that were there addressed them also, and then I went down before them in order to prevent their coming back.

2743. And accordingly you withdrew them?—Yes.

2744. You were not the night before at Sincok's Hotel, were you?—I was.

2745. What brought you there?—I was just out to see what was going on, to see Mr. Whitworth; it was quite usual to be down there sometimes in the evening to see our friends.

2746. You were in the habit of going therefore into that coffee-room?—I was not.

2747. Where used you to go?—To Mr. Whitworth's sitting-room.

2748. And you saw him there on that occasion?—Very likely I did.

2749. But did you, or did you not?—Well, I should think I did.

2750. But did you not?—I think I did see him.

2751. Have you any doubt of it?—It is quite possible; I think that I saw him; I can say no more.

2752. Were you on the balcony when the speeches were made?—I was not on the balcony at all at any time.

2753. Did you make any speech?—I did not until after the man was shot; I was quite opposed to any speeches being made; I heard them speaking and saying that no speeches should be made. Some people were suggesting that it would be well to have some speeches made, and Mr. Clinton, Mr. Whitworth, and myself, came to the determination most distinctly that it was best that no speeches should be addressed to the mob.

2754. But you were overruled?—We were not overruled, because they came and acted for themselves.

2755. And you disapproved of the sentiments of those speeches?—Of some of them certainly.

2756. Did you hear Mr. Maccabe, the reporter, give his evidence?—No, I did not.

2757. Did you hear the Rev. Father Gavan make a speech?—I heard him saying a few words; I did not hear all his speech.

2758. Did you hear the Rev. Dr. Murphy?—I heard him saying a few words.

2759. Did you hear the Rev. Mr. M'Kee?—I heard him saying some, I did not hear the entire of his speech.

2760. Did you hear the 500 Orangemen from Dublin talked of?—I might have heard it, but I am not quite sure whether I heard it there, or whether I saw it in the papers a few days afterwards.

2761. But you disapproved of the sentiments you heard?—Of some, not of all.

2762. What sentiments did you disapprove of?—I disapproved of treating any person in an injurious manner, or of any words that would produce that effect.

2763. Do you remember their being told to meet them coming down in the morning; that was what you disapproved of, was it not?—I tell you

you I disapproved of everything that would lead to violence.

2764. Was that the sentiment that you particularly disapproved of, "Do not forget, boys, to meet them in the morning, and hurl them into the Boyne"?—Of course, I could not approve of that.

2765. Did you hear this—"So we will, father, with sticks and stones"?—I did not.

2766. Did you express any disapprobation to the clergyman who used those words?—I told some of the gentlemen who were speaking that they should discontinue and say no more on that subject at all, and tell the people to go home quietly; and when I heard some of the clergymen that were speaking using language that I thought likely to lead to violence, I begged them to stop, and not to address such language to the people, and to retire after telling the people to go home quietly, and to disperse.

2767. Did you see Mr. Whitworth standing next to the Rev. Dr. Murphy on the balcony?—I did not.

2768. Did you hear a witness say here (it may have been a mistake) that an old woman, being asked what the name of the clergyman was that pointed out the voters as they left the polling, said that that was Mr. Powderley?—I was here on Saturday when a witness said that he saw a clergyman pointing to the mob when he saw an old man come down after voting for Sir Leopold McClintock, and giving them to understand that they should offer some violence towards him. He was asked then did he know who the clergyman was; he said he did not, but that he heard that it was the Rev. Mr. McKee. He was asked then, could he identify that clergyman again if he saw him; he said he was not sure, but he might; and he was asked to look round the court, and he saw me standing here, and he said, "I think that is the clergyman I saw."

2769. But he did express positively that you were the person?—He was not positive; he was quite wrong about it; I was not the person.

2770. Do you not think that you were one of

the main causes of the dispersion of the crowd that day?—I contributed a good deal towards it. *Rev. J. Powderly.*

Re-examined by Mr. *Heron.*

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2771. Did the Rev. Mr. McKee and Mr. O'Donnell assist you in dispersing the crowd?—Yes, I think they did; certainly they did; and the Rev. Mr. Glynn also, and Father Doyle.

2772. Mr. Justice *Keogh.*] You say that you, when you heard some language which you thought was calculated to lead to violence, very properly interposed, and recommended that there should be no further address; can you recall what was the language that you apprehended would lead to violence?—I do not remember distinctly the words now, but it was something about the Orangemen coming from Dublin.

2773. Was there anything about throwing them into the Boyne?—I think I heard that.

2774. Did you hear any expression from the crowd in reply to that address?—I have been asked by Mr. McDonogh if I heard the people in the crowd say, "We will beat them with sticks and stones on to-morrow morning."

2775. But did you hear any expressions from the crowd in answer, after those observations were made, of which you disapproved?—I cannot say exactly at what time it was, but I think I heard some one in the crowd say they would meet them.

2776. Was Mr. Whitworth there at the time?—I really cannot say; I am not quite sure whether, when I heard those remarks, I was standing amongst the crowd myself or whether I might have been in the room.

2777. At all events you have no doubt that you did interpose to stop the use of language that you thought calculated to lead to violence?—Certainly; I endeavoured to take the gentlemen in who were addressing the crowd.

2778. It is very creditable to you.

[The Witness withdrew.]

The Reverend EDWARD O'DONNELL, sworn; Examined by Mr. *Hamill.*

2779. ARE you one of the Christian Brothers stationed in the town?—I am.

2780. Were you hear on Saturday, or did you hear the evidence of Mr. McKenna delivered in this court?—I was here on Saturday, but I did not hear the evidence of Mr. McKenna.

2781. Did you afterwards hear it, or hear it spoken of?—I heard it spoken of.

2782. Did you canvass for Mr. Whitworth?—No.

2783. Were you hear upon the day of the nomination?—I was.

2784. Will you let me read to you a passage from Mr. McKenna's evidence; he says that the people were in the gallery, "and some were standing along the ledge; Mr. O'Donnell, a Christian Brother, jumped up where that hat is, and he appeared to me to act in some capacity, like a fugleman or mob leader;" is there any truth in that?—I stood upon the bench, but I did not act in the capacity of fugleman or mob leader.

2785. Were you a mob leader?—Decidedly not.

2786. Then he says, "From the time Mr. O'Donnell stood on the spot the place was one
27.

terrific scene of uproar; he was gesticulating, and waving his hat and flourishing it." Just tell us what you did at the day of nomination?—I cheered for Mr. Whitworth, and waved my hat or my hand from time to time.

2787. Did you do that in any capacity at all as a mob leader, or as one desirous to guide or direct the crowd?—By no means; I was neither by accident nor by arrangement connected in any way soever with the mob.

2788. Do you know a person named Kelly, a voter, or did you know him before that day?—No, not before that day; I saw him on the table to-day.

2789. Did you see that man upon the day of polling?—I did, though I would scarcely know him other than that I saw him here to-day.

2790. Where did you see him?—At the hall; at the booth in Peter-street.

2791. Who was with you when you saw him?—Mr. Whitworth, and the Reverend Mr. Powderly, and some others.

2792. Just state to his Lordship what you said, and what was said in your presence, and what Kelly said, as you best recollect?—I heard the Reverend Mr. Powderly recommending him to vote

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vote for Mr. Whitworth; Kelly said he had not his mind made up to vote at all; Mr. Powderley repeated what he had said at first; Kelly still refused; Father Powderley said that Mr. Whitworth's principles were known to be those of the great Liberal party; why would he not vote. Mr. Whitworth said, "Why will you not vote; you know my principles?" I heard that much, and then I added, "Vote with your priests, and for your country." I repeated those words perhaps twice, and then on seeing that he was still obstinate, and refused to vote at all, I said, "Let the fellow go, he doesn't intend to vote; it's useless to press him."

2793. Did you use the word "hell," or that "he is going to hell;" or that he was "about to go to hell, where he was always going," or words to the like effect?—I never used the word "hell" on the occasion, nor that "he was going to hell," nor anything whatsoever about "hell" or "damnation," as he attributed to me.

2794. Did you assist the Reverend Mr. Powderley, the last witness, to calm the crowd, or take away the crowd after the occurrence at the bridge?—I did.

2795. And you did your best to quiet them?—Yes.

Cross-examined by Mr. Plunkett.

2796. I have no doubt you did your best to quiet the mob at the bridge, and I believe you had some success with them?—I was not on the bridge at all upon that occasion.

2797. After the transaction, you asked the people to disperse?—Yes, I did my best.

2798. And you had some success with them, had you not?—Very considerable, I think.

2799. Until you and the other clergymen addressed them, they were very much excited?—They were excited.

The Reverend THOMAS MATTHEWS, sworn; Examined by Mr. Pallas.

Rev.
T. Matthews.

2811. I BELIEVE you are the parish priest of one of the parishes in Drogheda?—Yes.

2812. How long have you been a clergyman in the town of Drogheda?—Better than 21 years.

2813. Do you know Clarke, who was examined on Saturday?—I do.

2814. Prior to the election, had you any conversation with Clarke, and did you make any promise to support Mr. Whitworth?—I did.

2815. About how long before the election?—It was several weeks; seven or eight weeks I dare say.

2816. Did he promise you that he would vote for Mr. Whitworth?—He said that he would promise to vote for Mr. Whitworth.

2817. Did you on that occasion say you would call upon Mr. Clarke, or did you meet him casually?—I met him casually; he lives close by me.

2818. Do you remember meeting him again on the day of the polling?—Not upon the day of the polling, but I met him some few days before.

2819. What passed upon that occasion?—It was a casual meeting; he was standing at his door, which is quite close by my residence, and having heard that he was going to the entertainment Mr. Brodigan was giving in the evening, eating and drinking, I began to suspect that he might not be firm in his first resolution; he men-

2800. In fact, your addressing them with the other clergymen, had the effect of dispersing them and sending them home?—It sent vast numbers of them home.

2801. I suppose you came there on the nomination day, and supported Mr. Whitworth?—I came there to witness the proceedings.

2802. You are not a voter I suppose?—No.

2803. But you came there to witness the proceedings, and to take part in supporting the candidate you approved of?—I came there not intending to take any active part at all, but merely as a spectator; but I was interested in Mr. Whitworth's return.

2804. But being interested in it, your spirit entered into the spirit of the scene I suppose?—Just so.

2805. Had you not some influence with the mob that day?—Probably they respected me; I had the influence that any respectable person would have, and perhaps something more.

2806. On that occasion, when you saw the voter Kelly, you say that you said, "Let him go;" are you sure that you did not add words to this effect, "the way he is always going"?—I never repeated it.

2807. But did you say it?—I did not say it; I did not know Kelly, consequently I could not say "the way he is always going."

2808. I suppose that if a man of your religious persuasion was opposing the cause of which you approved, you would think he was going a bad way?—We were voting for a Protestant and Independent.

2809. But I speak of the cause?—That is merely a religious question.

2810. But you said, "At all events, let him go"?—It was useless to press him.

[The Witness withdrew.]

tioned also, himself that he was going there and getting the entertainments, and I said to him, "Clarke, I hope you will continue to support Mr. Whitworth," and he said, "I think I will support Mr. Brodigan;" and then I made an observation to the effect that Mr. Brodigan and himself were a very worthless pair.

2820. Did you make use of any expressions to the effect that you would trample him and Brodigan under your feet?—Nothing of that sort whatever.

2821. Do you remember calling at Kelly's house upon the morning of the day of the polling?—I do.

2822. Did you see him?—His wife was in the shop; I stood just inside the door, and I think he descended the stairs from a room up-stairs, and I said, "Kelly, will you come to vote for Mr. Whitworth?" and he answered and said, "Will you give me 20?." Then I told him Mr. Whitworth gave no money; and then he said, "I will not vote without money;" and I said "That is impossible; I will call in another part of the day, and you will have your mind made up;" and I think he said as I retired, "If so, bring 100? with you."

2823. Did you afterwards, in the course of the day, see him in West-street?—Between 10 and 11 o'clock I came up to West-street, to see that all was going on quietly. Kelly was walking here close

close to the court, with three or four persons around him, who seemed to be parties acquainted with him, and I said, "Kelly, did you vote?" and he said, "I did vote for Whitworth;" "Take care, Kelly," said I, "I will inquire." Three persons were with him, who I thought were well known to himself, and were not like roughs or anything of that description; I went, and after a time, I made out the booth where Kelly should have voted, and I found he didn't vote; after a time, I met Kelly about the same place, with scarcely any person with him, and I said, "Kelly, you told a lie, you're a great rascal," or something of that kind; and they appeared to urge him to vote, and said he ought to; and after a time, I retired and left him there, but I didn't give him into the hands of the mob in any way.

2824. On the first occasion, before you went to the booth, did you use any expressions, such as, "Hold him there, while I see whether he has voted?"—Nothing whatever of that tendency.

2825. And then, when you found he wouldn't vote, you left him?—I left him.

2826. When did you see him next upon that day?—I don't think I saw him that day after?—

2827. Do you remember seeing a man of the name of Cahill, on the day of the polling?—Yes, I called at his house.

2828. At what hour was that?—Somewhere about 11 o'clock, or perhaps a little before that.

2829. What took place upon that occasion?—I went to Cahill's house; some weeks before, he had told me he would vote for Mr. Whitworth; I called in, and his wife was there, and his son-in-law and daughter, and I asked where was Cahill. They said he was down in the room; I went down and said to Cahill, "Will not you come to vote as you promised," and he said, "They are opposed to me here," meaning his family. With that we came towards the room door, that is the parlour door, quite close by the hall; and the son-in-law particularly said, "Oh, the landlord is here, he cannot go and vote." He said, "I think that he would be destroyed." I said, "Cahill, have you a lease?" "I have," he said, "a long lease;" and immediately after that his daughter came up and said, "You must go with the priest," and he came.

2830. Is that the substance, as well as you can remember, of everything that took place upon that occasion?—Those are the minute particulars.

2831. There was a witness of the name of Boyd, who was examined here; had he promised you to vote upon any occasion?—He had not.

2832. Do you remember after the shot was fired, some of the escorted party coming under your protection?—I was in my own house, and the escort came down; I went along with the escort, and endeavoured to pacify the people. Some little persons, boys and girls, were throwing stones in a small way, so as to let them drop upon the parties in the escort; and they came on to the bridge and met the people at the bridge, immediately the man was shot, and the ranks were broken, and seven, eight, or nine parties whom I knew to be voters, claimed my protection. I gave them protection, and told them they would be quite safe, and I brought them with me, and I put them into Maguire's house; the other houses were closed on account of the crowd in the street. Dr. Breedon, as I found afterwards, had his head cut; he was, I

think, the only party that received any injury, and the doctor was sent for to dress the wound, and he came after a little, and I said, "Now remain so, and I will go and get you to vote; I will see some of the authorities." I sent for the sheriff, and some of the other magistrates came with us, and I think six or seven came out; but Dr. Breedon by this time was in bed; he was an old man, and he was feeble.

2833. And any of them who wished to vote you saw were properly escorted?—Yes, I took the first, a Mr. Smith, and I think he voted for Sir Leopold McClintock, and the others did also.

2834. Before you gave them that protection, had you any communication with Mr. Whitworth at all?—None whatever.

2835. Were you about the town the greater part of the day of the polling?—Except when attending on those parties.

2836. Did you do everything in your power for the purpose of quieting the mob?—Everything as the other priests did.

2837. Did you see other priests in the streets upon the same day?—Yes; the Reverend Mr. Gavin was there doing everything to appease the people, and to prevent the throwing of ones.

2838. Was everything done by you during the disturbance to prevent throwing stones?—Certainly, because we knew firstly that it would be a means of injury to the people; and secondly, because we knew it was just what the opposite party would wish.

2839. Did you do anything whatever to excite offence?—Certainly not.

Cross-examined by Mr. McDonogh.

2840. Was there a large number of persons present when you told this man he was a great rascal?—I think there might be six or seven, some few; I don't think they were near enough to hear us; they were about, and he was walking about by himself loosely, through the place.

2841. You are now speaking of Kelly?—Of course.

2842. And you had repeatedly tried to get him to vote for Mr. Whitworth?—Only on that morning; I might have once before; but I knew he was a character, from report and from my own observation, that would not vote without money.

2843. Did you not ask him to vote upon a former occasion?—Perhaps I did; I am not quite sure; but I had no idea that he would vote for anyone except upon this condition.

2844. Did you not state that you had canvassed him originally?—I don't think I stated that.

2845. Perhaps that applied to Clarke?—Just so.

2846. When you met him, you asked him if he had voted, and he said he had, for Mr. Whitworth?—Yes.

2847. How near was that to the voting booth?—I found the voting booth, afterwards, was in Peter-street, and this was two or three perches to the west of the court-house.

2848. Did you find him, when you came back, in the same place?—Not in the same place.

2849. But the people were about him still?—Only a very few.

2850. Do you mean, now, to represent to the Court that, when you went to ascertain whether he had voted, he was a free agent to go where he liked?—Perfectly so.

2851. And

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Rev. T. Matthews. 2851. And you mean to represent that?—Perfectly.

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2853. Nor anything to that effect?—Nor to that effect. There were some few persons near him of his own class, and I then said, "Kelly, you shouldn't have told a lie." I may have used the word "rascal"; I dare say I did.

2854. What did you do with him then?—I left him there to himself.

2855. You left him to his own devices?—Exactly.

2856. Did you see Father Broderley afterwards?—No; I think I saw him addressing the people.

2857. Did you see Kelly in the mob after you left him?—No.

2858. You did all you could to make him vote for Mr. Whitworth?—Just what I told you.

2859. You afterwards ascertained, of course, that he refused to vote at all?—He told me early he would not vote without money, and I thought he was looking about for money.

2860. Was it soon after that you went to Cahill and got him?—I didn't say the particular hour. I think Cahill was before that. I will not say that it was a casual meeting with Kelly here.

2861. At about what hour did you get Cahill to vote?—I think it was some short time after 10 o'clock.

2862. Had you been often at his house —I

think only once that day, and on a former occasion I was there once when I was on duty in the neighbourhood.

2863. When on duty in the neighbourhood, you dropped in to get the vote for Mr. Whitworth?—Exactly.

2864. And on this occasion, notwithstanding a remonstrance of the man and of some of his family?—He made no remonstrance; he said they were opposed to him in the house, meaning some of his family; but the daughter came down and said he should vote. That, I think, arose from his stating that he had a long lease, and that he had no apprehension of his landlord.

2865. Did you take him then and poll him?—No; he was an old man, and I walked out with him, and helped him up on the car.

2866. And then he voted for Mr. Whitworth?—Then he voted for Mr. Whitworth.

2867. At what hour?—I said at about half-past 10 o'clock, but I wouldn't be quite certain.

2868. He was one of the triumphant majority?—The majority was quite certain weeks before.

2869. And when Mr. Whitworth could not show himself in the street, it was quite certain?—That was in consequence, I believe, of a mob being hired against him.

2870. Brodigan's mob?—I think the other had a mob. I am quite sure of it, so far as observation could go. Sir Leopold McClintock was not known until the advanced part of November.

[The Witness withdrew.]

The Reverend HENRY MCKEE, sworn; Examined by Mr. Heron.

Rev. H. McKee. 2871. ARE you one of the Catholic curates of Drogheda?—Yes.

2872. How long have you been in the town?—Nine years.

2873. You are also an elector of Drogheda, are you not?—Yes.

2874. Originally, did you canvass with Mr. Whitworth?—I never canvassed with him.

2875. Had you declined to do so?—Yes.

2876. When first did you go near Mr. Whitworth as a supporter of his?—When Sir Leopold McClintock appeared on the field.

2877. How soon was it after Sir Leopold McClintock came?—From the moment I saw him canvassing I knew he was in earnest; that was on the 14th of November.

2878. I believe the 14th of November was the day his address appeared in the newspapers?—It appeared three or four days previously; it was placarded through the town.

2879. On the day of polling, at what hour did you vote?—At half-past eight o'clock on the day of the polling.

2880. Did you remain about the town on the day of the polling?—I remained in the vicinity of the Tholsel, except that I was away for about 10 minutes, but came back again; I remained in the vicinity of the Tholsel till about half-past nine o'clock.

2881. Up to that time, had you seen any disturbance?—Not until half-past nine o'clock.

2882. What occurred then that you saw?—I saw the Hussars coming up Shop-street, brandishing their swords; I was then afraid there would be a collision between them and the people, as the street was crowded; I then, to create a diver-

sion, went up Peter-street, and took off my hat, and the mob followed me.

2883. Away from the soldiers?—Away from the soldiers.

2884. Did you do that as a matter of precaution and a measure of peace?—Decidedly.

2885. You brought the crowd, you say, up Peter-street?—Yes.

2886. How far did you bring them away from the military; did you bring them completely away from that direction?—Undoubtedly; they followed me up to my own house in Fair-street, where I was going at the time.

2887. Is that your parochial residence?—It is.

2888. Did you then go in there?—Yes.

2889. Did you, after that, come out from your own house, until after you heard that the shot had been fired?—Shortly afterwards, I went into the reading-room of the St. Peter's Young Men's Society, which is next door to our own house, and I remained there reading the paper till shortly after 12 o'clock.

2890. After the shot was fired, did you use any efforts to keep the peace?—I used every effort.

2891. Where did you go after the shot was fired?—As soon as I heard of the man being shot, of which I heard a little after 12 o'clock, I went down to West-street, and I then saw the Reverend James Broderley addressing the crowd from Thomas Daly's windows; I went there to give him all the assistance in my power to preserve the peace.

2892. Did you yourself address the crowd there?—Not from Mr. Daly's.

2893. What did you do then?—Then it was suggested that it would be better to withdraw the crowd from the neighbourhood of the soldiers, and

and I and Mr. O'Donnell, and the Reverend Father Glynn and others went down in the direction of the Whitworth Hall for the purpose of addressing them there, and in order to keep them away from the crowd; we then found that the windows would not open, and we went over to William Magee's —, and from those steps Father Broderley addressed them, and I addressed a few words to them also; then Father Glynn and I came down to the Tholsel and found the crowd remaining there, and we thought it better to move them from it; Father Glynn then addressed them from the Tholsel steps, and told them not to interfere with the military; that only two men were criminals, and that we would see justice done in the case, and not to molest the soldiers, who were completely innocent of any part in the shooting; I said, "The two criminals are in custody; we will see them lodged in the gaol, and let no stone be thrown at the military;" and the people took my advice to the letter.

2894. Did you afterwards accompany the military?—I did.

2895. Where did you go?—I went first of all to make certain that the military would not be attacked even by a passing stone; I went with Mr. O'Donnell and Mr. Glynn in front of the military; we went up to the gaol, and then I remained there until I saw those two soldiers safely lodged in gaol; there was a good deal of time occupied in the gaol taking the depositions of the witnesses, &c. After all that was done, I and Father Gavin, and Father Glynn, and Mr. O'Donnell accompanied the military to Milmount Barracks, and parted with them there.

2896. After that, did you see the streets up to five o'clock?—That was about three o'clock; then I went home, and I saw nothing further.

2897. On the Thursday evening, you made a speech from the balcony?—Yes.

2898. Was that the only occasion on which there was any speechifying at which you were present?—I made a speech on Wednesday evening.

2899. But you spoke on the Thursday evening?—Yes.

2900. Have you been in court and heard the evidence given by the Reporter?—I was not present when he read my speech.

2901. Did you see the official short-hand writer's report?—I read the report, in the Conservative journal of this town, which he supplied to the paper.

2902. Can you give any explanation of that to his Lordship; first of all had you heard that an orange mob was coming down?—I had heard that evening—

Mr. *M'Donogh* objected that that was not evidence.

Witness.] On that occasion, as I had heard four or five of the speeches, I and my brother clergyman, the Reverend Thomas Murphy, went down that evening, at seven o'clock, to Simcocks's hotel, not for the purpose of making speeches at all —

2903. Mr. *M'Donogh.*] Nobody asked you what you went there for.

2904. 2904. Mr. *Heron.*] You did not go down for the purpose of making a speech?—Certainly not.

2905. What led to the making of the speech, and what occurred?—The reports were quite general that 500 Orangemen were to come down

the next day to Drogheda as an orange mob. It was suggested then that the people should be told of the Orange mob coming down, in order that they might not be taken unawares if those men were let quietly into the town. It was thought well that the people should know that these Orange men were to come in the next day to create a disturbance in the town. I was the second speaker on that occasion. I told him I knew well what an Orangeman was—that I was from the county of Armagh, where Orangeism had its first existence. I then told them that, with all their boasted loyalty, they were not loyal—that they were loyal so long as they got the loaves and fishes, but no longer. Then I said, that not long since, a Protestant minister of the north of Ireland stated that sooner than he would submit to any change from Parliamentary ascendancy, he would throw the Queen's crown into the Boyne, "Now," said I, "are you content to become slaves. It is reported that Orangemen are coming down to-morrow from Dublin to Drogheda; if they do come down, let them be hurled into the Boyne—let us be up at the train, and meet them, and give them a warm reception." That is the entire of the speech, at least substantially. I used the word "Boyne" in connection with the expression of parson Flanigan. The parson said, he would kick the Queen's crown into the Boyne. Then said I, "Hurl them into the Boyne." As I have stated, I didn't leave my own premises from 10 o'clock till about a quarter past 12 o'clock. The man was then shot. I then went to Mr. Daly's. I was not then in the neighbourhood of the Tholsel at all. I therefore did not directly, or indirectly, point out any aged man with a long beard to any mob, to have him assaulted, as was stated by a Trinity College boy.

2906. On the day of the nomination, or the polling, or at any time during the election, did you point out any person to be assaulted by the mob?—No.

2907. Did you point out any person to be insulted by the mob?—Certainly not.

2908. Were you with the mob, or the crowd, at any time, except when you were bringing them away from the military, up towards Peter-street; were you with them upon any occasion during the day; you have already told us that, as a matter of precaution, you brought the people up Peter-street?—Yes; that was at half-past nine o'clock.

2909. Were you with a mob, or crowd, at any other time than that?—Not until the time I was leading the crowd from the Tholsel to Lawrence-street; I was not across the bridge at all.

2910. Were you with the mob at any time except with the intention of preserving the peace?—I think not.

2911. Did you hiss or hoot any person or voter that day?—I did not, nor require it to be done.

Cross-examined by Mr. *M'Donogh*.

2912. May I ask you, do you indulge generally in historical observations?—Not often.

2913. On this occasion did you give them a touch of Cromwell. I will take the liberty of reading it:—"The Rev. Mr. M'Kee said, this would be a momentous contest; it was a contest against their deadly enemy. He was a North of Ireland man, a native of Ulster. He was born within a few miles of the Yellow Ford, where

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Hugh O'Neill gained a victory over the English. (Cheers). He had read of the persecutions which had occurred in Drogheda in bygone times. They had all heard of the butcher Cromwell, who gave glory to God for the numbers he had butchered in Drogheda in one day. (Hear, hear.) That church which stands at the head of Peter-street had a wooden steeple when Cromwell came to Drogheda, more than 200 years ago. Cromwell went first to Saint Mary's Church, where they had the other day to fight a battle over again. Cromwell was opposed there by the good priests, who mounted the walls to resist him, but they were beaten back, and fled for refuge to St. Peter's Church, which then belonged to the Catholics. (Hear, hear.) Their priests and nuns fled to Peter's Church for refuge, but Cromwell came with his invading army, and what did the butcher do? He found he could not force them to surrender, and he set fire to the steeple, and when they fled from the church he butchered them without the slightest mercy. When the Cromwellians gained the victory they robbed their forefathers of their property. Who are the party that are now coming forward to act a similar part? The descendants of Cromwell's soldiers, whose ancestors hung their forefathers at the Tholsel of Drogheda." That is your speech?—Yes.

2914. Then, "The Rev. Mr. McKee next stated that the present Bishop of Glasgow's father was flogged at Milmount, and that the father of Mr. Brodigan, the present member, went up to see the inhuman act performed. (Groans.) He (Mr. McKee) knew what an Orangeman was; he was sorry to say that Orangism had its origin the county of Armagh. Orangemen say, they will be true to the Government as long as they give them places and emoluments; so long as they give them the loaves and fishes they will be loyal. (Hear, hear.) A Voice: 'Down with the Orangemen!' (Cheering.) Rev. Mr. McKee: "The Orangemen are loyal as long as they get everything in the country; as long as they feed on the vitals of the Catholics. (Cheers). A few months ago one of the ministers in the north of Ireland said, that sooner than they would submit to a change from Protestant ascendancy he would see the crown of the Queen thrown into the Boyne. (Cheers). Now, he asked them, were they to become slaves?" This is the application of all the historical learning?—Yes.

2915. "Were they to become slaves? (No, no.) The Orangemen of Dublin were on next day to come down to Drogheda. (Hear, hear.) If these men should come down let them hurl them into the Boyne. (Vehement cheering.) Let the people meet them in the morning at the train, and give them a warm reception." That is the speech which you delivered on that occasion?—Substantially.

2916. You first gave the history, and then you pointed the moral, "to hurl them into the Boyne"?—No; the moral was to resist Orange ascendancy.

2917. You have told us, in a former part of your evidence, that you waived your hat, and called upon the people to follow you, and the people took your advice to the letter?—Yes, that was after the man was shot.

2918. This was a speech on the night before the man was shot?—Yes.

2919. Your power over the people was so great that they took your advice to the letter?—My power is shared by all the others. As one of the

Catholic clergy, I am convinced I have a good share of influence.

2920. Now, you said that the people took your advice to the letter?—Yes.

2921. And you knew they would?—I did.

2922. And when you were addressing them in the language which I have just read, you knew your power over the people?—Yes.

2923. And you said what you meant?—Certainly.

2924. And you meant what you said?—I may have used exaggerated language, of course, on the occasion.

2925. Did you know that Father Gavin went up to the railway station the next morning?—I did not.

2926. Was Father Gavin present when you made that speech?—I could not say; I think he was. I don't recollect having seen him.

2927. Did the Rev. Mr. Broderley try to prevent any speeches being made?—He never spoke to me upon the matter, either directly or indirectly.

2928. Did you see any old gentleman voting for Sir Leopold McClintock in the booth, and afterwards raise your hand and point at him?—I did not; I was at no booth that day, except when recording my own vote.

2929. Did you stand at the door, and point at any voters, after voting?—Most decidedly not.

2930. Mr. Justice Keogh.] You have stated that that report of your speech is substantially correct?—Yes.

2931. You have also stated that you knew the people would take your advice to the letter?—I have said that they did take my advice; I addressed the crowd after the man was shot.

2932. I am not alluding to that; you said that the report of your speech the previous night was substantially correct?—Yes.

2933. You have also stated that you knew the people would take your advice to the letter?—I don't mean upon that occasion; I knew they would be well prepared to meet the Orangemen when they came into the town, and would resist them too, because I believe they were all armed with revolvers. I know what an Orangeman is.

2934. Did you know that the people would go to the railway station on the following morning, after you made that speech?—I believed they would go.

2935. Did you know that they were there on the following morning?—I did not of my own knowledge.

2936. Did you believe they were there?—I concluded they would go there, after my remarks, undoubtedly.

2937. Did you take any step to go amongst them, and to see what would be the result of your remarks?—I did not, for I knew the police had heard my speech, and would be there to take every precaution. It was only a strong form of expression.

2938. You say that you knew they would be there?—I knew the people would be there, to meet the Orangemen coming down from Dublin, in the morning; I know that I expected they would be there.

2939. In consequence of your language?—Yes.

2940. Did it occur to you, that it would be right to try and prevent a collision?—I knew others would do it as well as I would. The railway station is not in my parish; I did not go in that direction.

2941. At

2941. At what hour did you record your vote?
—At half past eight o'clock.

2942. Where did you go after that?—I went up to Mell, beyond Trinity-street, and came down with a voter who voted for Mr. Whitworth.

2943. In what place did he vote?—He voted in one of the polling booths in Lawrence-street.

2944. I thought you told me you were not in a polling booth, except to record your own vote?—Neither was I; he came on a car with me to the Tholsel, and he went into the polling booth and voted.

2945. Then after you recorded your own vote you came down again to the polling booth?—I recorded my vote at half past eight o'clock, I then went up and brought down this voter to the Tholsel; I remained there, outside in the street, till half past nine.

2946. Then it is a fact that after you had recorded your own vote, you did come back again to the polling booths?—Yes, after I recorded my vote, I then went and brought this voter down.

2947. And then you returned to the polling booth?—To the Tholsel.

2948. Then you were mistaken in saying that you didn't return to the polling booths after you had recorded your own vote?—I had not till after 10 o'clock.

2949. You expected the people would go up

to meet the Orangemen, whom you also expected would be armed?—I believed they would be coming down by special train in the morning, not by the ordinary train; I believed they would be here by about seven o'clock, or so, that morning; and I heard they were come and gone at half-past 8. When I voted I heard that the Orangemen had come and were gone, and believing so, I then knew that there was no other cause for excitement whatever, and then I concluded that everything would be calm and tranquil for the remainder of the day, the Orangemen having gone back to Dublin.

2950. Did it occur to you to communicate that, if it was your belief, to the people whom you had addressed the previous evening?—They had all heard it; it was quite the opinion that they had come and gone.

2951. At what hour?—At half-past nine.

2952. Then, it is a fact which you now state, that at half past nine o'clock it was generally believed in the town, that the persons you call Orangemen, had come and had gone?—Yes; that was my impression.

2953. And that there was no danger of any collision with them?—Yes.

2954. And for that reason you returned to your own house?—Yes.

[The Witness withdrew

The Rev. THOMAS GAVIN, sworn; Examined by Mr Hamill.

2955. Are you Curate in what is called St. Mary's parish?—I am.

2956. How long have you been a curate in Drogheda?—Going on for four years.

2957. Is your residence between James's-street and the railway station?—It is about half-way.

2958. I believe you made a speech upon the night of the Thursday preceding the election?—I did.

2959. That speech has been read, perhaps you have seen it?—Yes.

2960. Is there anything in that speech that you would like to answer upon?—It is all substantially true, with one exception.

2961. What is that?—Where it is mentioned that I said "you will meet them to-morrow," and I was interrupted, there was a shout, "We will." But then I said, "You will despise them," and then immediately after that I said, "I do not want people to treat those hirelings as they should be treated; but I want to show to what extent those in the interest of the Conservative party go to send Sir Leopold McClintock to perpetuate that badge of conquest and blot upon the English Constitution."

2962. Have the words, "We will despise them," been omitted from the report?—They were omitted from the report.

2963. On the morning of Friday, did you see persons near to you, or where you reside, upon the steps or roadway?—I saw about 40 or 50 girls.

2964. Did you see some men also?—I saw some that were about their business.

2965. Did you observe the girls throw stones at those men?—I did.

2966. When you saw that, what did you do?—I ran down as fast as I could; however, they began to pelt, but as soon as I got an opportunity

I raised my hand, and I said, "For God's sake stop this." There were two men, and one of them came and seized me by the collar, and there was a screech made that I was going to be killed.

2967. Where did those two men come from?—One man turned out from among the party.

2968. Were they the people at whom the girls were throwing stones?—They belonged to the party.

2969. When those men caught you, what happened?—The girls ran and threw themselves between us, and I raised my hands over the heads of those men that I wanted to put away the sticks, and one of the men seeing that I was anxious to save them, said, "Why won't you take Father Gavin's speech."—So they pulled off the girls, and I said, "For God's sake let me out, and it will be all right."

2970. Did you succeed in protecting those men?—I did; I sent them with two or three respectable men up through the crowd.

2971. Do you remember when the escort was coming down the road, sometime about 12 o'clock?—I do.

2972. Do you recollect Mr. Reed, the magistrate, having spoken to you?—Yes.

2973. Are you the clergyman that he referred to in his examination?—I am.

2974. Did you, before he spoke to you at all, do your best to quiet the people?—Yes; if I got the world I could not do more.

2975. Did you speak to the people?—I spoke to the people from the Tholsel four times.

2976. To go back; did you speak to them before Mr. Reed spoke to you in James's-street?—Yes, and I took hold of the collar of one fellow, and I told him I would strike him with a stick if he took up one stone.

2977. Did you all through that do your best

Rev.
H. McKee.
—
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Rev.
T. Gavin.
—

Rev.
T. Gavin.

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to keep the people quiet?—If I could get the world, I could do no more.

2978. Do you recollect stating to them afterwards, to the effect that the man who had raised a stick or threw a stone would be an enemy?—I stated it here, opposite Clarke's stores, from the steps, and I think Mr. James Matthews was present.

2979. You did all you could to keep the people quiet?—I did all I could; I could do no more.

2980. Did you canvass for Mr. Whitworth at all?—No, never.

2981. In point of fact, did you take any part in the canvassing?—I have not taken any part in any election at all, nor did I intend to take any part at all beyond recording my vote.

2982. Do you know a person of the name of Ray?—I know a person, an old Mr. Ray.

2983. Were you in court when James Ray, his nephew was being examined?—I was.

2984. Did you hear Ray say that he had been attacked by some mill-people, girls and boys, and that you said to them, "You have a holiday, boys, and you know how to enjoy it;" did you use those words, or anything of that kind?—Certainly not, nor anything of that kind more than that I did not see Mr. Ray the whole day.

Cross-examined by Mr. McDonogh.

2985. Those are words you would not use?—Which words?

2986. Just what you have negatived, "You have a holiday boys, and you know how to enjoy it"?—I would see no reason for using the word "holiday," because it was not a holiday.

2987. Do you know the meaning of the word?—I know what a holiday is; it is a vacant day.

2988. I know it is, too; we have no vacant days; but do you know the meaning of the language attributed to you?—Yes; I say that the meaning of it should be, that it was exciting the people to beat others.

2989. That is the meaning of it; that is what I understood by the language?—I think so.

2990. Having a remote resemblance to the more vulgar expression, "Do not nail his ears to the pump," do not you think so; now, I will take the liberty of reading the language you did use—"The Rev. Mr. Gavin now came forward amid loud cheers, he said, he knew by their voices that they proclaimed him a friend, not an enemy. (Cheers.) He knew by their voices that they believed he was prepared, as their forefathers were, to go to the block, lay down his head, and sacrifice his life for their interests. (Cheers.) When he last spoke to them, he told them that there was a crisis arrived at in reference to the three kingdoms." You had spoken in the early part of the evening?—No.

2991. Then I beg your pardon; I refer to another speech. "When he last spoke to them, he told them that there was a crisis arrived at in reference to the three kingdoms, England, Scotland, and Ireland, but particularly to Ireland. ('Down with the Orangemen.') He told them last evening that there was a question not only before the three kingdoms, but before all Europe; a question was brought before the people to decide, and that question was the disendowment and the disestablishment of the Protestant Church, which was generated and nurtured in lust and crime, while it was fattened on the spoil and robbery of the Catholic property and the Catholic Church of Ireland. (Great cheering.) (A voice:

'Down with Brodigan and the Orangemen.') (Cheering.) Rev. Mr. Gavin: The people of England were not acquainted with our grievances until their eyes were opened by a continuous rebellion. (Hear, hear.) The question of disestablishment and disendowment of that Church which was placed upon your shoulders is now understood in England to be a grievance in this country, and the question for you is—Will you give your voices against it? Up to a very recent period he had not intended to identify himself with the politics of the town; but when he saw a man—by the way a most respectable and an educated man—of the name of Mr. McClintock, coming into Drogheda to be returned by the voices of the Liberals and Catholics of Drogheda, his blood rose to his face, and he blushed for shame that such a man would get a chance of becoming representative for the town. (Hear, hear.) All that he wanted to tell his hearers, in conclusion was, that on yesterday, in the City of Dublin, some of the friends of ascendancy in this town hired 300 assassins to come and butcher the Catholics of Drogheda. (Tremendous uproar, and loud cries of 'Down with the Orangemen.') He asked them would they meet them? (Several voices: 'We will, we will,' and vehement cheering.) He assured them, on the word of a priest, that what he said was a fact, that some party in the favour of the Orange candidate here went to Dublin, and purchased the tag, rag, and bobtail of Orangedom to come down and butcher them to-morrow. (Loud manifestations of sensation.) He did not want the people of Drogheda to treat those hirelings as they deserved; but he merely wanted to show to what extremes the Orange party are capable of going, seeking for victory, in order that McClintock may be another who will, by his vote, assist to perpetuate that badge of conquest and blot on the English Constitution—the Protestant Church. (Cheering.) Did any of them know the Irish language? Did they know what a ranthan was? He would explain it to them; it was a calf with a dirty tail—no matter, although Mr. McClintock may be a gentleman and a man of education, he called him a ranthan; for from many of those of his supporters, it was clear he had a dirty tail. (Loud cheers and laughter.) No matter how learned a man and great sailor Mr. McClintock may be, he may sound well with his plummet remarkably well; but when he comes to use it here, seeking for mud and dirt, he will find amongst us adamant rock to the bottom." I have read that speech for you, and you intended that the people should meet these 300 assassins?—No; but I say that they would meet them so certain they were to come. I say that is what I said there, and I swear it that I said "you will meet them," that is, you will certainly meet them and despise them, and there is a displacement, so far as I recollect. The next part of my speech was, that I did not want that the people of Drogheda should treat those hirelings as they should be treated, only so far as those persons in the interest of Mr. McClintock went to perpetuate that badge of conquest.

2992. You pledged your word as a priest to the matter of fact, that the 300 Orangemen were coming to butcher the Catholics?—I did.

2993. Did you intend that the people should assemble at the railway station?—Certainly not.

2994. Will you swear that?—I swear it upon my oath, and it never came into my head.

2995. And

2995. And you never thought it would occur?—Never, never.

2996. Did you say some time ago that some of them said, “we will meet them”?—Yes; but that was before they gave me time; they interrupted me. As soon as I said “you will meet them tomorrow,” some parties in the crowd said, “we will.” “But you will despise them,” said I.

2997. When you used the words “you will meet them,” they said “we will meet them”?—They interrupted me in that part of the sentence. Some few of them said, it in the crowd, and then I finished the sentence.

2998. And what brought you there in the early morning?—The first place I went to was to the booth, and when I went up I heard the magistrates had made an arrangement. I went to the magistrates, and spoke to them of the propriety of having the police there to search them, or take

precautions against letting people into the town on unsuspecting people.

2999. What brought you there again in the morning?—I was told they had police there to search them, and to take arms or knives or any wicked instrument they had with them. I saw the police there, and I was fully certain when the train came in that that was to be gone through; the magistrate was at the station with me, and he told me it was to be done, and I waited there to see it.

3000. And you now swear that, having told the people to meet them, and you having heard the people say they would, you went to see the process gone through of the magistrates and police depriving those men of their knives and dangerous weapons, and anything else?—That is what I swear.

[The Witness withdrew.

The Rev. THOMAS LANGAN, sworn; Examined by Mr. Heron.

3001. ARE you a Roman Catholic clergyman?—I am.

3002. Are you a parish priest?—I am.

3003. Where?—Of ——— lately called ———

3004. Do you know the men named Usher and Devine?—I know Devine well; I don't know the other by name, but I identified them here.

3005. Did you have any conversation with those two men before the election?—I had.

3006. Was a third man named McDonnell there?—I don't know; they were the two men that were examined next after Devine.

3007. What conversation had you with them?—I met them at the Balbriggan station, at between 9 and 10 o'clock.

Mr. McDonogh objected to this, on the ground of its being recriminatory evidence, the seat not being claimed.

Mr. Justice Keogh overruled the objection.

3008. Mr. Heron (to the Witness).] Where was the conversation?—Partly in the waiting-room at Balbriggan, partly on the platform outside.

3009. On what day was it?—On Wednesday, the 18th of November.

3010. That is two days before the polling?—I believe so.

3011. Will you tell his Lordship what happened?—Am I to detail the conversation? I cannot do it without repeating what I said myself.

Mr. McDonogh requested his Lordship to take a note of the objection which he had raised.

Mr. Justice Keogh did not think it necessary to do so.

Mr. JOHN DEVITT, sworn; Examined by Mr. Heron.

3014. ARE you the court-keeper?—Yes.

3015. Before the day of the nomination, was this placard about the town (pointing to a placard)?—Yes; in several places.

3016. Was it in that form, with a cross on a green ground?—It was.

3017. In many places?—In many places.

3018. Was this one also (handing a paper to the Witness) placed about the town?—It was, in many places.

27.

3012. Mr. Heron (to the Witness).] Tell us shortly what you said?—We were talking of politics, and I said as a rule, I preferred the Tory landlords and Tory agents to what is called the Liberals, the Whigs. I specified the names of Colonel Taylor, Mr. Woods, and Mr. Cottington, and their respective agents; and I asked them who or what they were, and they said, that unfortunately they were tenants-at-will, having votes in Drogheda; that they were prisoners or something equivalent to that in Balbriggan, to go down to the elections in Drogheda to vote; and to my remark that there was no great difference between one candidate and the other, they said that they would vote for the man that gave the employment, Whitworth, if they were left free. I said, “if you make this statement to Mr. Harry Hamilton he will not ask you to go; I believe him to be an honest and an honourable gentleman.” That occurred inside, and one of the men followed me out when I got into the carriage, and put in his hand and shook hands with me, and burst out crying, “For God's sake speak; do something for us, do something for us.” It was not until afterwards that I thought he meant to save him from voting. I believed at the time that he meant he would not object to a little coercion, in order that he might not vote. I cannot swear to that, but that is my impression; he wished me to speak to Mr. Harry Hamilton.

3013. That is the only conversation you had with him?—Yes.

[The Witness withdrew.

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T. Gavin.
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Rev.
T. Langan.

Mr.
J. Devitt.

3019. Where was that board taken from?—A board similar to that was taken from the court-house.

3020. Was it posted on the court-house?—It was posted on the board, and the board was up against the court-house.

3021. Did you direct the police to remove it?—Yes.

Mr. Heron proposed to hand in these placards.

M

Mr.

Mr.
J. Devitt.
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Mr. *McDonogh* objected.

Mr. Justice *Keogh* characterised the placards (which had been brought into court) as abominable attempts to prejudice the

minds of the people, but ruled that they could not be produced.

[The Witness withdrew.]

Mr. HENRY GARVIN, sworn; Examined by Mr. *Heron*.

Mr.
H. Garvin.

3020. ARE you the Clerk of Petty Sessions?
—Yes.

3021. Is this the Petty Sessions Book (*shewing a book to the Witness*)?—Yes.

3022. Do you produce the book of the records of conviction after the 20th of November?—Yes; the Petty Sessions were held on the 23rd of November.

3023. Is there any conviction for assault?—

Mr. *McDonogh* objected to the reception of this evidence.

Mr. *Heron* supported the admission of the evidence on the ground of precedent before the Committee of the House of Commons.

Mr. Justice *Keogh* allowed the objection.

[The Witness withdrew.]

Mr. *Palles* was heard to sum up the case on behalf of the sitting Member.

Mr. *Plunkett* was heard in reply.

[Adjourned to To-morrow, at One o'clock.]

DROGHEDA ELECTION.

COPY

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TAKEN AT

THE TRIAL

OF THE

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(1869.)

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DUBLIN CITY ELECTION.

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THE TRIAL

OF THE

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(1869.)

*Ordered, by The House of Commons, to be Printed,
19 February 1869.*

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R E P O R T S.

PARLIAMENTARY ELECTIONS ACT, 1868.

COUNTY OF THE CITY OF DUBLIN ELECTION PETITION.

IN the matter of the Petition of George Foley and Thomas Woodlock, Petitioners; Sir Arthur Edward Guinness, Bart., Respondent.

THE matter of this Petition (of which I annex a copy) came on to be tried before me, at Dublin, on the 23rd day of January last, and continued on 10 succeeding days, in presence of the parties, their counsel and agents, and having heard the evidence, and what was offered on both sides, at the conclusion of the trial, on the 5th day of February 1869, I determined, and I do accordingly certify to the Right Hon. the Speaker of the House of Commons, that the last election for the said county of the city of Dublin was, so far as related to the return of the said Sir Arthur Edward Guinness, Bart., a void election; and

That the said Sir Arthur Edward Guinness, Bart., was not duly elected to serve in Parliament for the said county of the city of Dublin.

That the said Sir Arthur Edward Guinness, Bart., was, by his agents, guilty of bribery at said election, and I do hereby report that it has not been proved before me that such bribery was committed by, or with the knowledge or consent of, the said Sir Arthur Edward Guinness, Bart.; and I do further report,

That the following freemen electors (that is to say): John Frederick Kirk, Richard Butler, junior, William Walker, George Hagarty, William Beckett, Henry Bailey, John Wilson, Robert Wilson, Benjamin Katherens (otherwise Catherens), Michael Richard Steele, and Joseph Hassett, were bribed on the day of polling to vote, or in consideration of having voted, for the said Sir Arthur Edward Guinness, Bart.

That, in addition to the persons whose names I have so reported, it was proved that from 20 to 30 other freemen, whose names were not disclosed, received bribes at the same house in which those named were bribed, and on the day of polling, in consideration of voting, or of having voted, for the said Sir Arthur Edward Guinness, Bart.

That Henry Foster William Campbell and William Watkins were proved to have bribed the said freemen.

That two other freemen, namely, Richard Jesson (now deceased) and George Booth were bribed to vote for the said Sir Arthur Edward Guinness, Bart., by Benjamin Warren.

That George McDonnell and William Field, both freemen, were bribed to vote for the said Sir Arthur Edward Guinness, Bart., by William Robinson.

That other freemen, from 10 to 14 in number, who were not sufficiently identified by name, were bribed to vote for the said Sir Arthur Edward Guinness, Bart., by the said William Robinson.

That Henry Cramer, a rated occupier, was bribed to vote for the said Sir Arthur Edward Guinness, Bart., by the said William Robinson.

That Alexander Ferguson, a rated occupier, and John Kelly, a lodger, were bribed by William John Vance to vote for said Sir Arthur Edward Guinness, Bart.

That Davenport Crosthwaite and William Johnston were guilty of bribing 41 out-voters, by promises to pay their travelling expenses, on condition of their voting for the said Sir Arthur Edward Guinness, Bart.

That it was proved that freemen voters, to the number of 30, did apply, previous to the said election, to the agents of Sir Arthur Edward Guinness, Bart., to obtain bribes in consideration of their voting for the said Sir Arthur Edward Guinness, Bart.

That several of the parties so applying, and other freemen voters, numbering over 200, were induced to sign agreements pledging themselves to give their services gratuitously to the said Sir Arthur Edward Guinness at the said election, but such agreements were colourable, and formed with the object of evading the provisions of the Statutes against the giving employment to voters at or previous to elections.

That it was further proved that a considerable number of the said freemen voters were, on the day of polling, seeking payment of money from William Campbell, an agent of Sir Arthur Edward Guinness, Bart., in consideration of their having voted for the said Sir Arthur Edward Guinness, Bart.; and I do report that I have reason to believe that corrupt practices have extensively prevailed amongst the freemen voters at the said election for the county of the city of Dublin.

And I do further report, that, save as I have reported respecting the said freemen, corrupt practices have not been shown to have extensively prevailed, nor is their reason to believe that corrupt practices have extensively prevailed at the election to which the said Petition relates.

Given under my hand this Fifteenth day of February, One thousand Eight hundred and Sixty-nine.

WILLIAM KEOGH,

Judge of the Court of Common Pleas on the Rota for
the Trial of Election Petitions in Ireland.

A copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand writer, who was duly sworn before me faithfully to take down the same pursuant to the Statute, accompanies this my certificate.

WILLIAM KEOGH.

COUNTY OF THE CITY OF DUBLIN ELECTION PETITION.—(No. 2.)

IN the matter of the Petition of the Hon. David Robert Plunket, Petitioner;
Jonathan Pim, Esq., M.P., Respondent.

Sir,

I HAVE the honour to report to you that this Petition was withdrawn, with my leave, upon special application, and in pursuance of the Statute in that behalf made and provided; and, in my opinion, the withdrawal of such Petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other Petition.

I have, &c.

WILLIAM KEOGH,

Judge of the Court of Common Pleas on the Rota for
the Trial of Election Petitions in Ireland.

To the Right Hon. the Speaker of the
House of Commons.

IN THE COMMON PLEAS.

ELECTION for the County of the City of Dublin, holden on the 18th day of November, in the Year of our Lord 1868.

THE PETITION of *George Foley*, of 99, Lower Baggot-street, in the County of the City of Dublin, Barrister, and of *Thomas Woodlock*, of 42, Dame-street, in the said County of the City of Dublin, Stock-broker, whose names are subscribed hereto.

1. YOUR Petitioner, *George Foley*, is a person who voted at the above election, and your Petitioner, *Thomas Woodlock*, is a person who voted at the above election.

2. And your Petitioners state that the election was holden on the 18th day of November, in the year of our Lord 1868, when *Jonathan Pim*, *Sir Arthur Edward Guinness*, the Honourable *David Robert Plunket*, and *Sir Dominick Corrigan*, were candidates, and the returning officer has returned the said *Sir Arthur Edward Guinness* and the said *Jonathan Pim*, as being duly elected.

3. And your Petitioners say that, before, during, and after the said election, the said *Sir Arthur Edward Guinness* did corruptly by himself, and his agents, managers, and friends, and by other persons on his behalf, directly and indirectly, give and lend, and did agree to give and lend, and did offer and promise, and did offer and promise to procure, and to endeavour to procure, money and other valuable considerations, and also offices and places, appointments and employments, to and for divers persons having votes at the said election, and to and for other persons on behalf of such voters, in order to induce such several voters to vote, or to refrain from voting, at the said election; and did also corruptly make such gifts, loans, offers, and promises of money and other valuable considerations, and of offices, places, appointments, and employments to divers voters at the said election, and to other persons on behalf of such voters, to induce such voters to refrain from voting, or on account of such voters having voted or refrained from voting, at the said election; and did also make such gifts, loans, and offers and promises as aforesaid to divers persons in order to induce them to procure, or endeavour to procure, the return of the said *Sir Arthur Edward Guinness* to serve in the present Parliament for the said county of the city of Dublin; and did also advance and pay, and cause to be advanced and paid, money to and for the use of certain persons, with the intent that such money, or some part thereof, should be expended in bribery at the said election.

4. And your Petitioners further say that, before, during, and after the said election, the said *Sir Arthur Edward Guinness* did corruptly by himself, his agents, managers, and friends, and by and with other persons on his behalf, directly and indirectly, give and provide, and cause to be given and provided, and did knowingly allow to be given and promised, and was accessory to the giving and providing, and did wholly or in part pay, expenses incurred for meat, drink, entertainment, and provisions to and for divers persons having votes at the said election, and to and for other persons on behalf of such voters, and to and for divers other persons, in order to be elected, and for being elected, and for the purpose of corruptly influencing such persons and other persons to give or refrain from giving their votes at the said election, and did also so do to divers persons on account of such persons and other persons having voted or refrained from voting, or being about to vote or refrain from voting, at the said election.

5. And your Petitioners further say that the said *Sir Arthur Edward Guinness* before, during, and after the said election, did, by himself, his agents and friends, and by divers other persons on his behalf, pay money on account of the conveyance of voters to the poll.

6. And your Petitioners further say that the said *Sir Arthur Edward Guinness* did, by himself and his agents, and by others on his behalf, inflict or threaten to inflict loss, damage, harm, and injury, and by divers ways and means practise intimidation upon or against divers persons in order to induce or compel such persons to vote or refrain from voting at the said election, and did by fraudulent devices and contrivances impede, prevent, and otherwise interfere with the free exercise of the franchise of divers voters, and did thereby compel, induce, or prevail upon divers voters either to vote or refrain from voting at such election.

7. And your Petitioners further state that the said *Sir Arthur Edward Guinness* was, by himself and his agents, guilty of bribery before, at, and after said election.

8. And your Petitioners further state that the said *Sir Arthur Edward Guinness* was, by himself and his agents, guilty of corrupt practices before, at, and after said election.

9. And your Petitioners further state that the said Sir Arthur Edward Guinness was, by himself and his agents, guilty of intimidation and undue influence before, at, and after the said election.

Whereupon your Petitioners pray that it may be determined that the said Sir Arthur Edward Guinness was not duly elected or returned, and that his said election was null and void, and that your Petitioners may have such further and other relief as to this court may seem fit.

GEORGE FOLEY,
THOMAS WOODLOCK.

Received 15th December 1868.

DAVID FITZGERALD, Agent for Petitioners,
20, St. Andrew-street, Dublin.

I certify this to be a true copy,
C. G. BURKE.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTION ACT, 1868.

ELECTION for the County of the City of Dublin.

THE PETITION of the Honourable *David Robert Plunket*, of Lower Pembroke-street, in the City of Dublin, whose name is subscribed.

1. Your Petitioner, the Honourable David Robert Plunket, is a person who claims to be returned at the above election.

2. And your Petitioner states that the election was holden on the 18th day of November 1868, when Sir Arthur Edward Guinness, Bart., Jonathan Pim, Honourable David Robert Plunket, and Sir Dominic Corrigan, were candidates; and the returning officer returned Sir Arthur Edward Guinness and Jonathan Pim as being duly elected.

3. And your Petitioner says that the number of votes declared for each of the said candidates were respectively as follows:

Sir Arthur Edward Guinness	-	-	-	-	-	5,587
Jonathan Pim	-	-	-	-	-	5,586
Honourable David Robert Plunket	-	-	-	-	-	5,452
Sir Dominic Corrigan	-	-	-	-	-	5,379

And that the majority of votes declared by the returning officer in favour of the said Jonathan Pim over your Petitioner was only an apparent and colourable majority, inasmuch as votes of divers persons were accepted and recorded on the poll in favour of the said Jonathan Pim who were not legally entitled to vote, and had no legal right to vote at the said election; and that a real majority of good and legal votes polled at the said election was in favour of your Petitioner over the said Jonathan Pim.

4. And your Petitioner says that, at the said election, divers persons were admitted to vote, and did vote at the said election for the said Jonathan Pim, who were not legally entitled to vote at such election, such persons having been, at the time of said election, disqualified from or incapable of voting, on the ground of legal incapacity, under by virtue of the statutable enactments then in force; or of having been, at the time of the said voting, so disqualified from voting on the ground of legal incapacity which had arisen subsequently to the time allowed for making out the list of voters from which the register of voters in force at the time of such election had been formed; and that said persons, for the reasons aforesaid, were not entitled to vote at such election, and that the votes so admitted should be struck off from the poll.

5. And your Petitioner says that divers persons voted for the said Jonathan Pim at such election who were, or had been, during such election or within six calendar months previous thereto, retained, hired, or employed for all or some of the purposes of such election for reward by, or on behalf of, some or one of said candidates at such election as agent, canvasser, clerks, or messengers, or in some other like employment; and that such votes were admitted and entered as good votes for the said Jonathan Pim, and ought to be struck off the poll.

6. That divers persons were admitted to vote, and thus votes were entered at such election for the said Jonathan Pim who were not legally qualified or entitled to, but who personated other persons duly entitled to vote at such election, whose names appeared upon the register of voters, and who did not vote at such election, and that such votes ought to be struck off the poll.

7. That

7. That many persons were admitted to vote, and did vote at the said election for the said Jonathan Pim, who were guilty of the offence of bribery at such election within the meaning of the statutable enactments in that case made and provided, and that the votes so entered ought to be struck off the poll.

8. That many persons were admitted to vote, and did vote at the said election for the said Jonathan Pim, after the tests of the writ for holding such election, and before, during, and after said election, were treated, and made engagements, and received promises for being treated, and had been guilty of the offence of treating, within the meaning of the statutable enactments in that case made and provided, and that the votes so entered should be struck off the poll.

9. That by the ways and means aforesaid, and also by the bribery and treating herein-after mentioned, the said Jonathan Pim obtained an apparent majority over your Petitioner, whereas in truth and in fact your Petitioner had a majority of legal votes over the said Jonathan Pim, and was duly elected by such majority of votes to serve as a Member in the present Parliament for the said county of the city of Dublin, and ought to have been returned as such Member.

10. And your Petitioner says that, before, during, and after the said election, the said Jonathan Pim, by himself, his agents, and other persons on his behalf, directly and indirectly, did give and lend, and did agree to give and lend, and did offer and promise to procure, and to endeavour to procure money and other valuable consideration, and also offices, places, and employments to and for divers persons having votes at the said election, and to and for other persons on behalf of such voters, in order to induce such several voters to vote or refrain from voting at said election, and did also corruptly make such gifts, loans, promises of money, and other valuable considerations, and of offices, places, and employments to divers voters at the said election, and to other persons on their behalf, on account of such voters having voted or refrained from voting at such election; and did also make such gifts, loans, offers, and promises, procurement, and agreements, as aforesaid, to divers persons, in order to induce them to procure, or endeavour to procure, the return of the said Jonathan Pim to serve in the present Parliament for the said city of Dublin, and the votes of divers voters at such election.

11. And your Petitioner says that, after the test of the writ for holding such election, the said Jonathan Pim, by himself, his agents, friends, and some other persons employed on his behalf, directly and indirectly, did give, present, and allow to divers persons having votes at such election, meat, drink, entertainment, and provisions; and did, before, during, and after such election, promise, engage, and agree to do the same to and with such persons, in order to be elected, or for having been elected; and that before, during, and after the said election, the said Jonathan Pim did corruptly, by himself and his agents, and by and with other persons on his behalf, directly and indirectly give and provide, and cause to be given and provided, and did knowingly allow to be given and provided, and did wholly or in part pay for the giving and providing, meat, drink, entertainment, and provision, to and for divers persons having votes at the said election, for the purpose of corruptly influencing of such persons, and other persons, to give or refrain from giving their votes at said election; and did also so do to and for divers persons, on account of such persons having voted or refrained from voting at such election; and that the said Jonathan Pim was, by himself and his agents, guilty of divers acts of bribery, treating, and corruption, at such election; and that, by reason of the premises, the said election of the said Jonathan Pim was wholly null and void.

Wherefore your Petitioner prays that it may be determined that the said Jonathan Pim was not duly elected and returned, and that his election was wholly null and void; and that your Petitioner had a majority of legal votes over the said Jonathan Pim, and was duly elected by such majority of votes at such election, and ought to have been returned, and ought now to be declared the sitting Member.

(signed) DAVID ROBERT PLUNKET.

FREDK. SUTTON, Agent,
22, Harcourt-street, Dublin.

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MINUTES OF EVIDENCE

TAKEN before the Right Honourable Mr. Justice *Keogh*, on the TRIAL of the ELECTION PETITION for the CITY of DUBLIN, at the Sessions House, Green Street, Dublin.

Saturday, 23rd January 1869.

WOODLOCK and FOLEY	-	-	-	-	-	-	-	Petitioners.
GUINNESS	-	-	-	-	-	-	-	Respondent.

Mr. *Heron*, Q.C., Mr. *Hemphill*, Q.C., Mr. *Palles*, Q.C., and Mr. *O'Shaughnessy*, appeared as Counsel for the Petitioners. 23 January 1869.

Mr. *David Fitzgerald* appeared as Agent.

Mr. *McDonogh*, Q.C., Mr. *Butt*, Q.C., Mr. *Exham*, Q.C., Mr. *Purcell*, Q.C., Mr. *Atkinson*, and Mr. *O'Byrne*, appeared as Counsel for the Respondent.

Mr. *Frederick Sutton* appeared as Agent.

Mr. *Heron* was heard to open the allegations of the Petition.

At the conclusion of his address he stated that they had subpoenaed officers of the Telegraph Company to produce certain telegrams, but that those persons did not feel at liberty to produce them without the sanction of the Court.

Mr. *Exham* resisted the application.

Mr. Justice *Keogh* said that he had authority beyond that of an ordinary tribunal, and that it would be better that Mr. *Sanger*, who did not wish to produce these documents, should afford an opportunity of having them inspected.

JOHN FREDERICK KIRK, sworn; Examined by Mr. *Hemphill*.

1. WHERE do you live?—2, Mark-street.
2. In this city?—Yes.
3. Are you upon the list of voters as a free-man?—I am.
4. Did you vote at the late election for the city of Dublin?—I did.
5. For whom did you vote?—For Guinness and Plunket.
6. What are you by trade and calling?—A printer.
7. Are you a printer upon your own account, or upon that of anyone else?—For W. O. Toole.
8. Where does he live?—In Brunswick-street.
9. Are you a reader?—Yes, a reader.
10. Do you know a person named John Carroll?—I do.
11. Is he a fellow workman of yours in the establishment of W. O. Toole?—He is.
12. Do you recollect before the last election, the 18th November, having had any conversation with John Carroll, in reference to the election?—Yes, we were constantly speaking of it.
- 29.

Mr. *Butt* objected to the question.

J. F. Kirk.

Mr. Justice *Keogh* overruled the objection.

13. Mr. *Hemphill* (to the Witness).] Had you any conversation with John Carroll?—Yes.

14. Do you know where Guinness and Plunket's ward committee-rooms were? were they in the street in which you were living?—No, in Westland-row.

15. Had they one in South Anne's-street?—I think they had.

16. Did Carroll, the day before the election, show you any paper?—He did.

Mr. *Butt* again interposed, on the ground that the question was inadmissible.

Mr. Justice *Keogh* overruled the objection.

17. Mr. *Hemphill* (to the Witness).] Did he show you a paper?—He did.

18. Was it the day before the election?—No; I think it was a week before.

A

18. What

J. F. Kirk.

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1869.

19. What did he say to you?

Mr. Butt objected to the question.

20. What was the paper about?

Mr. Butt objected again.

Mr. Justice Keogh allowed the question to be put.

Mr. Justice Keogh. It may save trouble in the beginning of this inquiry, if I state my views in reference to the lists. I made the order that the lists should be given, and it is right, following the principles of the House of Commons, that the Parliamentary lists should be given, but I will not shut out the parties, in any fair case, from going beyond the list. Besides, while the Legislature tells the Judge he should originate an inquiry if he see reason so to do, why should I shut out parties who require liberty to amend the lists? I shall allow the utmost latitude to amend. It has been reserved by the order, and unless it is a case in which I see that the party kept back information at the time he furnished the list, I shall allow the amendment.

21. *Mr. Hemphill (to the Witness).*] What did he say to you when he showed you the paper?—He said that several persons had called upon him from St. Anne's-street.

Mr. Butt objected to this line of evidence.

Mr. Justice Keogh said he could not see how he could shut out a preliminary investigation.

22. *Mr. Hemphill (to the Witness).*] Go on, witness, and state what occurred?—He said that several persons had called upon him from St. Anne's-street.

23. Did he say what they called for?—To sign the paper that he showed me.

24. Do you recollect the substance of the paper?—It was something like this, that they gave their gratuitous services for Guinness and Plunket.

25. Did he tell you anything further?—He said that he was going to vote for Pim and Corrigan. He said he would not sign it, and I might see what I could do with it.

26. Did he give you a paper?—He did.

27. Did he tell you where to go with it?—The committee rooms, South Anne's-street, Guinness and Plunket's.

28. Did he tell you for what purpose you were to go there?—To try and get some money.

29. Did you receive any polling card that day for Guinness and Plunket?—I cannot say that I did upon that day.

30. What sort of a card was it?—Lithographed.

31. What was on it; were the names of voters on it?—It was the regular soliciting card.

32. An ordinary polling card?—Yes.

33. Did you after that conversation go to the meeting at South Anne's-street?—I went to the committee rooms.

34. About what time in the day was it?—Between three and four o'clock.

35. Did you see any one in the wards' committee rooms?—I did; I saw a person sitting in an arm-chair.

36. Was he writing?—He seemed, like, to be a clerk.

37. Did he appear to be in charge of the place?

—Oh yes, no one else was there, I showed him the polling card.

38. Did he give you any directions?—He said there would be a meeting of the wards that evening, and to come down between eight and nine o'clock.

39. When were you to call to the committee rooms, South Anne's-street; did you afterwards go to those rooms?—No; as I was leaving, he asked me where I lived; I told him; he said, "This is not the address, go to Trinity Ward."

40. Did he tell you where that was?—Yes.

41. Where?—Westland-row.

42. Did you go there that evening to the committee room?—I did.

43. When you went there, were there many people present?—The room was crowded.

44. What were they doing?—They seemed to be organizing bringing up voters.

45. *Mr. Justice Keogh.*] Upon what evening was this?—The night previous to the election.

46. *Mr. Hemphill.*] The nomination or the polling?—The day before the polling.

47. *Mr. Justice Keogh.*] The 17th November?—Yes.

48. *Mr. Hemphill.*] Did you know any of the persons who were taking an active part in the room?—Not one.

49. Would you know them if you saw them?—I would know the leading men.

50. Was your name called out?—My name was entered as living at 30 Mark-street; my number there is two. A party said he had been looking for me, and could not find me.

51. When the name is called out, did you answer?—I said I was the person.

52. When you said that, did anyone say anything to you?—A party, who seemed to be a conducting man, handed me a paper.

53. What sort of a looking man was that?—A reddish-looking man.

54. Stout or thin?—Medium.

55. Did he show you a paper?—Yes; similar to what Carroll gave me.

56. Was it printed in red or black ink?—I am not sure; I think it was red.

57. Did he ask you to do anything with it?—He asked me, did I sign one, I said, "No;" he then asked, "Would I?" I said, "Yes."

58. Did you sign it?—I did, and he kept it.

59. Did he give you any card?—He did.

60. What was on it?—Four or five persons' names to be brought up next morning.

61. They all lived in Mark-street?—Except one.

62. Is this a portion of the card (*fragments of a card were handed to Witness*)?—Yes.

63. Did he tell you to go?—He told me to go to the poll in the morning.

64. Did you see similar cards given to others?—Nearly to every other.

65. Did you see the name of any remarkable person on the card?—I saw the name of the provost.

66. The provost of what?—Of Trinity College, and the professor of the University.

67. And was the person who got the card desired to bring the gentleman up?—Yes.

68. Were the names of all the parties to be canvassed, read out?—Oh no; they were merely handed to them.

69. Did you hear the names of the Provost and the Professor of the University read out?—I did.

70. How

70. How was that received?—They all commenced to laugh.

71. Was there anything on that occasion about money?—Not a word.

72. Did the gentleman who handed you the card make any observation about next morning?—He said generally to us, he hoped to see us next morning.

73. Did you the next morning look after the parties upon your card?—I did.

74. Did you go with them to the poll?—I did; I went about nine o'clock, and all had polled.

75. Did you go to Green-street to poll?—Yes.

76. At what hour?—About half-past two.

77. Did you go to the right booth?—No, for the numbers were wrong.

78. Did you meet anyone when you were going into the wrong booth?—No; but when going through Halston-street.

79. Did you know the person?—Yes.

80. What was his name?—Campbell.

81. Do you see him in court?—

Witness looked round, and did not make any reply.

The name of W. J. Campbell was called; he did not answer.

82. Mr. Butt.] I wish the Witness to describe Campbell?—He is a peculiar-looking man, with a big red nose.

83. His features?—Big eyes.

84. Had you a slight acquaintance with him?—I had a slight knowledge.

85. Had you known him some time?—Yes, six or seven years.

86. Did he address you first?—He accosted me; he asked me had I voted. I said I had not. He asked me had I a card? I said I had; said he, "There is money going."

87. Anything more?—He said, "If he got me 5 l., would I give him 1 l. I said I would.

88. What did he do then?—He called me up the courtway, and he wrote some words upon a little bit of paper, I do not remember the words, I was going to take the paper, and he said, "Ah, no, that is for myself." He also said, "Come on, and we'll look for the polling place." The same mistake occurred as on the first time; I went down, and crossing the court a young man crossed; he followed us, and Campbell said, "A card will be put into your hand as soon as you have polled, and take care of it," or something in that way.

89. Was it the young man or Campbell who said that?—Campbell.

90. Did the young man say anything?—Not a word; he went rather before us, looking out for the polling place.

91. Did you, after that, vote for Guinness and Plunket?—I did.

92. After you voted, was anything given to you?—The ticket was run into my hand.

93. What sort of a ticket?—A railway ticket.

94. What railway?—I did not know, for I did not open the ticket till I was down in Capel-street.

95. Who gave you that?—The young man.

96. Whom you had met going in?—Yes.

97. After you got the railway ticket, did Campbell go with you?—We walked out together.

98. Did Campbell tell you to do anything?—He asked me, did I know where to go; I said no, and he told me, 76 Capel-street, and to make haste.

29.

99. Did you go there?—I did.

100. Was there any name upon the house?—Yes; "Espy's Printing Office" was on a label in the window.

101. Was the door open or shut?—It was open, and a chap was standing in the jambs of it.

102. Did you say anything?—I asked him "Was that 76;" he said, without saying anything else, "Have you your ticket?" "I have," said I.

103. Did he do anything then?—He told me to go in; he shut the door after me, he told me to knock at the front-parlour door.

104. Did you?—Yes; then he told me to turn the handle and go in.

105. Did you see any person there?—There were three or four persons.

106. Was there a screen in the room?—Yes, immediately before the door.

107. Was anyone there but the clerks?—Oh, no, not a soul.

108. Where did you go?—I was walking up to the window a one-side. "Knock at that door," said he, pointing to the door dividing the front parlour; that was a single door. I knocked at the door I was directed to; an oval opening was in the centre of the panel, and a hand was put out. A voice said, "Your ticket;" I gave in the ticket, and an envelope in a moment or so was put out and I was told to make haste.

109. In what part of the door was the hole?—The cross bar dividing the panels, the upper part.

110. Was it covered?—There was a black calico over it.

111. Did you, after getting the envelope, leave the front parlour?—I did.

112. What happened next?—I was going out the front door, and the chap in the hall said, "Not this way," and pointed to the back way. I went that way.

113. Where does it open into?—Loftus-lane; I had to pass a couple of yards, and a big long passage like a lane.

114. Did you open the envelope?—I did.

115. Was there anything in it?—Yes.

116. What?—A 5 l. note.

117. Did you show that 5 l. note to anyone?—I did.

118. Of what bank was it a note?—I think it was a Bank of Ireland note.

119. When you left, after this occurred, where did you go?—I went back to my office, where I work.

120. To Mr. O'Toole's?—Yes; between two and three is the dinner hour, and I went out then.

121. Did you show the note to anyone?—Yes.

122. To whom?—To a party of the name of Maloney.

123. Did you show it to Mr. O'Toole?—Yes; I was rather forced to do it.

124. To whom else?—I showed it to a party named Flood.

125. Did you change that note in any place?—I did.

126. Where?—At Ryan's, at the corner of Townsend-street.

127. Was it on the same day you got it?—Yes, immediately afterwards.

128. I suppose you spent some of the money that evening?—I did.

129. Where you the worse for doing so, the next day?—I was.

130. Whom did you treat; or did you treat anyone?—

J. F. Kirk.

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J. F. Kirk. anyone?—I treated Maloney, Dunne, and Thompson.
 —
 23 January 1869. 131. In what place?—Where I changed the note.
 132. At Ryan's?—Yes.
 133. Is he a grocer?—He keeps a public-house at the corner of Townsend-street.
 134. Did anyone go in with you to change the note?—I was alone.
 135. Did you go out the next day?—I did.
 136. Do you know Andrew Johnson?—I do.
 137. Is he in Mr. O'Toole's employment?—He was.
 138. Is he a compositor?—Yes.
 139. Up to that time, had you done anything with the canvassing ticket?—No; next morning I went to Westland-row myself with the canvassing ticket.
 140. Where did you go?—To the ward rooms, where the meeting was the previous evening.
 141. Did you see anyone there?—There were several persons arriving in the room.
 142. Did you see cards in their hands, like the card you had?—No.
 143. You had a card; did you produce it there?—No.
 144. Did you do anything with it in that room?—I took the card away with me. I gave it to Johnson, the compositor. I told him to go down to Westland-row; I was not very sober at the time, and I did not like to go down myself.
 145. Did he take it there?—He did.
 146. Did you get anything from him when he returned?—Yes, 3 l.
 147. Did he tell you where it came from?—He said he got it at Byrnes's, in Lombard-street.

Cross-examined by Mr. Butt.

148. Had you ever voted before the Dublin election?—I had.
 149. For whom?—For Guinness and Vance.
 150. When you went up to Green-street, that day, what were you going to do?—I was going to vote.
 151. Would you have voted if you had not met Carroll?—Yes; I would have voted for Guinness and Plunket.
 152. Did you vote according to the opinion of the person who canvassed you?—I voted according to my own conviction.
 153. This canvassing card you got in Westland-row?—Yes.
 154. How many were in the rooms?—I would say, at the evening meeting, between 50 and so; as much as the room could hold.

RICHARD BUTLER, sworn; Examined by Mr. Palles.

R. Butler. 178. I believe you are a freeman?—Yes.
 — 179. Did you vote for Guinness and Plunket?—Yes.
 180. I believe this is the first time you voted as a freeman?—Yes.
 181. Do you remember before the election being canvassed?—Yes, about a week before the election.
 182. What did you say when you were canvassed?—I said that I would not give any de-

155. Was anybody prevented from going in?—I walked in without prevention.
 156. Were these canvassing cards given publicly?—Yes; given in the room.
 157. To everyone who wanted, or would take one?—I did not see any previously given; mine was last of all; I was the last going in.
 158. Who was the first who spoke to you about giving evidence here, or did anyone?—Yes.
 159. Who was it?—Carroll.
 160. The same man who sent you to Anne-street?—Yes.
 161. How long after the election?—About three weeks.
 162. Did he offer you any money to give evidence?—He said he was the go-between to offer money. He said, "I know you got money, and I have been told to offer you 50 l. to give information to the other side."
 163. Where does Carroll live?—Clarendon-street.
 164. When he offered you money, 50 l., to give information, did he say who would give it?—He said, Mr. O'Shaughnessy; at least he said he was offered to propose the terms to me.
 165. By O'Shaughnessy?—Yes.
 166. Did he say where he lived?—It was he who lives in Gardener's-place.
 167. Did he say he was offered by him to give 50 l., if you gave information?—He did.
 168. Did he say anything about giving evidence?—It was understood, if I gave information, I would give evidence.
 169. What did you say to Carroll when he spoke about the 50 l.?—I said I would not do it for 10 fifties.
 170. Had you known Campbell before?—Yes.
 171. What is the number of the house in Clarendon-street, in which Campbell lives?—I am not sure.
 172. Is this (*handing a document*) the same kind of paper you signed?—No, it was printed in roman type.
 173. Read the substance, and tell me whether it is, or not?—I think it is a fac-simile.
 174. Read it?—"We beg to place at your disposal our gratuitous services before and on the day of election, in any way you desire, to ensure the return of Guinness and Plunket."
 175. Up to the time of going to vote, except by Carroll, was any expectation held out that you would get money?—No.
 176. When you went to vote, did you expect to get money?—No.
 177. Mr. Justice *Keogh*.] The document you signed was in plain roman hand?—Yes; roman type, and in print.

cided answer about it; that I should be paid for my time, as I was a working man.

183. Was any reply made by those who canvassed?—No, they did not hold out any prospect whatever.

184. Were you accompanied by anyone?—By a man of the name of Mr. Beckett, and by Robert Smith.

185. Did you see many passing?—There were a good many.

186. How

186. How long did you remain there?—A couple of hours.

187. What were the people doing?—All were in gangs together, all were holding conversation in different batches.

188. Did you see any persons there, whose names you could mention?—I saw the Sillerys of Abbey-street.

189. Do you know Tickle?—Yes.

190. And you did not succeed; do you know Erskine?—I do not.

191. Was anyone with you, when you left the committee rooms; I asked you, when you were going away, who accompanied you?—We went away, and managed to meet the following morning.

192. Was Beckett with you?—Yes.

193. Who else?—Smith.

194. Do you remember Beckett saying anything?—He said to see “me” early in the morning, and if anything was going he would get it for me, as well as for himself.

195. He knew you had voted as a freeman before?—He well knew.

196. Do you remember going to Becketts?—Yes.

197. Where does he live?—28, Upper Liffey-street.

198. At what hour did you go, upon the morning of the polling?—About half-past 7 o’clock.

199. Whom did you see?—Himself and wife.

200. Was your wife with you?—Yes.

201. You were all at breakfast?—Yes.

202. Your wife brought your breakfast to Becketts?—Yes.

203. After breakfast what did you do?—We went out to go in search of Walker.

204. Had you known him before?—Yes, he was a shop mate of mine.

205. Did you find Walker?—We did.

206. Had you parted company with Becket, before you saw him?—We missed of one another.

207. After you had lost sight of Becket, was any message sent to you?—My wife was sent to look for me, she found me; I accompanied him to Halstond.

208. Whom did you see?—Becket, Walker, and Becket’s wife.

209. Do you know a man called Hassett?—I do.

210. Did you see him there?—I did.

211. Had you known him previously?—Yes.

212. About what hour in the day was it when you met these people?—When I was sent for, it was about 12, as near as I can go; I cannot exactly tell the moment.

213. Did Becket say anything?—He did; that he was after getting the tips, and to stand beside him.

214. Was Walker present, when Becket said that?—He was.

215. Did he say anything about that?—No.

216. Which of them voted first?—It was either Hassett or Walker that voted first.

217. Who voted next; did Walker vote before you?—He did.

218. Do you remember Walker, after he voted, coming back and saying anything?—He said he had voted, it was all right, and for us to do what we liked now.

219. Did you go in and vote?—I did.

220. Was anyone with you?—Yes; Walker and a sallow-complexioned man, who came with the card.

29.

221. Do you know him?—I do not. As soon as I voted, we came down together, and he accompanied me through several passages. We went into a lonesome place, and he handed me a card.

222. What kind of card was it?—A railway ticket; the Midland Great Western.

223. Do you remember the colour of it?—I cannot say.

224. Did you observe anything peculiar about the man; had he an eye-glass?—He had.

225. When you got the ticket, what did you do?—I got the ticket in the passage, and I was met by a man; that man I met casually; I do not know his name. He told me to go to 76, Capel-street. I did so, accompanied by Becket, my wife, and his wife.

226. Tell his Lordship exactly what happened when you went there?—I knocked at the door; the door was opened by a young man, and upon that we went in. He pointed to the door of the parlour. Becket went in and came out. Then I went in; he called me. The two of us went out together.

227. When you went into the room, what did you see?—Three or four men at a table close to the window. They were apparently writing. They told me to knock at the door. There was a piece of one of the panels at the top broken, purposely broken, because it was fresh. A hand was put out. I gave the ticket; in doing that he left it inside, and handed me an envelope with the 5*l.*, the note, inclosed.

228. Did any of the clerks in the room say anything to you?—No; we went out on the back way; we turned, went into the hall, then wheeled to the left. Becket was waiting for me, and we went out together by the back way.

229. Do you know where your wife was at the time you were going from Green-street to 76, Capel-street?—Yes; they followed; Becket’s wife also followed.

230. What did they do when you went out into the lane?—They remained within a couple of yards of the place where we went in, and remained there till we came round. Becket’s wife and my wife did that.

231. When you joined them, what did you do?—We went to Morrison’s, in Castle-street, and he bought two hats, one for me and one for himself.

232. Who did this?—Becket.

233. Upon your way to Morrison’s, had you any conversation with Becket or his wife about what he got; it was known that you got 5*l.* a piece?—Yes.

234. What was the price of each hat?—6*s.* 6*d.* if single, but, buying the two hats, he got them both for 12*s.*

235. Who paid for the hats?—Becket.

236. With what money?—The 5*l.*

237. Was there change in the house to give the difference between the 12*s.* and the 5*l.*?—No; he sent to the bank one of his assistants to get the change.

238. Did you know him before?—I did not.

239. Did you take home the hats that day?—No; not for a couple or three days.

240. Do you remember going for the hats?—Yes.

241. With whom?—My wife and Mrs. Becket.

242. When you left Morrison’s, where did you go to?—Directly down to Cork-hill; he brought

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us in there, into Judge's, the public-house, and we had a treat.

243. Who treated you?—Becket.

244. When you left the public-house, where did you go?—To Bolger's, at the corner of Cole's-lane, Henry-street. I paid him the 6 s. (out of the 5 l.), and I called for a treat.

245. As he treated you, you thought fit to treat him in turn?—Certainly.

246. Who was present when you changed the money?—There were four, and a couple of women.

247. Your wife and Becket were present?—Yes.

248. After you left Bolger's, what did you do?—We bought two bonnets at Burke's, in Mary-street, and paid for them 4 s. 3 d. each.

Cross-examined by Mr. *Exham*.

249. When did you first hear anything about this; after the election?—It was brought by a man of the name of Farrell.

250. Who is he?—He is a carver.

251. Where does he live?—He lives in Stafford-street.

252. Did he come to you?—Yes.

253. When was it that he came to you; how soon after the election?—I cannot tell the day.

254. About how long?—I could not say.

255. Where did he take it to?—He took it out to Mr. Guinness's.

256. Is that a public-house?—Yes.

257. Was it in the daytime or in the evening?—It was in the day.

258. Did he tell you what he wanted you down there for?—He told me that he was after being down for Mr. Guinness, and that he was offered 3 l. if he could bring a man to Guinness that he could prove that he had received any money, and that I had only to go down and tell him that, and he would get his money.

259. Did you go down with him then?—I did.

260. Then and there?—Yes.

261. Did you go into the shop with Guinness, or upstairs?—Upstairs.

262. In a private room?—Yes, a dining room.

263. Who was in the room?—There was myself and Farrell.

264. I suppose you sat down at the table together?—Yes.

265. Did you drink anything there?—There was some drink brought up.

266. Did you have a drink?—I took some.

267. What did you drink?—I drank some whisky and some brandy.

268. And Farrell with you?—Yes.

269. Did Guinness ask you if you could prove this?—Yes.

270. You told Farrell that you would tell what you know, and get the 20 l.?—I did; I told him the truth.

271. Who was helping you to the drink?—Why, Mr. Guinness helped me to the first, and after that we helped ourselves.

272. Did Farrell say to Guinness, "This is the man that will prove it for you"?—Yes.

273. He introduced you that way to Guinness?—Yes.

274. Did Guinness tell you, what he wanted you to prove; that you got money in 76, Capel-street?—Yes.

275. And Guinness appeared to know all about

it?—No, he did not; he did not mention 76 Capel-street until I mentioned it myself to him.

276. Did Guinness tell you he would give you anything for yourself?—It was understood that it was to be divided between the two.

277. That is to say, Farrell was to have given you half?—Half.

278. And that was the understanding between you and Farrell?—Yes.

279. A little private arrangement between you?—It was not private; it was an understanding.

280. You were each to have half of the 20 l.?—Yes.

281. Did he give his word to you?—No, we did not get it.

282. You have not got it yet?—Not until the conviction is proved.

283. That was the understanding between him and you?—Yes.

284. That you should prove it first, and get the conviction?—Yes.

285. And Guinness, I suppose, is not to pay it until the conviction is made out?—That is so.

286. No purchase, no pay?—No purchase, no pay.

287. And then, the very moment that Farrell gets the 20 l., he is to give you the half?—He is to give me the half.

288. Did you ever go there again?—I did.

289. To Guinness's?—Yes.

290. When did you go there the second time?—I could not tell.

291. About how soon after?—It might be about a week after.

292. Who went with you the second time?—This young man Farrell.

293. Was it in the evening?—It was.

294. Did you go up to the same room?—No, not the second time.

295. Did you get drink the second time?—Yes; I called for a couple of treats, and he gave them to me.

296. How much did he give you altogether in the way of whisky and brandy?—I don't exactly know, but I suppose the man can tell that himself.

297. Have you often been in his shop drinking since?—No, not often.

298. About how often?—I don't suppose I have been above twice or three times since that.

299. And you can go in there whenever you like, and get some drink?—Oh, no, I do not understand that now.

300. But you did get drink those two or three nights?—Yes.

301. And did you pay for it?—No.

302. Did you get any money at all; did Guinness give you any money?—Yes.

303. How much?—He gave me a pound, and he gave me a two shilling piece.

304. When did he give you a pound?—About Christmas time.

305. Was it for a Christmas-box?—I don't know.

306. He never gave you a pound, I suppose, before?—No.

307. When did he give you the two shillings?—On Sunday.

308. About how long ago; was it long after that; was it coming on the trial?—No.

309. When was it?—About the Sunday, I think, after Christmas.

310. Did you see Farrell get any money from Guinness besides?—No.

311. Did

311. Did he tell you he got any from Guinness?
—He told me he received ten shillings.

312. Did he tell you whether that was part payment of the 20 l. or not?—No; he had to give, in his handwriting, an acknowledgment for it.

313. Did you give an acknowledgment for your pound?—Yes.

314. An I O U?—Yes.

315. Did Farrel give you any money at all?—He did; he gave me 5 s. out of the 10 s.

316. I suppose you did not give Farrell an I O U for it?—No, it was understood that it was to be deducted from me.

317. And I suppose you are to give credit also for the 1 l. out of the 20 l.?—Yes, I expect so.

318. Besides that, did you ever go anywhere else?—Yes.

319. About this business?—I did.

320. Where?—Mr. Fitzgerald's.

321. Is that Mr. Fitzgerald, the attorney?—This gentlemen here (*pointing to a person in court*).

322. Was it to his office?—Yes.

323. In St. Andrew's street?—Yes.

324. I am sure he did not bring you there for nothing, because he is a very liberal man?—Not for nothing.

325. How much did Mr. Fitzgerald give you?—Well, he give me 2 l.

326. Did you give him an I O U for it?—No.

327. That was a liberal thing; when was that?—He asked me —

328. He asked you a lot of questions, I suppose?—He did.

329. And did you see him taking it down?—I did.

330. I suppose you were sitting down in his office with him?—I was.

331. And I suppose he told you he would not think of taking up your time for nothing, and he gave you the 2 l.?—Well, yes.

332. He told you, I suppose, that he would want you here during the petition?—Yes.

333. Did he not promise, you more than 2 l.?—He told me I would be satisfactorily settled.

334. When you had proved this matter?—He did not put in that.

335. What was the satisfactory settlement to be for?—For loss of time.

336. In coming here to give evidence?—For coming here, and going over there.

337. Then, I suppose, you did not take the 2 l. as a satisfactory settlement, but there is more to come?—Yes, I expect so.

338. How much more?—I cannot tell that.

339. What do you think would be a fair remuneration to you beyond the 2 l., and the half of the 20 l.—10 l. more at least, I suppose?—Well, I would expect that.

340. That at least?—Yes.

341. How often were you at Mr. Fitzgerald's?—On two occasions.

342. You got 2 l., that is 6 l. for each?—Not three occasions; upon two occasions.

343. Did you get anything on the second time you went?—Yes, I got 2 l.

344. He told you, I suppose, that that was on account?—No, he didn't say that.

345. He told you things would be satisfactorily settled when it was over?—Yes.

346. Did he take down any statement the second time also?—He did.

347. Did he ask you the same questions over twice?—No, they were not the same at all.

348. How long was there between the first interview and the second?—A few days.

349. And who was it brought you the message; was it Farrell?—No, it was a man of the name of Walker brought me over, along with a man of the name of Hagarty; Mr. Hagarty brought me over.

350. Who is Hagarty?—I believe he is a painter.

351. Did you see Mr. Guinness taking down your statement, too?—Yes, he took down a statement.

352. The day you were there?—Yes.

353. Did you see that at Mr. Fitzgerald's, or did he have any paper out when he sent for you; did he ask you questions from any paper?—No.

354. Did he ask you if you were the man that had been at Guinness's?—Not that I remember.

355. Did Guinness offer you any money himself?—No. Offer me! I was to understand that what Farrell got I was to get half of it.

356. That you understood from Farrell?—From both.

357. Then did Guinness tell you that he was to pay Farrell the 20 l.?—He did.

358. And that then Farrell was to divide that with you?—Yes.

359. Was that the first time you went there?—It was.

360. Did he ever say anything to you about 50 l.?—No.

361. Are you sure he never did?—No.

362. That would have been a fine thing to get, would it?—I never heard of it to my knowledge.

[The Witness withdrew.]

Mr. *Palles* applied for a certificate under the Act to relieve the Witness from penalties.

Mr. Justice *Keogh* stated that in every case where a Witness gave his evidence in a manner that was satisfactory to the Court, a certificate would be awarded, and that, therefore, it would be unnecessary to repeat the application.

WILLIAM WALKER, sworn; Examined by Mr. *Litton*.

363. ARE you a freeman of the City of Dublin?—I am.

364. For whom did you vote at the last election?—For Guinness and Plunket.

365. Do remember going to the ward rooms of Guinness and Plunket previous to the election?—Yes.

366. Where were those ward rooms?—In Dorset-street.

29.

367. Whom did you meet with there?—With several parties. *W. Walker.*

368. Did you see any one acting as chief or secretary in particular more than the others?—Yes, there was one; his name was Falkener, and he acted as secretary.

369. Did you make any observation to him, when you went there first?—When I went there first, I applied for employment.

A 4

370. What

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370. What answer did he give to you; did he ask you any questions?—He asked me was I a voter.

371. What did you say?—I told him I was.

372. What did he say?—He said you will have to act gratuitously.

373. What did you say to that?—I said I would.

374. Did he produce any document?—Yes, a printed one.

375. What did he ask you to do with it?—To sign it.

376. Did you sign it?—I did.

Mr. Litton applied for the document signed by this man to be produced.

Mr. Butt stated that it should be produced.

377. Mr. Litton (to the Witness.)—Did any one witness that?—Yes.

378. By whom was it witnessed?—By a young man named Alfred Rock.

378. Where does he live?—In North King-street.

380. What is the number there?—I think it is 189.

381. After you signed the document, what did the secretary or this gentleman do that handed you the document?—I got a list; it was a canvassing agency that I applied for, and I got a list of names to canvass.

382. Were there many names upon that list?—I think there were about 12 or 13.

383. What was your duty in regard to that list?—To solicit those parties to vote for Guinness and Plunket.

384. When you were there, do you remember knowing any of the gentlemen who were present in the committee rooms when you called?—Yes; I remember them.

385. Can you state the name of any gentleman that was there?—I can.

386. Then state the names?—There was a gentleman there of the name of Lawler.

387. Who else; was there a Mr. Foster there?—There was.

388. Henry Foster?—Yes.

389. Where does he live?—I think in Mountjoy-street.

390. Were you acquainted with him?—No, only seeing him in the committee-rooms.

391. Had you any conversation with him?—I had.

392. Will you state what conversation you had with him?—The conversation I had with him was in his own house.

393. Did you call at Mr. Foster's house?—I did.

394. Was it at his private residence?—At his private residence.

395. In Mountjoy-street?—In Mountjoy-street.

396. Did you see him?—I did.

397. Was anyone with you when you called?—There was.

398. Who was he?—Well, Beckett.

399. Can you state the conversation that passed then between yourself, Foster and Beckett?—Beckett told me, previously to this meeting, at his own place, that Mr. Foster had promised him that he would be "all right" at the election. "Well," said I, "I would like to know that party myself." Accordingly he brought me.—

400. Who brought you; Beckett?—I told Mr. Foster the reason of my calling upon him.

401. What did you say to him?—I told him what Beckett told me.

402. Did you ask him was that true?—Yes; and he replied, "I have nothing more to say to you than I have said to Beckett; you will be all right."

403. On the day of election, what did you do first; did you get any directions from this gentleman who acted as secretary at Dorset-street on the evening previous to the election?—No; only just to be there at seven o'clock in the morning.

404. Had you, up to that time, on each evening reported the result of your canvass?—I had done so.

405. To this same gentleman?—To the gentlemen of the committee; not one in particular.

406. Did you vote the next morning?—I did.

407. At what hour?—I think it was between 11 and 12.

408. Whom did you meet before you voted?—I met Mr. Foster.

409. That is the gentleman upon whom you called in Mountjoy-street?—Yes.

410. What happened at the time you were voting in the booth; before you voted, I think you stated that you met Mr. Foster; did any conversation pass between you and Mr. Foster at that time?—When I went to Halston-street first for the purpose of voting, between 11 and 12 o'clock, I see Mr. Foster there, and he pointed out a gentleman to me, and he said to me, "Go to that gentleman and tell him you want to vote."

411. Did you do so?—I did.

412. Did that gentleman accompany you then to the booth?—Not that gentleman.

413. What happened?—I went to that gentleman, and that gentleman told me nothing at all; then I walked away, and I met two or three others; I met Beckett and Hassett, and a couple more, and I told them what Mr. Foster was after saying. In the interim Mr. Foster walked down; "Oh!" says I, "here is Mr. Foster;" so Hassett then went and he told Mr. Foster, and Mr. Foster beckoned Hassett to come to him; he says, "I want you," so Hassett went up, and he called him on one side, and then after that conversation—

414. That is to say, Mr. Foster called Hassett on one side?—Yes; and then after that conversation we all four, I think, went together along with Hassett.

415. Did you vote?—Yes.

416. After voting, what took place?—There was a gentleman there brought me in to poll.

417. And after you polled, what took place?—He came out of the booth along with me; we walked along Halston-street, and he gave me a ticket.

418. Did you know that gentleman?—I never saw him before or since.

419. What did you do when you had got the ticket; did he say anything to you before you left him?—He did not.

420. Did anybody else make any observations to you, after you got the ticket?—Yes.

421. Who?—Hassett.

422. What did he say?—I said what was I to do with this; he says, "I have another like it; I will bring you to where you will be all right with it."

423. Did you go with him?—I went with him.

424. What sort of a ticket was it?—The fact was

was, I did not look at it at all; I never looked at it; I put it into my pocket and never opened it.

425. Where did you go with that ticket?—I went to Capel-street.

426. What number?—I think 76.

427. Did you knock at the door?—Yes.

428. Was the door shut?—Yes, I knocked and the door was opened.

429. By whom?—A young man.

430. Did you make any observation to him?—To the best of my recollection he asked me, "Have you a ticket?" I said, "I have," and he put me then to knock at a side door at the front parlour.

431. Did you knock?—I knocked.

432. Was it opened?—It was opened.

433. What did you do?—Then I walked in, of course.

434. Who were there in the room?—Two or three gentlemen at the table writing, and they told me to knock at the folding door.

435. You went up to the door?—I went up to the door.

436. What happened then?—I knocked, and there was a square hole at the top, and a hand came out, and of course I understood that, and I gave the ticket; it was pulled in, and then the hand shut, and a few minutes after they handed me an envelope.

437. What did you do with the envelope?—I came out into the hall then, and I was directed for to go out backwards, and when I went out I got into the yard, and I tore it open, and I saw there I had a note.

438. What was that note?—A 5*l.* note.

439. Do you remember on what bank it was?—I never looked at that.

440. What did you do with the note; do you know a person of the name of Keegan?—I do.

441. Who is he?—A grocer, in Princes-street.

442. What did you do with the 5*l.* note?—I changed it there.

443. Where?—At Keegan's, in Princes-street.

444. Was anyone with you when you changed this note?—There was; Hassett and Hopkins.

445. Had you any drink?—We had; I called for three glasses of grog, previously to get it changed.

446. Did either of the two persons you mentioned, Hassett or Hopkins, change a 5*l.* note?—Hassett did.

447. A 5*l.* note of his own?—A 5*l.* note he had, at all events; of course it was his own.

448. He had it in his possession, at all events?—Yes.

Cross-examined by Mr. *Purcell*.

449. When was it that you went up to the committee room?—A fortnight previous.

450. And you said that the last time that you were there before the election, was on the evening before; are you sure about it?—I am quite sure of that.

451. Had you ever voted before in Dublin?—Several times; at our previous elections.

452. Did you vote at the previous election?—Yes.

453. How did you vote then?—Always on the same side.

454. Was that the same side as you voted on at this election?—Yes; on the Conservative side.

455. You went up of your own accord to the committee?—Oh yes.

456. And you say you signed the paper?—Yes; I signed that document.

29.

457. And on the day of the polling, you went down to record your vote?—Just so.

458. You had been, I believe, canvassing for a good while previously?—A week.

459. Somewhat more, I believe; well, a week at all events; when you went up to be polled, had you your mind made up how you would vote?—Certainly.

460. For whom were you going up to vote?—For Guinness and Plunket.

461. Had you always determined to vote for Guinness and Plunket?—Always; and for Vance and Grogan.

462. Under any circumstances?—Under any circumstances.

463. I understand, that up to the time you gave your vote, there had been no promise made to you?—I had had no promise from anybody, but that Mr. Foster in that way, that he had no more to say to me.

464. That it was right for you to sign that?—No; this is the interview that I had with Mr. Foster, at his own house; when I went with Beckett; Beckett said, that Mr. Foster told him that he would be all right.

465. But Mr. Foster said, he had nothing to say to you, except with Beckett?—Just so.

466. Was that the whole of the conversation?—That is the whole.

467. Then, until after you had voted, you knew nothing about the ticket?—I knew nothing at all about it.

468. Do you recollect the appearance of the person who gave you the ticket?—I do.

469. What was his appearance?—He was a nice-looking gentleman, with moustache, with a sallow complexion, and an eye-glass.

470. Was he tall or short?—He was something taller than myself; I think he was about five feet seven or eight.

471. And you say you did not know what to do with it when you got it?—Of course, I did not know were to go.

472. Were you spoken to at any time since the election, about what evidence you could give in the case?—Yes, I was.

473. Do you recollect who spoke to you?—I do.

474. Who was it?—A man of the name of Hagarty.

475. When was that?—Well, I think, as well as I can remember, it was last Friday fortnight.

476. Where did you see Hagarty?—I met him in Abbey-street.

477. Was it accidentally?—It was accidentally.

478. What took place when you met him?—I said, "I hear you are going upon the petition;" "Yes," said he, "I am;" said I, "What evidence have you to give?" "Why," says he, "like yourself, I suppose;" says I, "You got the five;" "Yes," he said, "and so did you too;" I said, "I didn't;" said he, "There's no use concealing it at all, you did get it, so come out with me, and you will be all right;" so he brought me to a public-house, and there gave me a pint bottle of ale.

479. Where did you go then?—To Mr. Fitzgerald's.

480. Did you see Mr. Fitzgerald himself?—I did.

481. Were you the better of your visit to him?—Well, I got 2*l.*

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482. Did

W. Walker.

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W. Walker. 482. Did you pay him any other visit?—I did.
 23 January 1869. 483. At the same price?—At the same price.
 484. And I suppose you would go every day in the week for the same price?—To be sure I would.
 485. What were you to get, if you did your work properly?—I was not promised any sum; but Mr. Fitzgerald told me I would be liberally dealt with.
 486. If you trusted to him?—Of course, to answer questions put to me.
 487. What do you think is liberal dealing; would a 10 L. note be a liberal sum?—£.20 would be liberal.
 488. Did Mr. Fitzgerald put questions to you, as to what you could prove?—He did just what I am after stating.
 489. Did he know all about it from his questions?—About my statement?
 490. Yes; about what had taken place?—I suppose so.

491. But, from what he said to you, did he appear to know all about it?—I suppose he did.
 492. Did he ask you whether you went to 76 Capel-street?—He did.
 493. And whether you put your hand into a hole?—All that.
 494. He asked you, and you said “yes” to all those things?—Yes.
 495. And, at the conclusion of the time, I suppose he got you to sign a paper?—Yes; I put my name to a paper.
 496. Did he ask you the questions out of any paper before himself?—He did not.
 497. He had it off by heart?—I suppose so.
 498. Mr. Justice *Keogh*.] When you got the ticket that you said you didn’t look at, was it rolled up in any paper in any way?—It was not.

[The Witness withdrew.

GEORGE HAGARTY, sworn; Examined by Mr. *O’Shaughnessy*.

G. Hagarty. 499. ARE you a Freeman of the City of Dublin?—Yes.
 500. For whom did you vote at the last election?—For Guinness and Plunket.
 501. Were you canvassed before the election?—Oh yes, I was.
 502. By whom were you canvassed?—Both parties.
 503. Do you know the name of the agent who canvassed you on behalf of Messrs. Guinness and Plunket?—I do not.
 504. Did you get a card?—I did; three or four.
 505. Did anyone call upon you, sometime before the election, with regard to your voting, or anything about that?—Yes.
 506. What was the name of that gentleman?—I couldn’t tell the name.
 507. Did anyone ask you to apply at the committee rooms?—Only to send in the name. Am I to consider myself safe with the questions I am asked?

Mr. Justice *Keogh*.] You are perfectly safe, if you answer the questions truly and honestly.

508. Mr. *O’Shaughnessy*.] Did you offer your services to the committee in your ward?—I did, gratuitously.
 509. Did anybody ask you to do that?—I was told to do that.
 510. Who told you?—An acquaintance of mine, by the name of McDowell.
 511. Is he a freeman?—He is.
 512. What did he say to you?—He heard about it.
 513. About what?—That that was the best way to do it.
 514. To do what?—To send in to do the matter gratuitously, and work for the cause.
 515. Did you write a letter yourself offering your services gratuitously?—Yes; there is no mistake about it.
 516. Did anybody point out to you the proper letter to write?—McDowell and I had a conversation upon the matter, and he being the better penman, I took a copy of that.

517. Of the form that he suggsted to you?—Yes.
 518. And you sent in that application?—I did.
 519. Did you send it in, or did you leave it yourself?—I left it with Mr. Erson.
 520. What did Mr. Erson say when you gave it in to him?—That he would send it in to the committee room in James-street.
 521. When you presented this letter to Mr. Erson, had he any conversation with you?—He had not.
 522. You merely handed it in to him, and he said he would forward it?—Yes.
 523. Did you see Mr. Erson afterwards?—Yes, I did, many a time.
 524. Did he say anything to you with reference to the election, or to canvassing, or to using your services in any way?—Well; on the morning of the election —
 525. I mean before the morning of the election?—Yes; just to go off a day and do my business.
 526. Do you remember the night before the election?—Yes.
 527. Did you go to the committee rooms that night?—Well, I couldn’t possibly say.
 528. At all events, on the morning of the election, where did you go; did you go direct to Green-street, or go to the committee rooms beforehand?—I went to the committee rooms in Sackville-street.
 529. And what did you do there; at what hour did you go there?—At about seven or half-past seven o’clock.
 530. What did you see there?—I saw Mr. Erson there.
 531. What occurred between you and Mr. Erson; did they send you on to vote?—Mr. Erson said I was to go on and do my business.
 532. And he meant by that, that you were to go to vote, I suppose?—I suppose so.
 533. At what hour did you vote that day?—At eight o’clock in the morning.
 534. What occurred after you voted?—Well, I seen others voting, and brought others up to the

the poll also, because I was well acquainted with a great number, which I am.

535. Did you see a man named Stead about the court house?—Yes, I did.

536. Did he say anything to you?—Well, he didn't really say a word to me; he saluted me. Whether it was a recognition of my presence, or not, I really don't know.

537. Did he say anything to you about your voting, or give you any information?—He really did not.

538. He did not speak to you at all?—He did not.

539. What happened after you voted?—Well, I got a hint to get off for to get something.

540. Who gave you the hint?—I could not say the party that gave me the hint for this reason—

541. Can you tell me how you got a hint?—Just a nod from him.

542. From whom?—From Stead.

543. Had you heard anything before, that made you understand the nod that Stead gave you.

Mr. *Butt* objected to the question.

Mr. *O'Shaughnessy* pressed the question.

544. Mr. Justice *Keogh*.] Had you heard anything before, of a signal to be given to you by Stead?—I had not.

545. Mr. *O'Shaughnessy*.] Or by anyone else?—I had not.

546. Did you hear anything about money going, or the way to secure it?—I did, but I did not know the party.

547. Mr. Justice *Keogh*.] Tell us what you heard?—That there was something going, and for me to be on the look-out.

548. Mr. *O'Shaughnessy*.] When did you hear that?—After voting, at about half-past 12 or half-past one o'clock.

549. And then Stead nodded to you; and what did you do then?—Stead went away off; he did not say anything to me.

550. What did you do?—I went to the party who was there, and I got a ticket from him.

551. Did Stead point you a party to go to?—*(The Witness hesitated.)*

552. Mr. Justice *Keogh*.] Look at me and answer me. Who pointed that party out to you? You asked me whether you would be safe in giving your evidence. You are safe in giving your evidence, if you give it frankly and with candour; but if you prevaricate you are not. Now answer the question?—Well, it was Mr. Campbell. He sent me up to his booth.

553. Mr. *O'Shaughnessy*.] But you got a ticket; what did you do when you got the ticket?—I went over to 76, Capel-street.

554. Who gave you the ticket?—A young lad, I did not know who he was, came up to see if I had voted in H booth, and then on the way down he slipped in the ticket.

555. What kind of ticket was it?—A narrow bit of a thing, similar to what I heard them speaking about here; a railway ticket; but I did not look at it.

556. How do you know that you were to go 76, Capel-street?—Because I was told.

557. Who told you?—The young lad.

558. When you got the ticket, you went down there to 76, Capel-street?—Yes.

559. What occurred there?—The door was opened when I knocked.

29.

560. Did you knock at the door?—I did, and went into the front parlour. There were three or four parties there, and I did not know who they were, and I was told to go to the back.

561. What did you do?—I pushed in the ticket, and got an envelope with a 5*l.* note.

562. What did you do then, when you got the envelope?—Well, I went away off.

563. How did you go out?—In the front; I went out in front.

564. Where did you go then, after getting the note?—I went to Bulger's, in Henry-street.

565. Is he a publican?—Yes.

566. What did you do there; did you change the 5*l.* note?—I did.

Cross-examined by Mr. *Atkinson*.

567. You were not employed at all by Mr. Erson before you sent in your volunteered statement?—I was not.

568. How long before the election did you sign the volunteered statement?—About a fortnight.

Further examined by Mr. *O'Shaughnessy*.

569. Do you remember the names of any of the people who were at the committee-rooms; do you remember anybody besides Mr. Erson?—Of course I do, all the gentlemen were there; Mr. Erson was one, Mr. McDowell was another, and Mr. Pardon, and Mr. Tickell. I can see them almost all before me now.

570. Did you see Mr. Alexander McNeill the attorney there?—I do not know.

571. You do not know his appearance?—I do not.

572. Did you see Mr. Prescott?—I did.

573. Did you see Mr. McDowell there?—I saw young Mr. McDowell.

574. Did you see Mr. Speedy there?—I did.

575. Is there anyone else whom you remember having seen there?—No.

576. Mr. Justice *Keogh*.] Were those committee-rooms in Sackville-street?—Yes, North City ward.

Further cross-examined by Mr. *Atkinson*.

577. There were a great many people there, were there not?—Oh, yes.

578. It was Mr. Erson that came forward and spoke to you about your statement, was it not?—Yes.

579. And you continued to be employed from that time up to the election, as a canvasser?—Oh, yes.

580. At what hour in the day was it that you got the tip or the wink at Green-street?—I think about half-past one.

581. That was the first time you got the tip?—Yes, something about that.

582. You had voted at eight o'clock in the morning?—Yes.

583. You did not know that you were to get a sign, when you were going to Green-street?—Well, I really did not.

584. What was the first time in the day that you saw Campbell?—I did not see Mr. Campbell until about half-past three o'clock in the evening.

585. That was after the whole thing about Capel-street was all over?—Yes.

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586. The

G. Hagarty

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G. Hagarty. 586. The Capel-street business was all over when you saw Campbell?—I had nothing to do with Sackville-street.

23 January 1869. 587. Did you not go to Capel-street before you saw Campbell?—I did not.

588. At what part of the day did you see Campbell first?—I saw him in the early part of the day.

589. At what time were you speaking to him first?—At about half-past one.

590. At what time did you go to Capel-street?—I think, at about half-past three o'clock.

591. What did Campbell tell you to do?—He did not tell me anything to do.

592. Did you not say, awhile go, that he told you to go to a booth?

Mr. Justice Keogh.] The witness said, Mr. Campbell pointed out the person from whom he was to get the ticket, and that was the young person who took him to H booth, to see if he had voted.

593. Mr. Atkinson.] Do you know a man of the name of Bailey?—I do.

594. Was he with you since the election?—He was.

595. Did he offer you any money for information?—He did, and brought me there.

596. Where did he bring you to?—To Mr. Fitzgerald's office.

597. Whom did you see there?—I saw Mr. Fitzgerald.

598. Did he take a statement from you?—Mr. Fitzgerald did.

599. Did he offer you any money for your statement, before you gave any information?—He did not.

600. Did he wait to see what you said, before he promised you any money?—I made a statement there.

601. Before you went there, did Bailey tell you that Mr. Fitzgerald would give you anything if you made a statement?—I will tell you plainly and honestly what I have done, and I do not wish to make a wrong statement. Bailey came up to my place, and I said I was going to be subpoenaed; I had some work at home, and I went and told him to come up in the evening, and I would see about it. I went over to Mr. Sutton's office in Abbey-street—this gentleman's office here (*pointing to a person in court*); and I told Mr. Byrne and two other gentlemen there, that Bailey came for me to have me subpoenaed, and that he was to be up at a certain time, and I was told then for to go to Mr. Fitzgerald's office and speak about it, and also to receive whatever they would give me, and say as little as possible. Now, there is the truth, and Bailey is here. There is another party in the gallery of the court, of the name of Egan, of Moore-street, who can give the same evidence; he sent up twice for me to go, and that if I was not paid on the election business, he would put me in the way of doing it; and I mention that also.

602. What was Egan's Christian name; was "Patrick" his Christian name?—Yes.

603. Is he a painter?—No; he keeps a public-house in Moore-street.

604. Had you a second conversation with Bailey?—Oh, several.

605. Did Bailey tell you that you would get 20*l.* for giving information on the election petition?—He did.

606. Was it after that that you went to Mr. Fitzgerald's?—I went to the office in Abbey-street and mentioned that; but this Bailey called for me in the morning, and I told him I could not attend, but to come up in the evening.

607. Did he tell you you would get 20*l.* if you went to Mr. Fitzgerald, or not?—Well, he did.

608. Was it after that that you went to Mr. Fitzgerald?—I did not; I went first to the office in Abbey-street—

609. But I am talking about Mr. Fitzgerald; you went to Mr. Fitzgerald, did you not?—Yes, I did.

610. Was it before or after you saw Bailey that you went there?—After, on two occasions.

611. Whom did you see when you went to Mr. Sutton's office; was that the gentleman there Mr. Williamson (*pointing to a person in the court*)?—I seen that gentleman there.

612. Was it he that spoke to you?—Yes, and he told me what to do.

613. Was this what he told you, to go and tell the truth?—He told me to go over to the office with this man, and to take whatever money I could get from them.

614. Did he tell you to tell the truth?—No, he did not tell me anything about that.

615. Will you tell us now the conversation you had with Patrick Egan, and who he was?—Egan lives in Moore-street, as I told you, and he is here in the gallery now. I had no conversation with him, but there is a woman who is in the habit of scouring about, and she told me two messages from Egan, that he wanted me down, in case that I was not paid on the election for to go down to him; I do assure you that is the fact.

616. For whom did Egan vote?—I assure you I could not tell you; I do not really know.

617. Mr. Justice Keogh.] Have you told everything you know about this Egan?—Well, my Lord, he is here at present.

618. Have you told us everything that passed between you and him?—Everything I know.

Re-examined by Mr. Heron.

619. How often were you at Mr. Sutton's office?—I think about three times.

620. Who else did you see there besides that gentleman, Mr. Williamson?—I beg your pardon for a moment; I never was at the office in Abbey-street but, I think, once; but I was up in No. 22, Harcourt-street.

621. How often were you were there?—I think twice.

622. How long ago?—Well, I cannot exactly say.

623. Did you give your evidence for this trial?—Yes, I did.

624. Who took down your evidence in Mr. Sutton's office?—I do not know; I do not see him now.

625. How long is it since he took down your evidence for this trial?—Against whom?

626. I do not mean against anyone; how long is it since he took down your evidence for this trial?—I do not know anything about any evidence.

627. Did you tell him the truth as you have told it to-day?—I have told everything; I did.

Further Cross-examined by Mr. *Butt*.

628. You went to Mr. Sutton's office; the election petition-office in Abbey-street, did you not?—I went there to Harcourt-street.

629. Did you go to Abbey-street?—Oh, yes.

630. On your oath, did you tell anyone in that office that Egan was trying to entrap you?—I did.

631. That what he said to you was that Egan, one of the opposite party, had sent to you pretending to be a friend of Mr. Guinness's; was not that what you told him?—I did.

632. And that he had endeavoured to entrap you by saying he would pay you if you were not paid; wasn't that what you told him?—That was what he said; that's the message that I got.

633. Wasn't that what you told him in the office in Abbey-street?—It was; there is no mistake about it.

634. Wasn't it upon that that you were told to go to Mr. Fitzgerald's office?—It was.

635. And to try and counteract that plot?—It was not in Egan's but Bailey's.

636. But it was after you were told about Egan that you were told to go to Mr. Fitzgerald's office. Do you understand what I say; was it after you were told about Egan that you were told to go to Mr. Fitzgerald's office; was it before or after that?—"Well; Egan", I said.

637. Do you understand what I ask you?—I do.

638. Was it before or after you told about Egan, that you were told to go to Mr. Fitzgerald's office?—It was after.

639. Now tell me this; did you tell anyone in that office in Abbey-street that you had got 5 l.?—I did.

640. To whom did you tell that?—To one of the young men there.

641. Whom?—I don't know.

642. Did you tell it to Mr. Williamson, upon your oath?—No, a young man.

643. Did you tell it to Mr. Williamson, upon your oath?—A young man was writing down.

644. Did you see Mr. Williamson there?—I know.

645. Had you not a conversation with Mr. Williamson?—I had.

646. Did you tell Mr. Williamson that you had got 5 l. for voting at the election?—Not to my knowledge.

647. Then you didn't tell him, I suppose?—I did not.

648. Did you tell Mr. Williamson a word about the ticket that you got at the election?—I tell you what I told him; that Bailey had had a ticket.

649. Did you tell him that you had got a ticket; on your oath, did you tell Mr. Williamson that you had got a ticket?—As sure as I am here, I couldn't exactly say that; but I know the young man that was taking down what I was stating, and I told him.

650. Was Mr. Williamson present?—He was.

651. Did the young man take down what you had said?—I don't think he did.

652. Did you see him writing?—I saw him writing.

JAMES HOPKINS, sworn; Examined by Mr. *Heron*.

676. Are you a freeman?—No.

677. What are you?—A rated occupier.

678. Do you remember receiving a circular from the Inn's Quay Ward committee?—Yes.

29.

653. Will you swear that you told that young man that you had got a ticket?—I told him that I had got the money.

654. Was that in Mr. Williamson's presence?—I don't know whether he heard me or not.

655. Was it in Mr. Williamson's presence?—He was in the room.

656. Where was he in the room?—On the opposite side of the table.

657. Could he have heard you?—I don't know.

658. Was Mr. Williamson asking you a question?—He was not; he sent the young man to write down any declaration that I had to make.

659. And did you tell that young man that you got 5 l. for voting?—I did.

660. Do you know who that young man was?—No.

661. Would you know him if you saw him again?—I really would not; he was a big young man.

662. On your oath, was not this what you told him; that "a man of the name of Patrick Egan who keeps a public-house in Four Moore-street, sent for me to go down to him, and that if I wasn't paid at the election he would put me in the way of getting money"; that you would not go, and he has since sent twice for you?—So he did.

663. "Bailey called for me again this morning, the 7th of January, and wanted me to go with him to a place where I could get 20 l. for giving information about the election, and that I would get some in hand at once"?—That is a fact.

664. Did you say one word more than that to any human being in the office in Abbey-street?—That is the truth.

665. Then you did say that, and that was taken down?—Yes.

666. Did you say one word more to him than that?—I cannot exactly say if I said anything more; I don't know I am sure, but there is the truth there.

667. Is that the whole truth now what you had told?—Oh, I told about a party that voted on the opposite side.

668. Who was that party; what did you tell about that party that voted on the opposite side?—Tanner.

669. What did you tell about him?—He wouldn't hear about it.

670. What did you tell?—That he voted with the other party.

671. Did you say anything more about him; come tell on; everything you told in the office in Abbey-street; what did you say about this Tanner?—It was Wheatley said that he voted for Pim and—

672. And was bribed?—No; got a situation.

673. Then you came to the office in Abbey-street to give this information, did you?—Yes; about the information that I got from Egan and from Bailey on three or four occasions.

674. And from Wheatley?—Not from Wheatley, but I was asked about it, and I said it.

675. Did you tell that young man who took down what you said, the word about your having got 5 l. for your vote?—I did.

[The Witness withdrew.]

679. Is that your ward?—Yes.

680. I believe that circular was about the 9th November, about 10 days before the polling?—Yes.

B 3

681. Did

G. Hagarly.

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J. Hopkins.

J. Hopkins. 681. Did you attend the meeting of the committee?—I did.

23 January 1869. 682. Where was the committee-room?—107, Dorset-street.

683. Do you remember the gentlemen who were present?—I do.

684. Was Mr. Barlow, of George's-street, the attorney, present?—Yes.

685. Was Mr. Lawler present, of Berkeley-street?—Yes.

686. Was Mr. Norwood present?—Yes.

687. Were you asked to canvass?—No.

688. Were you asked to do any work?—No.

689. Did you sign a paper that your services would be gratuitous?—I did.

690. When did you sign that?—On the first night I went up.

691. How many names did you get to canvass?—As well as I can remember, 15.

692. Did you know those people before?—No.

693. Did you know one of them before?—No.

694. Or ever hear of them before?—No.

695. When you got that paper, were Mr. Barlow and Mr. Lawler present?—What paper.

696. The canvassing ticket?—I got a little book, with the list of those names and streets that I was to canvass.

697. Was Mr. Barlow present when that was done?—He was.

698. And Mr. Lawler?—No.

699. The paper you signed, saying you would work for nothing; how many others signed with you?—I think there was about 12 signatures on when I signed.

700. To whom did you give it when you had signed it?—To Mr. Lawler.

701. Did you canvass by yourself, or did you canvass along with some other people?—I canvassed by myself at times, but there was another voter volunteered, of the name of Mr. Walker; he came with me at other times.

702. Is that William Walker, of Dorset-street?—Yes.

703. Had you known him before?—No.

704. Did he introduce himself to you?—No.

705. Who introduced you to Walker, or Walker to you?—Well, when I offered my services in the committee-room, Mr. Walker was next to offer his services, and the two of us there were put together to canvass.

706. Do you know a man of the name of Bailey?—I do.

707. On the day of the election, were you here in Halston-street?—Yes.

708. What brought you here?—I came to walk about, and see parties going to vote that I had canvassed.

709. Freemen?—Freemen that I had canvassed.

710. Of course you didn't vote here?—No.

711. What was your place to vote?—Capel-street.

712. Did you come to see the men vote that you canvassed?—Well, I came to see them if I could, but not by appointment.

713. Were the 15 names you got, 15 freemen?—They were.

714. Did you report at the committee-rooms about the 15 freemen?—I did.

715. Did you see any one of them?—No.

716. Did you see nearly all of them?—I did.

717. Did you report to the committee-rooms that they would vote for Guinness and Plunket?

—I reported those who had promised to vote for Guinness and Plunket, and those who did not.

718. How many?—I think about 10 decidedly promised for Guinness and Plunket.

719. Did those 10 also sign any paper in your presence about working for nothing?—No.

720. Did you on that day bring up any of these men to the poll yourself?—I did not.

721. Was anyone appointed for that duty?—Not to my knowledge.

722. Were you here in Halston-street to see that they voted?—No.

723. What brought you to Halston-street?—From my short acquaintance with Mr. Walker; he is a freeman, and he introduced me to many other freemen, and of course I had an interest at the time in knowing men who were freemen, and had votes; and consequently I took a walk round Halston-street, to see any of those men who might have votes, on my canvass.

724. Do you remember Bailey coming up to Walker in your presence?—I do.

725. Did he ask Walker to write on a piece of paper about a man named Butler, a freeman?—Yes.

726. Did Walker write?—No.

727. What did he ask him to write?—I don't know; I didn't hear what he asked him to write; but I saw Mr. Bailey, with a pencil and paper, go up to Mr. Walker, and then, after, Walker refused it to me, saying his hands were too cold, and asked me would I write it.

728. What did you write?—"Richard Butler, Richmond Hospital. Bailey."

729. Did you yourself give any money upon the day of the polling?—No.

730. Did you see Bailey the day after the polling?—Yes, I did.

731. Did Bailey show you a ticket?—Bailey showed Mr. Walker a ticket.

732. A railway ticket, in your presence?—Yes.

733. Go on, and tell me what occurred about the railway ticket?—

Mr. *Butt* objected that what Bailey said could not be evidence.

Mr. Justice *Keogh* overruled the objection.

734. Mr. *Heron* to the *Witness*).] First of all, did Bailey show you the railway ticket?—Well, I never saw Mr. Bailey until the day when he handed me the piece of paper to write the name. The following morning, Mr. Walker, who came to canvass with me at times, called up to my house, and I was about going out on business at the time; he ran in in a great flutter, and he says, "I am destroyed." "What's the matter," said I. "Oh," he said, "I am all cut;" and his face was all cut, and I asked him how it happened. He said, "I was knocked down last night in Capel-street, and nearly murdered." I walked out with him, and in going down Capel-street, Walker met Bailey, whom he knew. I didn't know Bailey, and Bailey said to him, "I will go to No. 76, Capel-street, with the railway ticket." Something like a ticket he took out, and showed to Mr. Walker; in a moment Mr. Walker and he turned from me, and went to 76, Capel-street. I remained in the streets.

735. Before they went to 76, Capel-street, was anything said about the 5 l.?—Mr. Bailey said he was going to get 5 l. for that ticket which he was after showing me.

736. Did

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736. Did they go to 76, Capel-street?—Yes.
737. Did you stand watching them?—I did.
738. Had you heard upon your oath about 76, Capel-street before?—Never,
739. Did they come back?—They did.
740. What were they saying there?—

Mr. *Butt* objected that this was not evidence.

Mr. Justice *Keogh* overruled the objection.

741. Mr. *Heron* (to the *Witness*).] What did they say when they came back?—They said, as well as I can remember, that a child had opened the door, and could give them no information about the ticket.

742. Did you then go in the direction of the central committee-rooms, Dame-street?—Yes.

743. Had you been there before?—Yes.

744. At 48?—Yes.

745. How often had you been to the central committee-rooms?—Well, I do not remember.

746. Had you given in any report there?—Never.

747. It was only in your ward committee that you gave in your report?—Those whom I canvassed.

748. Whom had you seen at the central committee-rooms that you knew?—Well, I never had business with any gentleman in the committee-room; but I see Mr. Plunket passing in for one, and I saw Mr. Meredyth for another, and I see Mr. Byrne.

749. And Mr. Sutton?—No; I do not remember seeing Mr. Sutton.

750. Mr. Whitworth?—No; I seen Mr. Hodson.

751. He is the secretary of the Conservative Registration Society?—Yes; I seen those gentlemen passing.

752. Were there any other gentlemen that you remember?—Not that I remember.

753. Before you went down there, had Bailey said anything about why he had not got the 5*l*. on the polling day?—Yes.

754. What did he say?—He said that when he got the ticket, I asked him "Where did you get the ticket?" He said "I got it from a young man in Halston-street." I asked him, "Did he know the young man?" and he said, "Not." Said I, "Why did you not go at once with the ticket?" and he says "I was drunk."

755. Did he say what he lost by that?—£. 5.

Mr. *Butt* objected that this evidence being a narrative, was not admissible.

Mr. Justice *Keogh* overruled the objection.

756. Mr. *Heron* (to the *Witness*).] Did not all this occur at the particular time you are speaking of; the day after the polling?—Yes.

757. Did it all occur at the same time, or was it at a subsequent time?—No; I met him on the evening after, and had another conversation.

758. I am not asking you about that; but did all that you have now told us occur at the same time, at the same interview which you had with Bailey?—Yes.

Mr. *Butt* renewed his objection.

Mr. Justice *Keogh* overruled the objection.

759. Mr. *Heron* (to the *Witness*).] Is the number in Dame-street 48 or 47?—Both.

760. Did you see Bailey there at the central committee-rooms?—I did not walk all the way with Bailey from 76, Capel-street to Dame-street; I parted with him.

761. Did they get there before you?—They went into a public-house, and I walked on my way towards Dame-street, and they overtook me.

762. Did you then all go into the committee-rooms?—I do not think Bailey came in with them; Walker and I went in with them.

763. Had you talked, then, with either of them about getting the 5*l*. for Bailey?—Not then.

764. How long were you in the committee-rooms?—It was about an hour.

765. Will you tell his Lordship what occurred there about the ticket?—Well, I went into the committee-rooms with Walker; Walker and I separated in the committee-rooms. He got into conversation with some parties, and I got into conversation with others; consequently we separated; we lost sight of each other; and I went about some private business I had to Brunswick-street, and on my way back I dropped again into the committee-rooms.

766. Were you ever in the committee-rooms?—I was.

767. To whom were you talking?—Well, I could not mention the names particularly of any person I was talking to.

768. Name the gentlemen there?—I cannot name the gentlemen there.

769. Will you swear that you do not now know the name of a single person that was there?—I positively swear that I do not remember any particular person that I was speaking to.

770. What did you say about the ticket?—Where?

771. In the committee-rooms?—Nothing.

772. Who next spoke about the ticket?—I spoke.

773. To whom?—Bailey.

774. What did you say to him?—I was coming out, and I met him standing at the door. "Well," said I, "did you hear anything about this mysterious ticket?" "No," he said, "I did not." "Why," said I, "were you not over in Capel-street since?" At the same time believing that he had been there more than once, if what he stated in the morning was true. So I said "You ought to go over, and see about it." So he said he though the would. "So," said I, "You had better come on now." I was going home; it was my way directly home where I was going at the time, and we walked together.

775. Did Bailey give you the ticket?—Not then.

776. Did he give you the ticket between the committee-rooms and Capel-street?—Yes.

777. Did he promise you any money out of it?—Well—

778. Answer my question. Did he promise you any money out of it?—I asked him if he got 5*l*., which I did not believe he would get, what would he give me to get it for him. He was too drunk and muzzy to go up to the door; and I said, "What are you going to give me if I get it?" He said, "I will give you 2*l*. if I get 5*l*., and I will give you 1*l*. if I get 3*l*."

779. Did you not know that there was a difficulty about getting money that day?—I knew nothing whatsoever about it.

780. Did you go back to 76, Capel-street, after this

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this occurring?—I went with Bailey, from Dame-street to 76, Capel-street.

781. Did you go with the ticket yourself to 76, Capel-street?—I did.

782. Did you knock at the door?—Yes.

783. Did you ask to see Mr. Forrest?—Yes.

784. Mr. James Forrest?—Yes; that is the name on the door.

785. What answer was given you?—That he was out.

786. Did you call back again?—I did.

787. On your first visit did you leave the ticket at the house?—Yes.

788. How long did you leave the ticket there?—For an hour; I told Mr. Forrest I should be back in an hour; so I left the ticket with the child, saying, "Give that to Mr. Forrest when he comes in, and I will be back in an hour."

789. What did you come back for?—To hear the issue.

790. Not for the money?—Not that I know of.

791. Was it for the money?—For the ticket, or for the money; I never believed Bailey would receive 5*l.* for the ticket, but I was anxious to see if he would.

792. Were you anxious to share it yourself?—No, I was not; I asked him how much he would give me, and he said he would give me 2*l.* if he got 5*l.*, and 1*l.* if he would get 3*l.*

793. When you came back to Bailey without the ticket, did he scold you for having parted with it?—No; he did not look pleased; but he said nothing; upon which said I, "Do not be alarmed, I will stop with you, and if the money does not come for the ticket, I am sure to get the ticket back." We walked about for some time, and it came on to rain, and I asked Bailey in, and I gave him a drink.

794. You treated him?—Yes.

795. Did you go back to 76, Capel-street?—Yes.

796. Did you knock at the door?—Yes.

797. Did you ask again for Mr. Forrest?—Yes.

798. Did they say he was not at home?—Yes.

799. And then did the little girl give you back the ticket?—Yes.

800. And did you give it to Bailey?—Yes.

801. Did you go back to the committee-rooms?—No; I went home.

802. Were you never there since?—I was.

803. The central committee-rooms?—Yes.

804. How often have you been there since?—I think I was there three or four times.

805. What was the business on which you were there since?—I went to try to get employment on the county elections.

806. And did you?—No.

807. How often were you there?—Three or four times, as well as I can remember.

808. How many days were you canvassing?—Nine days, as well as I can remember.

809. And during the whole of that time were you off work?—During the whole of the time I was not off work.

810. Were you a week off work?—No.

811. What is your business?—A bootmaker.

812. Were you canvassing for nine days?—Yes, I was.

813. Did you lose a week by it?—No.

814. And you did that voluntarily?—I did.

815. And you did not expect to be paid a shilling?—No; and never expect it.

816. How much did you make a week; 2*l.* or 2*l.* 10*s.* a week easy?—Yes, not easy; sometimes I may; I work for myself.

817. I mean by honest industry?—Oh, yes.

818. Why did you want work at the county election. You say you went three or four times applying for work; were you to be paid for that, or were you to work gratuitously for the county also?—I never heard a word about it, whether I was or not.

819. When you went to make an application for work for the county, did you expect to be paid for it?—I did.

Cross-examined by Mr. Butt.

820. Did you know that if you were paid for canvassing, you could not vote at the election?—Yes.

821. While you were in the committee-room that day for an hour, you said nothing on earth about the ticket to any person?—Not a word.

822. Who first asked you to give evidence here on this petition?—Mr. O'Keefe, I believe, Mr. O'Shaughnessy's clerk.

823. Did Mr. O'Shaughnessy himself ever ask you?—No; but he called upon me.

824. Did he tell you from whom he came?—No.

825. Were you ever offered money for giving your evidence, or for giving information?—I was.

826. How much?—I was told I would get 20*l.* if I went over to Mr. Fitzgerald, and could give any information.

827. Who told you that?—Walker, that assisted me in canvassing, and a man of the name of Bailey.

828. Were you ever threatened, or ever told that anything would happen to you if you did not give information?—I was.

829. What were you told?—I was told I would be brought direct from my work, and put into gaol, and held over as a witness.

830. Who told you that?—A messenger from Mr. Fitzgerald's office.

831. Have you not an establishment of your own; a shop?—I do business for myself.

832. But you employ other workmen?—I do.

833. Were you ever canvassed by anyone to vote?—No.

834. On either side?—Oh, yes; Pim and Corrigan.

835. Who canvassed you to vote for Pim and Corrigan?—A man I knew to be Mr. Mackin, of 8, Wellington-street.

836. What did he say to you?—Mackin came to me by saying he was a neighbour of mine, and that he hoped I would excuse him for coming on Sunday, but "I want you," said he, "to vote for Pim and Corrigan."

837. Did he say anything more?—I said "I will not vote"; "Well," he says, "do you vote, and a gentleman will call upon you and mention my name and satisfy you well."

[The Witness withdrew.]

*WILLIAM BECKETT, sworn; Examined by Mr. *Palles*.

838. ARE you a freeman in the city of Dublin?
—Yes.

839. Did you vote at the last election?—I did.

840. For Guinness and Plunket?—For Sir Arthur Guinness and the Hon. Mr. Plunket.

841. Do you know a man of the name of Richard Butler?—I know two Richard Butlers.

842. Did you happen to be in court to-day when one Richard Butler was examined?—Indeed I did.

843. And you know him?—I do.

844. Do you remember seeing Butler any time before the last election?—Oh, I did; I see him often.

845. And you talked with him about the election?—Oh, no.

846. Generally?—Nothing of any consequence.

847. Did you canvass for Sir Arthur Guinness?—I did not.

848. Did you sign any document for Sir Arthur Guinness?—I did not.

849. Did you suggest to Butler in any way that he might canvass for Guinness and Plunket?—No.

850. The day of the election were you talking to Butler before Butler voted?—No, we were talking in the morning, because he was up with me having a bit of breakfast along with me.

851. Do you know a man of the name of Walker?—Yes.

852. Did you see him before you voted that day?—Yes; I saw a good many.

853. Do you know Hassett?—I know Hassett.

854. Did you see Hassett before you voted that day?—I see him, but I don't know whether it was before he had voted or no.

855. Were you in Halston-street when Butler and Walker and Hassett voted?—I was in Halston-street, but I don't know whether they had voted at the time, because the police was driving them all about, and driving them up and down. The police says to young Butler, "You young vagabone go along or I'll lock you up; this is the sixth time I've told you, and I won't tell you any more."

856. Before Butler voted, you had been talking to him about the election?—Nothing of any consequence.

857. You breakfasted with him?—He breakfasted with me.

858. Did the two of you go down from breakfast to Halston-street?—No, we went up to Sackville-street first.

859. And after you went to Sackville-street did you go down to Halston-street?—Yes, we took a walk down.

860. From the committee rooms into Sackville-street?—I went up that way, but young Butler went in.

861. And you waited for young Butler until he came out?—Yes.

862. And you went up to Halston-street?—I went up to Halston-street and I lost him in Green-street.

863. Did you lose Butler in the crowd?—I did.

864. When did you afterwards see Butler again?—I suppose about three-quarters of an hour.

865. Had you voted at the time you saw Butler?—No.

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866. Had Butler voted?—No, not when he came home.

867. Had Hassett voted at the time?—I really don't know. 23 January 1869.

868. Had Walker voted?—I don't know.

869. How soon after you saw Butler did you vote?—I didn't vote for about an hour I suppose after I saw him.

870. Did you or Butler vote first?—Butler, so far as I could judge; I couldn't judge, only I saw him going in.

871. So far as you could judge it was about an hour after Butler came back before he voted?—Yes.

872. If he voted, do you remember seeing him?—I seen him, as I said, about an hour after.

873. An hour after he voted?—Yes; very near it.

874. Was his wife with him?—She was.

875. Was your wife with you?—She was,

876. Where did you go to after that?—After what?

877. You told me you met Butler about an hour after he had voted; did you and Butler go to any place together?—After I voted I went home, because I lost him in Halston-street. The police was driving them all away, and I lost him and I went home.

878. But when you found him again after you had voted, did you go to any place with him?—I did.

879. Where?—Into Fitzpatrick's, in Capel-street.

880. Was anyone else with you except Butler?—My missis, and his missis.

881. What did you do in Fitzpatrick's?—We had a quart of porter.

882. Who paid for it?—I think it was my missis.

883. When you had had the porter in Fitzpatrick's where did you go next?—I went over to Morrison's, in Castle-street, and I bought this hat (*tapping his hat upon the crown*).

884. Is that all you bought?—Well, afterwards my missis says, "you have bought that hat William, you might as well buy me a bonnet," and I bought her a bonnet.

885. At whose place did you buy it?—It is one between Stafford-street and Capel-street.

886. Mary-street?—Mary-street.

887. Did anybody else buy a hat at Morrison's?—I didn't see anybody buy a hat.

888. What did you pay for the hat?—I paid 12 s. for the two; that is for Butler's and this.

889. There were two hats bought?—Two hats together. His missis asked me to get one for him, and she says, "Mr. Beckett will you buy one for him," and I said, I didn't mind if I did; so I bought the two.

890. Did you take away your hat that day?—No, because there was a crowd outside, and they were all roaring, going down Castle-street, and says I, "If I bring the band-box out, the young blackguards will smash it."

891. About how soon after that date did you get back your hat?—About a couple of days. I was in no hurry about it.

892. Who brought it back for you?—A few days afterwards Mrs. Beckett and Mrs. Butler went over and got it.

C

893. You

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893. You paid 12 s., I think you told me for the two hats?—Yes.

894. In what money did you pay for it?—I paid it with a note.

895. How much was the note?—A five pound note.

896. Do you remember that they had not change in Morrison's for the five-pound note?—Perfectly well.

897. And I believe a boy in Morrison's went out for the purpose of getting change?—He did.

898. And gave you 4 l. 8 s.?—He did, which was natural.

899. Where did you get the 5 l.?—I got it at home in my box.

900. I suppose there were a great number of other five-pound notes where you got that one?—There were not.

901. How long had it been in that box?—I suppose it might have been there about two months.

902. I suppose that there is another five-pound note in the box now?—No. there is not; there may be a few shillings, or the like of that.

903. When you paid for the hats, where did you go to?—We went up to Moore-street.

904. Did you go to any place before that; it's thirsty thing buying a hat?—No; we went to Moore-street; my missis wanted to get something for dinner, and we went into Clarke's, while the women went up to get a bit of steak for their dinner. I had half a glass of port wine, and so did Butler; and after that, we came down to Bulger's, and Butler met a few of his friends, and he brought them into Bulger's to treat them.

905. Who paid for the treat at Bulger's?—Mr. Butler, I think.

906. With what money did he pay for it?—I didn't see.

907. Will you swear that he didn't pay for it with a five-pound note?—I will, for I didn't see him.

908. Did you go to Mr. Sutton for the purpose of giving your evidence?—I had no evidence to give Mr. Sutton.

909. Did you go to Mr. Sutton's; do you know Mr. Sutton?—Oh, I know the gentleman; yes, I do.

910. Do you know where he lives?—No, I do not.

911. Do you know the office in Abbey-street?—I do.

912. Did you go there for the purpose of giving evidence?—No; I had no evidence to give.

913. Do you know his office in Harcourt-street?—I do not.

914. You never went there?—I never meddle, or make—

Mr. Justice Keogh.] Answer the questions you are asked, and don't make a speech.

915. Mr. Palles.] When you went with Butler to Halston-street, did you go to 76 Capel-street?—No, I didn't leave Halston-street with Butler.

916. When did you see Butler next before you bought the hat?—About an hour after I voted, I saw him, and I went over then to Morrison's.

917. Where did you see him first; an hour after you had voted?—In Capel-street.

918. In what part of Capel-street?—It was on the top of it.

919. Did you pass with him by 76 Capel-street?—Yes.

920. Did Butler go in?—Not to my knowledge.

921. Will you swear that he did not?—I will; not in my presence; I didn't see him.

922. Did both of you pass 76 Capel-street, and not go in?—Yes.

923. Were your wives with you upon that occasion?—Yes.

924. Were they walking with you, or behind?—They were behind.

925. Why were they behind?—Oh, I don't know; a man might be walking with another, and he not wishing to be talking to the women.

926. When did they join you?—When we got down to Fitzpatrick's, just at the very corner.

927. And I suppose from Fitzpatrick's to Morrison's, you all walked together?—We all walked together.

928. You of course never saw any railway tickets on the morning of this election?—No, I did not.

929. And Butler never showed you any railway ticket?—He did not.

930. And you didn't get any 5 l.?—No.

931. And you were not in 76 Capel-street with them?—No.

932. And you had no conversation with Walker about this election?—No.

923. Did you ever tell Butler you would give him the tip?—No.

934. Did you know that Butler was inexperienced in voting as a freeman?—I did not.

935. Did you know that he had never voted before?—I did.

936. Knowing he had not voted before, did you the evening before the election tell him that you would give him the tip, and that you would tell him what was to be done?—Bedad I couldn't tell him that. I couldn't tell him what I didn't know myself. If I had known myself, I might have told him.

937. Then it is quite untrue, that you and Walker, and Hasset and Butler, were together immediately before you voted?—Not together. I seen them in Halston-street, that's all.

938. Did you hear Walker say, "It's all right, you may go in and vote"?—I did not.

939. You didn't use the word "tip," of course, upon any occasion at all?—No; bedad, I did not.

940. You wouldn't take money for a vote?—Well, I would not like to be put in prison; and I believe there is an Act of Parliament now for putting people in prison for taking money.

941. Putting aside the Act of Parliament, would you take money for your vote, whether there was an Act of Parliament or anything else?—No.

Mr. Justice Keogh thought the examination was overstepping its proper limits.

942. Mr. Palles.] Where did you get that 5 l.?—In my box at home.

Cross-examined by Mr. Exham.

943. You say the police said that Butler was annoying them, and that they turned him off six or seven times?—Yes.

944. Did he look as if he had been drinking at that time?—Yes; and his face was all scratched; and the night before he was fighting with a man they call Paddy Manock.

945. That was before he voted at all, so far as you know?—Yes; he was a disgrace to be along with, the state he was in.

[The Witness withdrew.]

HENRY BAILEY, sworn; Examined by Mr. *Heron*.

946. ARE you a freeman?—Yes.
 947. Do you remember getting a circular to attend at the committee-rooms before the election?—Yes.
 948. Was that the night before the polling?—Yes; on the Thursday night.
 949. Where were the committee-rooms in your ward?—Inns Quay.
 950. Did you go there the night before the election?—I went there in the evening, as I call it.
 951. Were there a number of gentlemen there of the committee?—There were.
 952. Was Mr. Moore, the attorney, there?—Mr. Moore was there and other gentleman; I do not know exactly what his name is.
 953. That is Mr. William Moore?—He was a gentleman with a little impediment in his eye; there was another solicitor with him.
 954. Do you know his name?—I do not know his name.
 955. Did you know a man of the name of William Campbell?—Yes.
 956. Do you know him now?—I would, if I saw him; I met him here this morning.
 957. Did you see him here this morning?—Yes.
 958. In this court house?—No; not in the court house; outside.
 959. Was he in the committee-rooms that evening?—No.
 960. Were you there with any other freemen at the committee-rooms?—I was.
 961. Who were the other freemen?—Boothman and Jessman, who is now dead, and another man, who is a painter; I cannot recall these things; but, however, the four of us went at seven o'clock in the morning.
 962. Had you been there the evening before?—We were there; and we were desired to go at seven in the morning, and we were there.
 963. Were you at the committee-rooms at seven in the morning?—Yes.
 964. Who told you to be there at seven o'clock in the morning?—Mr. Moore.
 965. Did you go up to Green-street?—Decidedly; we were all put up there; myself and Butler, and Warren.
 966. Is Warren the name of the painter?—No, he was the agent that was tallied up with us.
 967. What is his name?—I think it is Benjamin Warren, of Donnybrook.
 968. Were you polled here?—Yes, where we always poll; with the B's.
 969. After you had polled did you see the man named Campbell?—Yes.
 970. Tell his Lordship now what Campbell did?—After I polled at half-past 8 o'clock, I returned and saw Mr. Campbell, and I turned about and asked him what would be done with Butler. This man remains with a broken leg in the hospital, and I took him out of the hospital and polled him, and he turned about from Mr. Campbell to me, and said he to me, "Give me your own name and his together"; with that a friend that was second last on the table described the story that he turned about, and he wrote down names against the panel of the door; that is Hopkins; and doing that he put it into his pocket, and then he turned about after that; I should think it was about a quarter of an hour
 29.

after when he turned about, and said he to me, says he, "Bailey", says he, "don't go out of the way," he says, "till I see you"; with that I remained for something less than a quarter of an hour, and he walks to me and says to me, says he, "Now," says he, "if I get it you what will you stand?" "You know," says I, "it will be all right." So with that he walked over to this young lad, and I, being a working carpenter, I am so used to the hospitals that I took him for a student, and I went up to him; at least, he went to him and spoke to him first; and he went up to him and put his hand upon his shoulder, and what he said I do not know. This was something like 20 feet from me, and then he says, "Bailey, go up to him now and your business is done," said he. So I forgot the number, but, however, in going as I took it for number three in place of 76, I went to number three a shoemaker's shop; making my mistake I came back again, and Mr. Campbell there represented himself that I should forget myself to make the mistake. "Go where I told you," says he; "give me the number over again," says I; "76," says he. I went for to meet my employer Mr. Mackenzie, and I had got a glass of grog myself and my mate, which he is here, and myself and my mate which he is here in the gallery now.
 971. Do you remember what sort of a ticket you got?—A Midland Railway ticket, I think.
 972. Did you drink some during the day?—I did.
 973. Did you get drunk?—Well, no, not drunk.
 974. Did you go back to 76 Capel-street that day?—No; not till the next morning.
 975. Now, tell his Lordship about the next morning?—Well, the next morning I happened to be going down, and just as I turned out of the Little Green I just came down, and I met Mr. Walker and——what is this other man's name.
 976. Hopkins?—I met Hopkins and Walker, and Hopkins turns about, and says he, "Harry, can you come home?" "Bedad," says I, "I have made a mistake in the number"; "Oh," says he, (that's Walker), "there is 5 l. lost."
 977. Did you show him a ticket?—Yes, I had it in my hand. Then Hopkins turned about; and he said to me, say he, "I will give you 2 l. for it"; "I will take it," says I; with that he passed. We went up to the house, and there was no one there to give us any information.
 978. Do you mean the house number 76?—Yes, number 76. Then we went over to Dame-street, and in going over to Dame-street, I met Mr. Campbell, and Mr. Campbell turned about, and he brought me into the committee-room; and says Mr. Campbell to me, says he, "All right now Bailey," says he; "No," says I; "I forgot myself," says I, "and the number." "Did not I tell you about it," says he; with that I told him about the ticket. "Well now," says he, "You have lost 5 l.; however," says he, "I think I can maintain it for you."
 979. Were you upstairs in the committee-room when Campbell said that to you?—No.
 980. Where were you?—In the back parlour.
 981. Was anyone else present?—No.
 982. Had Campbell brought you into that place?—Yes.
 983. Where

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983. Where had Hopkins and Walker gone to?—I could not tell you; they had dispersed.

984. Did you see Hopkins after that?—I did.

985. How long did you remain in the committee-rooms before you saw Hopkins again?—I think it was closing; about three o'clock; between two and three o'clock.

986. Tell his Lordship when you next saw Hopkins, and what occurred after going back to Capel-street?—Well, I met Hopkins, and said he to me, "Well," says he, "Bayley"; I said to him, "I am in a bad situation"; "Well," says he to me, "I think," says he, "I will be able to put it all right, and we will go back"; with that we went back to 76, Capel-street, and he turned about and he took the ticket from me, and he took it in, and he was desired then to retire for an hour, or an hour and a-half, and we remained; which we went in to the corner of Gervase-street; and I had a pint of porter, and he had a glass of porter; we remained for an hour and a-half, and we went back, and the ticket was returned to me of no use; the parties was not there and could not be found.

987. Did Hopkins say anything to you about where the man was that was to pay the 5 l.?—No.

988. Was the name of Forrest mentioned at all; do you mind whether it was or not?—Upon my word I do not.

989. What happened next?—After that I went to Mr. Campbell backwards and forwards, and I could get no result from Mr. Campbell, and he turned about and he asked me, "had I the ticket safe," and I told him, "I had," and I was something about 10 feet distant from him, when he said to me, "You had better give me the ticket, and I will see what I can do with it for you."

990. Did you give him the ticket?—Most decidedly.

990. Mr. Justice Keogh.] To whom?—To Mr. Campbell, who is our Conservative agent.

Mr. Heron applied that Mr. Campbell might be brought forward.

991. Mr. Heron (to the Witness).] Is that the man (pointing to a person in the court)?—Yes, that is the gentleman.

992. Was that the last you saw of the ticket?—That is the last.

993. And you never got your money since?—None.

Cross-examined by Mr. Purcell.

994. Then you got nothing for your vote?—No.

995. But I believe you have got something for coming and giving evidence?—Yes.

996. How long had you been engaged in collecting evidence in the case?—Four and two is six and two is eight; eight days.

997. Is that all?—To my knowledge.

998. When were you first spoken to about getting evidence in the case?—Well, really I couldn't tell you for the first part; that is to give you exactly the day.

999. About how soon after the election?—I will just calculate.

1000. Was it after Christmas or before?—Well, my impression was that it was before it.

1001. How long before it?—I couldn't exactly say, but I think, as near as we can go, it was about a week; either a week or four days; I am not sure which.

1002. Did you go to anyone about it?—No, I didn't meet a single being, good, bad, or indifferent, but a newsman.

1003. What is his name?—Gayner.

1004. Where does he live?—He lives in Dorset-street.

1005. He came to your house?—Oh no, I met him in a public-house.

1006. What did he say to you?—He said that if I went over to Mr. Fitzgerald I could be decently treated.

1007. Did you go over?—I did.

1008. How soon after?—Three days after, because I wasn't satisfied with the thing at all.

1009. You were not satisfied with what?—That was for to go over.

1010. What were you not satisfied with?—With my mind.

1011. Is it that you did not think that you had any information to give?—Oh, yes.

1012. Or that you hadn't made up your mind about giving it?—That's right.

1013. How often have you been with Mr. Fitzgerald since?—I believe I couldn't tell you.

1014. So often?—Five or six times.

1015. Besides the evidence which you have given to-day, have you been ever since employed trying to get other evidence?—No.

1016. Do you swear that?—I do.

1017. You have not asked other parties?—I have asked them, but I was not obliged to ask them.

1018. How many have you asked besides yourself to come forward and give evidence?—Only one.

1019. Who was that?—Mr. Hagarty.

1020. Did you ever speak to Hopkins?—I did.

1021. Did you ask him?—I did.

1022. That is two; did you ever speak to Bntler?—No, Butler was gone.

1023. Gone over before?—Yes.

1024. Did you ever speak to Walker?—I did.

1025. That's three; you know you said you only spoke to one?—He was gone.

1026. Before then?—Yes.

1027. Did you ever speak to Smith?—No, I don't know Smith to my knowledge.

1028. Did you ever tell him that there was plenty of money to be got by giving evidence?—No.

1029. Did you ever tell him there was money to be got?—I did; but I didn't name the plenty.

1030. How much money have you gotten already yourself, or is it so much that you cannot count it?—Well, then, indeed it is not; for it wouldn't be a week's wages for me.

1031. How much money have you got from Mr. Fitzgerald?—£. 6.

1032. And that would not be a week's wages?—Only a week's wages.

1033. Do you get a pound a day for your work?—No, but on my jobs.

1034. Do you mean to tell his Lordship you get a pound a day?—Often I do.

1035. What are your usual wages?—Five shillings a day, but on my jobs, as a working carpenter, I have earned a pound a day.

1036. That is one of your best jobs?—Decidedly.

1037. Then this is one of your best jobs that you are doing now?—Quite so; I will not interfere with you about that.

1038. Did

1038. Did you ever hear anything at all about a ticket until after you had voted?—No.

1039. At what time of the day did you say you voted?—At half-past eight o'clock.

1040. Up to that time you had not heard anything at all?—No, nor up till one o'clock.

1041. When did you make up your mind how you would vote?—My mind was made up previous to that altogether.

1042. Had you ever voted before?—Yes.

1043. When had you your mind made up how you would vote; you say long before this?—Yes.

1044. How had you it made up?—To vote for Sir Arthur Guinness and Mr. Plunkett.

1045. Then when you went up at half-past eight o'clock, you had no doubt whatever how you would vote?—Certainly not.

1046. At that time had you got any promise of any money?—Nothing more than that we would be decently dealt with; that was the word, "decently dealt with."

1047. Who told you that?—Mr. Warren and Mr. Moore.

1048. Do you mean the solicitor?—Yes.

1049. A Mr. Warren of Donnybrook?—Yes.

1050. When did they tell you that?—The evening previous.

1051. Where?—In the tally room.

1052. Where?—On Essex-quay.

1053. What were the very words that were used?—Well, he turned about and told me the four of us where to go and vote early in the morning and to be there at seven o'clock, and then the word was —

1054. What did they say; did they say

anything more?—That we would be decently treated.

1055. Which of them said that?—Both.

1056. Were they both speaking at the same time?—I couldn't say that.

1057. Which of them said it?—Mr. Warren and Mr. Moore.

1058. And that was all that passed, and then you voted on the next day?—That was all.

1059. Had you been promised anything for giving your vote?—No.

1060. Were you promised anything additional for your evidence?—No.

1061. Are you to get anything else?—No; nothing that I know of.

1062. You were not promised anything more?—No.

1063. Do you recollect being in Beckett's room when Hagarty called up there one day?—Yes.

1064. Do you recollect asking them whether they could give evidence in the case?—Yes.

1065. Did anybody use those expressions, "Well Bailey! Any money? It is perjury; to-day Pim's money will get a great pocketing"?—No.

1066. Nothing like it?—No.

1067. Did you say, "I do not care for what purpose it is circulated; it is better to have it circulated than lying at the bank"?—No, I deny that altogether, only that I told them this, that I understood that Hagarty would be decently treated if he gave evidence, but no sums of money.

[The Witness withdrew.

[Adjourned to Monday next, at half-past Ten o'clock.

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Monday, 25th January 1869.

WOODLOCK AND FOLEY - - - - - Petitioners.

AND

GUINNESS - - - - - Respondent.

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Mr. *Butt* applied to have the Witnesses, Hagarty and Bailey, recalled.

Mr. *Heron* offered no objection.

Mr. Justice *Keogh* said that there should be a general understanding on both sides that the Witnesses might be recalled, and that some time should be fixed at which there should be a general recalling of the Witnesses.

WILLIAM ORMSBY, Esq., sworn; Examined by Mr. *Hemphill*.

W. Ormsby
Esq.

1068. WERE you Sub-Sheriff of the City of Dublin last year at the time of this election?—I was.

1069. Do you produce the various deputations which you received from Messrs. Guinness and Plunket appointing check-clerks and inspectors of booths; are they lodged in your office?—I got a subpoena to produce certain documents, which I brought with me.

1070. But have you got them, because on Saturday we intimated to you that we would want them?—I cannot tell you exactly what I have; I told Mr. Fitzgerald that I would get all that was needed.

1071. Do you produce the account of election expenses sent in by the expense agent?—Yes.

1072. Is this (*handing a document to the Witness*) the original document?—Yes.

1073. This is "Expenses of the Conservative Candidates, Sir A. E. Guinness, Bart., and the Hon. David Robert Plunket at the election for the city of Dublin, held in November, 1868. Sheriff's account, 519 *l.* 19 *s.*; J. Julian, Esq.,

solicitor, conducting agent for Hon. D. R. Plunket, 253 *l.* 19 *s.* 1 *d.*; W. F. Darley, Esq., Q.C., counsel for Sir A. E. Guinness, Bart., 46 *l.* 3 *s.* 1 *d.*; newspapers, &c., for advertising, 1,425 *l.* 15 *s.*; car-hire, 519 *l.* 11 *s.* 4 *d.*; printing, stationery, stamps, &c. &c., 2,449 *l.* 17 *s.* 5 *d.*; rent, &c., of committee and tally-rooms, &c., 565 *l.* 3 *s.* 9 *d.*; agents, 195 *l.* 6 *s.*; inspectors, poll, and check-clerks, 699 *l.*; furniture, gas, carpentry, &c., 538 *l.* 1 *s.* 7 *d.*; canvassers, clerks, messengers, personation, and tally agents, &c. &c., 2547 *l.* 7 *s.* 10 *d.*; bill-posting, lists of voters, candidates' expenses, &c. &c., 414 *l.* 1 *s.* 11 *d.*; total, 10,174 *l.* 6 *s.*; one moiety for each candidate, 5,087 *l.* 3 *s.*; expense agents for Sir A. E. Guinness, Bart., and the Hon. David R. Plunket, James Creed Meredith, LL.D., 56 Upper Mount-street, John Guinness Beatty, Rotundo Hospital; have you the other documents?—I have sent for the box containing them; I have the list of deputy sheriffs, which the Court ordered (*producing the same*).

[The Witness withdrew.]

JOHN WILSON, sworn; Examined by Mr. *Heron*.

J. Wilson.

1074. WHAT are you by trade?—A Shoemaker.

1075. Are you a freeman?—Yes.

1076. Is your father a freeman?—He is.

1077. Do you live together?—No.

1078. Had you ever voted at any election before the last?—No.

1079. Do you remember voting at the last election?—I do.

1080. Before the election did anyone call upon you and canvass you?—Several parties canvassed me.

1081. Do you know the names of any that canvassed you for the last election?—I do; must I mention his name.

1082. You must?—Thomas O'Reilly canvassed me for Pim and Corrigan.

1083. Who canvassed you for Guinness and Plunket?—One young man, but I do not know his name.

1084. Did you tell him whom you would vote for?—Yes, I told the young man who called on me "for Guinness and Plunket" that I would vote for them.

1085. How long before the election was it that you said you would vote for Guinness and Plunket?—Some time; O'Reilly, I think, called on me on the Saturday previous to the election; I think it was the Saturday.

1086. And when did the other young man call upon you?—The same day.

1087. Was it on the Saturday before the election that you said you would vote for Guinness and Plunket?—Yes.

1088. Had the young man a book in his hand?—He had a list in his hand.

1089. Did he make some note on the list when he took your name?—With a pencil he marked something on the list.

1090. Was anything said about your father between you and that young man?—No.

1091. Were you ever in any of the committee-rooms?—No.

1092. Did you go on the morning of the polling-day to vote?—I did.

1093. Whom did you first see in reference to your voting on the morning of the polling-day?—I went down to Green-street, or to Halston-street

street rather, between 9 and 10 o'clock in the morning, and I seen my father, and I asked him had he voted, and he said he had and for me to do the same, and which I did do so.

1094. For whom did you vote?—Guinness and Plunket.

1095. At what hour was that?—I think closing up to about 10 o'clock, as far as I can judge.

1096. Did you remain long in the neighbourhood of Halston-street?—I did.

1097. Were you here hanging about?—I do not understand that word "hanging about." I was waiting about.

1098. Do you know a man named Campbell?—Not personally.

1099. Had you known him before by appearance?—No.

1100. Did you see him on that day?—I did.

1101. At what hour did you see him?—I think at about one o'clock.

1102. What did Campbell say to you, or did you say to Campbell, which of you spoke first?—I did.

1103. What did you say to him?—I told him I had voted, and he asked me for whom, I said "For Guinness and Plunket." Then he said, I was all right. So in a few minutes after, he brought me up to the corner of King-street, I think it was; that is King-street that runs at the top of Halston-street; and he asked me if he got me 5*l.*, what I would give him.

1104. What did you say?—I said, I would give him 2*l.* out of the 5*l.*

1105. What next happened?—He introduced me to a young man in Halston-street, who gave me a ticket.

1106. Did the young man say anything to you?—He directed me to go to 76 Capel-street.

1107. What did you do?—I knocked at the door there.

1108. Did you go to 76, Capel-street?—Yes.

1109. Just tell his Lordship what occurred?—I went into 76 Capel-street; I was let in by a lad; I was desired to knock at the front parlour door, which I did. There was about a couple of clerks inside writing; they desired me to knock at the back parlour-door, and I handed in the ticket through a slit, and the moment after a hand gave me an envelope.

1110. Did you go away then?—I went away then.

1111. Which way?—The back way.

1112. Who told you to go away the back way?—The lad at the door.

1113. Did you go any where then?—Back to Halston-street.

1114. And did you see Campbell there?—Yes.

1115. What occurred between you then?—I gave him the envelope. He went away then, and came back in a couple of moments.

1116. Had you opened the envelope before?—No.

1117. Did you see him take anything out of it?—Yes.

1118. What did he take out of it?—A 5*l.* note.

1119. Mr. Justice *Keogh*.] Who took it out of the envelope?—Campbell. Then he went away I suppose to change it, and came back again with four half-sovereigns and one sovereign.

1120. Is that all that he gave you?—That is all.

1121. Could you identify the young man that gave you the ticket?—I could not.

1122. Did you see your father after that?—After that I did.

1123. Where did you see your father?—I was with him the whole day up to the time I got the ticket.

1124. Did you see your father about the money?—Not after. Not after I got my money. I got drunk and went home.

1125. But had you seen your father before that?—I seen him up to the time that I got the ticket, but not from the time I got the ticket.

1126. Did you introduce your father to Campbell?—I told my father when I was going back to Campbell, that I was all right, and then my father disappeared. I don't know what became of him after.

1127. Did you point out Campbell to your father?—Certainly not; I did not.

1128. At what hour was it that you told your father that you were all right?—I think it was about one o'clock when I got the railway ticket, and I do not think there elapsed above five minutes.

1129. Had you got the railway ticket when you told your father?—I had not the railway ticket, because Mr. Campbell brought me up to the corner of the street, separate from my father, and he and he asked me then if I got my 5*l.*, what I would give him out of them, and I told him I would give him 2*l.*

1130. It was after that you told your father you were all right?—Oh, yes; after that.

Cross-examined by Mr. *Butt*.

1131. I think you said your father had voted before you?—He did early, previous to me.

1132. Do you know a man of the name of Gilligan?—I do; Thomas Gilligan.

1133. Do you know where he is?—I cannot say.

1134. When did you last see him?—On Thursday night; I parted with him about half-past 11. Both of us were drunk.

1135. Did Gilligan speak to you about giving evidence?—He did.

1136. When did he first speak to you about giving evidence?—On Tuesday last.

1137. Where did he speak to you?—I first met him in Landy's public-house in New-street.

1138. Did you drink there?—I did.

1139. Did he take you to any place?—We had a couple of glasses of whiskey there, and then on the road down to the town we had a couple more.

1140. One each?—One each.

1141. What time of the day was this?—I think that might be about half-past 12.

1142. Did you take any more after that?—Yes; the last place we took a drink in was William-street, at the corner of the market.

1143. How much did you take there?—Half a glass.

1144. That was two glasses and a-half?—Yes.

1145. Did Gilligan take you there?—Yes.

1146. Did you get any money there?—Yes.

1147. How much?—£. 2.

1148. Did Gilligan get anything?—I cannot answer that.

1149. Did you see him get anything?—No.

1150. Did you give information then to Mr. Fitzgerald?—Not to Mr. Fitzgerald, to Mr. O'Shaughnessy.

1151. Was it written down?—Yes; it was.

1152. Were you sober when you gave it?—Well, strictly speaking, I was not sober.

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1153. Were

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1153. Were you promised anything more by any person?—Coming out of the office during the time that I was giving my statement, my father came into Mr. O'Shaughnessy's office, brought up by another person of the name of Byrne, which Mr. Byrne, according to my father's story to me waited there; and, according to my father's word, he said he forced him to come to give evidence.

1154. Were you yourself promised any more money by any person?—By a stranger, I cannot remember his name; I was told that every person I brought up to give evidence I should get 1*l.* for myself.

1155. Were you ever promised 50 *l.*?—I was, by a man of the name of Quin, a shoe-maker. I was promised 50 *l.* reward if I gave information on the 30th and 31st of December.

1156. It was after that that Gilligan brought you to Mr. Fitzgerald's office?—Yes.

1157. And then you got 2 *l.*?—Yes; I got 2 *l.*

1158. Who promised you the 1*l.* for every person that you brought up to give evidence?—A stranger; I have not seen him since.

1159. Where did you see him?—In the passage of Mr. Fitzgerald's office.

1160. Were you promised for your own evidence any money after the 2 *l.*?—No.

1161. I am rather curious about that Gilligan; do you know him well?—Well, I am acquainted with him, no doubt, for these three or four years.

1162. Do you know where he lives?—He lives somewhere in Mabbot-street, but I cannot say the number.

1163. Were you looking for him on the Thursday?—I was not.

1164. Have you seen him since?—I have not.

[The Witness withdrew.]

ROBERT WILSON, sworn; Examined by Mr. *Palles*.

R. Wilson.

1165. ARE you the father of the last witness?—Yes.

1166. You are a freeman of the city of Dublin, I believe?—I am.

1167. And you voted at the last election?—I voted at the last election, and at many elections before.

1168. And you voted for Guinness and Plunket, I believe?—I did.

1169. Do you remember before the election, going one evening to Guinness and Plunket's committee-rooms in Dame-street?—I do.

1170. About how long was that before the election?—I went several times to look for employment, for I heard they were giving employment.

1171. When did you go first there to look for employment?—About a fortnight or so before the election.

1172. Do you know the names of any of the gentlemen that you saw there when you went to the committee-rooms?—Indeed, I do not.

1173. When you went there, did you ask for anything?—I asked for employment, but they told me they could give no freeman employment as I had a vote.

1174. Did they ask you to sign any document?—Yes; he asked me to sign a paper that I should go up voluntarily to vote of my own free will.

Mr. *Palles* applied for the paper signed by the Witness.

Mr. *Sutton* stated that the paper should be produced as far as possible.

1175. Mr. *Palles* (to the *Witness*).] Did you sign the paper?—It was given to me to sign.

1176. Did you sign the paper yourself?—Yes.

1177. Was it at the central committee-rooms, or at what committee-rooms did you sign the paper?—In Dame-street.

1178. Do you remember the number in Dame-street?—No.

1179. Was it 47 and 48?—I think it was.

1180. After you had signed that paper, did they give you any list of men to canvass?—Not a word.

1181. Did you canvass for them?—No.

1182. Did you do any work?—I did no work, only on the day of the polling.

1183. Between that day and the day of the polling, were you frequently at the committee-rooms?—I attended two or three meetings.

1184. Can you tell me the names of any persons that you saw at those meetings that you remember?—I could not, indeed.

1185. Do you remember seeing Mr. Erson there upon any occasion?—Never; I don't know the name at all.

1186. Do you know a man of the name of Campbell?—Yes.

1187. Had you known him previous to the election?—I saw him in the committee-rooms.

1188. When did you see him in the committee-rooms?—When I went to look for employment.

1189. That is in the Conservative committee-rooms, when you went first?—Yes.

1190. What was Campbell doing in the committee-rooms when you saw him there?—I think he was filling in papers or giving cards.

1191. Working there as a clerk, I suppose, and assisting in the business?—I thought so.

1192. Do you remember seeing in those committee-rooms canvassers getting cards or lists of people?—No, I do not.

1193. Did you see Campbell giving papers to various people in that room?—I did not.

1194. Did you see Campbell in that room more than once when you called there later, between then and the election?—Only once.

1195. Now, we will come down to the morning of the polling; at about what hour did you come to Halston-street on that morning?—About half-past eight.

1196. About what hour did you vote?—About half-past 10, I think.

1197. What did you do after you had voted; did you remain about the court-house?—I remained, and walked from booth to booth, and saw the people coming up, looking for their letters.

1198. You remained there mixing and talking with the other freemen, I suppose?—Yes.

1199. Do you remember your son coming up to vote after you had voted?—I do.

1200. Do

1200. Do you remember telling him to do anything?—I told him to go and vote.

1201. And showed him the place where you had voted?—I did.

1202. Do you remember, later in the day, your son saying anything to you?—I do.

1203. After your son had said anything to you, did you go to Campbell?—Well, my son told me what he did do, and he told me that he had done wrong in giving his envelope up, and then he introduced me to Mr. Campbell as his father, and that I should just be the same as himself; that is the truth.

1204. Did Campbell say anything to you then?—He bid me go to the devil one time.

1205. Tell us, now, everything that passed between you and Campbell, either in conversation or action?—My son introduced me to Campbell as his father, and he told Campbell that I would do the same as he did himself.

William Campbell having been called, came into Court.

Mr. Justice *Keogh* directed him not to leave the Court.

1206. Mr. *Palles* (to the *Witness*).] You told your son that you would do the same what; next happened?—He showed me to some little man who was going about, and he put a card or something in my hand; it was a little stiff, and I never opened my hand from the time I got it till I went to Capel-street.

1207. Who was it put it into your hand?—I could not tell.

1208. Was that the man that was pointed out to you by Campbell?—Of course.

1209. When you got that card, what did you do?—I was ushered into a parlour.

1210. Was that in Capel-street?—Yes.

1211. How did you know where to go to in Capel-street?—Well, indeed, I was looking for the number, and there was a light at the hall door, and whether he knew me or not I do not know, but he opened the door, and he told me to go into the front parlour.

1212. But who told you to go to Capel-street, or the number in Capel-street?—The man that gave me the card.

1213. When you went into Capel-street what happened?—I slipped in the card to a little slit in the door.

1214. You went into the front parlour, I suppose?—Yes.

1215. Did you see any persons in the front parlour?—I saw two or three clerks writing.

1216. Did you say anything to them?—Not a word.

1217. What did you do when you went in?—I knocked at the side door.

1218. The door between the two parlours?—Yes.

1219. What happened when you knocked; did you see a hole in the wall?—Yes.

1220. And then you put in your ticket?—Yes.

1221. What happened when you put in your ticket?—I got an envelope.

1222. You got the envelope, and before you left the room did any of the clerks say anything to you?—Not a word.

1223. You went out into the hall?—Yes.

1224. And what happened there?—I was told to go out by the back-door.

1225. Who was it told you to go out by a

back door?—The person that I saw when I came in.

1226. I suppose you opened the envelope afterwards?—When I got out of the lane.

1227. What was in it?—A 5 l. note.

1228. Look round; is that the man (*pointing to a person in court*)?—Yes that is the gentleman.

1229. Is that the document you signed (*handing a paper to the Witness*)?—It is the document.

1230. How long have you known Campbell?—Only a few weeks, I never knew him until the election began.

1231. Do you remember at the time of the registration seeing Campbell?—No.

1232. Did you give that money to any one?—I went home and ate my dinner and my tea and went to bed and never went anywhere else, of course I gave the 5 l. note to my wife.

Cross-examined by Mr. *McDonough*.

1233. Where was it that you asked for employment?—Oh, it was in Dame-street.

1234. Do you know the name of the gentleman to whom you applied?—I do not indeed; I think it was Mr. Sutton but I did not speak to him.

1235. But you did speak to somebody?—Yes, in fact they would not let me upstairs.

1236. In short they told you distinctly you should have no employment if you were a voter?—Yes.

1237. I believe it is a fact that you were not a canvasser at the election at all?—Not at all.

1238. You do not know either Sir Arthur Guinness or Mr. Plunket?—Never.

1239. You never went about canvassing with them?—No.

1240. Did the man tell you when you were refused employment, if you should be a voter, "If you thought fit to give your services for nothing you might"?—Yes.

1241. And it was that that led to the signing of the paper?—Yes.

1242. Were those gratuitous services of yours as you say used at all upon the day of the polling by sending you on a message or anything?—Never, I went for no message only what I did freely by myself.

1243. You made yourself useful, I suppose?—I did as far as was in my power.

1244. That was on the day of polling?—Yes.

1245. Let me ask you at about what hour of the day you voted?—At about half-past 10 o'clock.

1246. In the early morning?—Yes.

1247. I presume that you voted according to your conscience?—I did.

1248. And your principles were the same as those of Messrs. Guinness and Plunket?—Yes I did this year, and in fact all my lifetime.

1249. And when you so voted at half-past 10 o'clock in the early morning is it not the fact that you had neither received a bribe of money nor a promise of money?—It is; I did it voluntarily; I done it neither with fee nor anything that way; I went voluntarily to vote.

1250. Is it not the truth and fact that you then voted according to the principles of your life?—It is.

1251. Without bribe or promise?—Without bribe or promise.

1252. And when your son came to you, did you not then tell him that you had voted, and that he ought to do the same?—I did. I brought him up to vote.

1253. At about what hour in the evening was

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—
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it when, as you say, you saw this man who told you to go to Capel-street?—About four or half-past four o'clock; coming to dusk at any rate.

1254. Had you applied to anybody for any sort of compensation for your vote?—No; never.

1255. Before you voted, and when you were voting, had you any knowledge at all that you would get anything?—I had not; nor didn't expect it

1256. Did you know any person in the place in Capel-street which you have described?—As a freeman?

1257. No, not as a freeman?—No, I didn't know anyone.

1258. Now, may I ask you when was it that they found you out, that Messrs. Fitzgerald discovered you?—A man of the name of Quin called to me, and he told me that if I knew anyone that got any money, that would get me 50 l., and he would bring me over to head quarters.

1259. That is to say, to General Fitzgerald's?—He did not mention the place, but he told me head quarters, and I did not go. I told him I knew nothing at all about it, and I remained there till last Tuesday, and there was a gentleman called to me two or three times to bring me over.

1260. Who was the gentleman; what was the gentleman called?—Mr. Byrne.

1261. Of where?—He brought me over. He told me there were two fresh affidavits lodged against me and my son, and that I should go forward to vindicate my character; and then he sat in the room until I did go. Last Tuesday he introduced me to Mr. Fitzgerald's office, and Mr. Fitzgerald took the statement down that I am after giving here. I have nothing else to say.

1262. Did Mr. Fitzgerald give you any money?—Well, he did not; but I got 2 l.

1263. Who gave the money?—I think it was Mr. West, who is behind my back here.

1264. Did you ask him for it?—I think I did. I was told I would get the 2 l.

1265. Who told you you would get 2 l.?—My son, for he had it in his hand.

1266. How many days before was it that you refused the 50 l.?—A fortnight.

1267. Who made that offer?—Mr. Quin.

1268. Is Quin here; have you seen him?—I seen him in the street when I was passing by.

1269. This morning?—This morning, when I was coming down here.

1270. When the offer of 50 l. had failed, what was the day when they told you that there were two affidavits against you?—That was last Tuesday.

1271. Then did they tell you that it would be a serious thing for you?—Yes.

1272. And that you would get into trouble?—He told me that if I did not go forward it would be a serious thing, and that I would get two years' imprisonment.

1273. The offer of money having failed, they told you that you would get two years' imprisonment unless you came forward?—Yes.

1274. Did he, at the same time, tell you that you would be well rewarded?—He did not.

1275. When you got the 2 l. were you told that you would get more?—I was not.

1276. Do you expect more?—I do not; I was told I would be paid for my time.

1277. Did they tell you how much?—No.

1278. Did they say they would deal liberally with you?—No; they said I would be paid for my two days, whatever time I should lose.

1279. Who made that promise to you?—I think it was Mr. Byrne.

1280. Was he in Mr. Fitzgerald's office at the time?—No, I don't think he was.

1281. Where was it?—I was told in Mr. Fitzgerald's office that I would be paid for my loss of time.

1282. In addition to the 2 l.?—Yes.

1283. Were you greatly frightened when they told you you would get two years' imprisonment?—He told me there was two fresh affidavits against me.

1284. Did he tell you who had made the two affidavits against you?—That was what brought me over; but I heard nothing about it afterwards.

1285. You went to know who it was that swore against you?—Yes.

[The Witness withdrew.]

WILLIAM HENRY MOLONEY, sworn; Examined by Mr. Litton.

W. H.
Moloney.

1286. Do you know a man of the name of John Frederick Kirk?—I do.

1287. Do you work with him?—I did up to two or three days ago.

1288. Do you remember, on the last day of the election, going with him to the shop of a grocer named Ryan?—I did not; I went in after him.

1289. Were you drinking with him; did he treat you?—He did.

1290. Who else was with you and him?—There was Patrick Dunn, James Thompson, and a young lad, an apprentice named Joseph Doyle, and myself.

1291. Can you state the day upon which you were there with him?—The day of the election.

1292. At what hour in the afternoon?—It was about five minutes past three o'clock.

1293. How long were you drinking there?—About two or three minutes.

1294. Who paid for the liquor?—Kirk.

1295. Did you see him pay?—I did.

1296. What did he pay with?—Half-a-crown.

1297. Did he change a note at all that day?—No; that is, not in my presence. I don't know what he did afterwards.

1298. Did he show you a note in his possession at all that day?—He did; I had it in my hand.

1299. What had he in his hand?—A five-pound note.

1300. Where had you that in your hand?—In Mr. O'Toole's office.

1301. What time in the day was that?—Just three o'clock. I suppose it to be that as far as I can recollect.

1302. Did Kirk show you the note in O'Toole's office?—He showed it me on the stairs.

1303. When was that?—It must be before my dinner-hour; I asked him, did he get anything, and he said he did, and he showed it me.

1304. He showed you the note?—Yes.

1305. Then it was after that that you went to Ryan's public-house, and had the drink?—Yes.

[The Witness withdrew.]

PATRICK DUNN, sworn; Examined by Mr. O'Shaughnessy.

1306. Do you know Kirk?—Yes.
 1307. Do you remember the day of the election?—I think it was on a Friday.
 1308. Did you see Kirk upon that day?—I did.
 1309. Did you have anything to drink with him?—At Mr. Ryan's public-house, No. 1, James'-street.
 1310. Did you see any money in Kirk's possession that day?—I saw a 5 l. note.

1311. At what hour was it that you saw it with him?—At about ten minutes to three o'clock.
 1312. Did Kirk say anything to you about the 5 l. note?—I asked him what he made by his voting, and he produced the 5 l. note, and I saw it in his hand.
 1313. Did he say where he got it?—No.

P. Dunn.
 —
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[The Witness withdrew.

JOHN O'TOOLE, sworn; Examined by Mr. Hemphill, Q.C.

1314. I BELIEVE you have a printing establishment in Great Brunswick-street?—I have.
 1315. Do you know J. F. Kirk?—He is one of my workmen.
 1316. How much does he receive?—Thirty shillings a week; sometimes more, sometimes less.
 1317. Is Dunn one of them?—Not at present; he generally is.
 1318. Did you see Kirk the day after the election?—Yes; I heard a sort of row in the office; I

asked, "What is it all about"; I was told it was about Kirk. "What is that," said I; he handed something out, and seemed to be quite uneasy (I heard the men say), at having got it; he said he got it for voting.
 1319. What?—A 5 l. note.
 1320. When was this?—It was about three o'clock, or a few minutes afterwards.

J. O'Toole.
 —

[The Witness was not cross-examined.

ALBERT JOHNSON; Examined by Mr. Heron, Q.C.

1321. ARE you in the employment of the last witness?—I am, or rather I was.
 1322. Do you know J. F. Kirk, who was examined here?—Yes.
 1323. Was he a fellow-workman of yours upon the day of the election?—He was.
 1324. Do you remember his coming into the Private in Great Brunswick-street, upon the day of the election?—Yes.
 1325. Had he anything in his hand?—Yes, a 5 l. note.
 1326. Where did he say he got it?—Upon the election.
 1327. Did you go with him to Ryan's public-house?—No.
 1328. Did you go drink with him?—Not till late in the evening.
 1329. Did you remain with him that evening any time; had you drink with him?—I remained till a late hour.
 1330. Did you leave him at home?—I did; about three in the morning.
 1331. The day after the election did you go to any public-house in Townsend-street?—Yes.
 1332. What house?—Carty's.
 1333. Did you meet Kirk there?—Yes, I remained there some time.
 1334. You were drinking together?—Yes.
 1335. Did you afterwards go to your own residence in Townsend-street?—I did.
 1336. Did Kirk say anything about getting more money?—He said there could be more money got.
 1337. Did he give you anything?—A card.
 1338. Had you a name upon it?—Yes.
 1339. What did he say to you?—He told me to go up to Westland-row, the School House, Guinness and Plunket's committee-room.
 1340. Did you go there?—I did.
 1341. What did you do?—I gave it to a gentleman, and I told him that Kirk sent me up with it.
 1342. Do you know his name?—I do not.

1343. Who were there?—Several people.
 1344. Do you remember the name of any one?—I do not.
 1345. Were they gentlemen?—Apparently.
 1346. Did you get anything there in return for the card?—I got another card.
 1347. What was it like?—It was something like a railway card, but it was rather worn.
 1348. Was anything written on the card?—He told me to go to Byrne's office, in Lombard-street.
 1349. Is that the town councillor?—I think it is.
 1350. Do you know the number?—No.
 1351. It is a pawnbroking office?—Yes.
 1352. Did you go there?—I did.
 1353. Did you go into the office, or knock at the private door?—At the private door; it was open.
 1354. Was any one standing at the door?—A young man.
 1355. Did you speak to him?—I told him that Kirk sent me down with the card.
 1356. Whom did you get it from?—I got it in Westland-row.
 1357. Show it to me; what did he say?—He told me to wait in the hall; he gave me an envelope, and upon opening it there was a 3 l. note in it.
 1358. Did you see any one else at Lombard-street?—Several people; two or three were inside in the room.
 1359. Did you remain in the hall?—I glanced into the room, but remained in the hall.
 1360. How many were there besides?—Four or five; there might be more.
 1361. What were they doing?—Sitting about a table.
 1362. Were there any papers upon it?—I cannot recollect.
 1363. Did you see the messenger who gave the message to the people unseen?—I did.
 1364. How

A. Johnson.
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1364. How far were you from him?—About as far as from here to his Lordship.

1365. Where were the gentlemen, sitting or standing, when he gave it?—In the centre of the room.

1366. Would you know any of the gentlemen if you saw them?—I do not think I would; I did not see them long enough.

1367. Was there a young gentleman there?—There was.

1368. Describe him?—He was a fair-complexioned good-looking young gentleman.

1369. Look around and see whether you can see him?—I do not.

1370. Do you know how any of the gentlemen were dressed; what sort of a coat did any of them wear?—I do not.

1371. Do you know whether any one had any peculiar coat upon him?—I do not.

1372. You said there was one young gentleman?—Yes.

1373. You remember him as being younger and fair complexioned?—Yes.

1374. Do you remember an elderly gentleman?—Yes.

1375. What kind was he?—A low-sized gentleman.

1376. Was he stout or thin?—I think he was stout.

1377. What was his complexion, fair or dark?—I do not recollect.

1378. Had any of the gentlemen a moustache, or were all of them shaved?—I do not know.

1379. What did you do with the 3*l*?—I gave it to Kirk.

Cross-examined by Mr. *Exhan*, Q.C.

1380. What day was it you went to Lombard-street?—The day after the election.

1381. What hour was it?—It might be 11 o'clock in the morning.

1382. You know Byrne?—Yes; I know the house.

1383. Do you know himself?—I do not.

1384. Did you ever see him?—Not to my knowledge.

1385. Where do you live?—In Townsend-street.

1386. And though you live in Townsend-street you do not know him?—

Mr. Justice *Keogh*.] He has already stated that he did live in Townsend-street, and I shall not allow a question, once answered, to be put a second time.

1387. Mr. *Exhan*.] Did you ever see the young man standing there before?—I often saw him before, but not since. I often saw him walking about through town. I did not know his name.

1388. What kind of person was he; dark complexioned; he was not tall?—No.

1389. Was that the only time you ever saw him at Byrne's door?—I never saw him about the door before.

1390. Did he shut the door when he let you in?—No; he left the hall door open.

1391. How far did you go into the hall?—I went in a good distance.

1392. Where was the door; in what part of the hall, right or left?—I do not know which.

1393. The door going into the room where you saw the people?—I cannot tell; I forget it.

1394. Did you tell anybody about it?—I did not make any remark at the time.

1395. Was it far down in the hall, or near the hall door?—It was a good bit down.

1396. Did you walk down to the door or stand near it?—I stood near the hall door.

1397. Do you mean to say that, standing near the hall door, you could see into the room?—Yes, when it was open.

1398. Did the door open at the side of the passage?—It opened at the side.

1399. Were they all sitting at the table?—No; a couple were standing up.

1400. What sort of a table was it?—It was a desk or a table.

1401. Was it a high desk; was any one standing at it writing?—I do not think that any one was writing.

1402. Were there any papers upon the table?—There might have been.

1403. Did you notice it?—No.

1404. Was there a cloth upon it?—There was something like it.

1405. How many were sitting down?—Five or six; the might have been only three; there might be several more standing up.

1406. What did you see?—I might have seen three or four.

1407. Will you swear that you saw three or four sitting?—I will.

1408. How many were standing up?—A few.

1409. Did you see more than three or four?—I might; I do not recollect.

1410. How long were you kept waiting?—Not long; about a quarter of an hour or ten minutes.

1411. When did you tell this story to the other side?—When?

1412. Yes, when?—I do not remember.

1413. Was it ten days ago, about?—Yes.

1414. Did he tell you you should get money?—No.

1415. Did he tell you to go to Mr. Fitzgerald's office?—He did.

1416. Did you go there?—I did.

1417. Did you get any money there?—I did.

1418. How much?—£.1.

1419. Were you there more than once?—I was there a second time.

1420. Did you get anything then?—Yes, 1*l*.

1421. Were you there more frequently?—Yes, I was there three or four times.

1422. Did you get any more?—No.

1423. How much more are you to get?—I do not know.

1424. Were you promised any more?—No.

1425. Were you told you would be recommended?—No.

1426. Were you told you were not to get more than 2*l*?—I do not know.

1427. What do you expect?—Nothing more than 2*l*.

1428. Did you look to the card that Carroll gave you?—Yes.

1429. Was there anything on it; was it printed or written?—There was something on it; I did read it, but I have a bad memory for names; I read the name of Carroll, Dolan, and some other names.

1430. What else was on it; was there anything on it but printing?—There was writing.

1431. What was the writing?—I do not know.

1432. Were there names?—I do not know.

1433. Not before nor since?—No.

1434. Did

1434. Did you look at the card he gave you?
—Yes.
1435. Was there anything on it?—Yes.
1436. Did you read it?—No, I did not.
1437. Had you not the curiosity to read it?—
I did not understand the writing.

1438. What hour was it when you took the
card to the committee-room?—About 10 or half-
past 10.
1439. The morning after the election?—Yes.
[Witness withdrew.]

A. Johnson.
—
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BENJAMIN CATHRENS, sworn; Examined by Mr. *Palles*, Q.C.

1440. WHERE do you live?—I live at 19, North
Anne-street.
1441. Are you a freeman?—Yes.
1442. For whom did you vote?—I voted for
Guinness and Plunket.
1443. Were you canvassed before the election
to vote?—Yes.
1444. By whom?—By some gentleman three
or four times; I saw one man twice.
1445. Do you know the name of any man who
canvassed you?—I do not.
1446. What answer did you give?—I said I
would not promise anything; I went to Green-
street between 11 and 12 o'clock.
1447. Had you received the usual polling-
card?—There was a card left at home; I never
got it.
1448. Did you lose it?—I could not lose it, as
I never got it.
1449. Where did you go after you got the
polling-card?—I went to Green-street; I went
up and voted.
1450. After you voted, did you remain about
the court-house?—Yes.
1451. After you had waited there for some
time, did anything happen?—I got a book.
1452. What else happened?—I was desired to
go to Capel-street, and I found there the same as
the others did.
1453. Did you get anything to bring with you
there?—A card.
1454. What sort of a card?—Something like a
railway ticket.
1455. What, then, did you do?—I went to
Capel-street.
1456. What is the number of the house?—76.
1457. What place is that; Espy's?—Yes.
1458. Was the door open or shut?—A man
opened the door.

1459. Did he say anything to you, or you to
him?—He desired me to go to the front parlour.
1460. Did you?—I went in.
1461. Did you see any people there?—Two or
three.
1462. What were they apparently doing?—
Writing.
1463. Did they say anything to you?—To
knock at the door.
1464. That was the door between the parlours?
—Yes.
1465. Was there anything peculiar in that
door?—A kind of hole.
1466. What did you do?—I handed in my
ticket.
1467. It was taken from you by a hand inside?
—Yes.
1468. Did you get anything?—I got an en-
velope.
1469. Was anything said when you got the
envelope before you left the room?—No; I
walked out.
1470. Did you meet that young man when you
walked out?—He told me to go out backwards.
1471. And when clear of observation you
opened that envelope?—Yes.
1472. What was in it?—A 5 l. note.
1473. Of what bank?—I cannot say, but I
think it was Bank of Ireland.
1474. Did you change that note afterwards?—
Yes.
1475. Was that upon the day of election?—
Yes.
1476. Where was that?—In Bolger's, the
corner of Coles-lane.

B. Cathrens.
—

Cross-examined by Mr. *Butt*, Q.C.

1477. You had voted early in the morning
before you had got that?—I did, sir.

THOMAS BRADY, sworn; Examined by Mr. *Litton*.

1478. IN whose employment are you?—In
that of Bolger & Co., 53, Henry street, corner
of Coles-lane.
1479. Yow know the last witness?—Yes.
1480. Did you see him that day?—Yes.
1481. About what hour?—Between two and
three o'clock.
1482. Had he any drink?—He called for
drink, and changed the 5 l. Bank of Ireland
note; I took the amount, and gave him the
balance.
1483. Do you know Butler?—Yes.
1484. Did you see him upon that day?—I did;
Richard Butler, I knew him personally by name.
1485. Had you seen him before; had you seen
him in the public-house?—Yes, he called for the
drink; he changed the 5 l. note; I asked him
did he vote, and he said, "Yes," smiling; I
shook my head in return.
1486. Did you know Hagarty?—Yes; I had
known him before, but I did not know his Chris-
tian name; I knew him to be Hagarty.

1487. Did you see him examined?—Yes.
1488. Did he come into the establishment on
the day of the election?—He did.
1489. Had he drink?—He had.
1490. How did he pay for it?—He tendered
me a 5 l. Bank of Ireland note, which I changed,
and I gave him the balance.
1491. How many notes did you change?—
Three; I took count, knowing the three men,
and I suspected—

T. Brady.
—

Mr. Justice *Keogh*.] You must not say
what you suspected.

1492. Did you know that they were freemen?
—No.
1493. Mr. Justice *Keogh*.] Do you recollect
Butler being with any other person there?—His
wife, another female, and a male; I recollect
seeing the male upon Saturday.
1494. What was his name?—I think he gave
his name as Beckett.

T. Brady. 1495. Was he the same person who was with Butler when he changed the 5 *l.* note?—Yes.
 25 January. 1869. 1496. Are you able to say who paid for the drink; that is, Butler or Beckett?—I had stated that already; I have stated that Butler changed the 5 *l.* note; I stopt the amount for drink, and gave the balance.

1497. Who paid for Beckett's drink?—Butler treated the whole.

1498. Are you able to say (do not speculate or suspect), but say, if you can, whether Beckett had an opportunity of seeing Butler produce the 5 *l.* note?—I cannot say that he did see Butler produce the note.

FRANCIS RYAN, sworn; Examined by Mr. *O'Shaughnessy*.

F. Ryan. 1499. YOU are an assistant in the public-house?—Yes.
 1500. You remember the day of election?—Yes.

1501. What occurred?—Kirk came in, took drink, and offered a 5 *l.* note.

1502. Who gave you the 5 *l.* note?—Kirk.

1503. About what hour was this?—Three o'clock.

FRANCIS WINTER, sworn; Examined by Mr. *Hemphill*, Q.C.

F. Winter. 1504. WHERE do you live?—In 43, Great Britain-street.
 1505. Are you a clerk of Keegan's?—Yes.
 1506. Do you know Walker?—Yes.
 1507. Had you known him before the election?—I saw him.
 1508. Do you recollect Walker coming into your employer's house upon the day of the election?—I do.
 1509. Was anyone with him?—Yes.
 1510. How many?—Two men.
 1511. Did Walker treat those men?—Yes.
 1512. Is it a public-house?—Yes.
 1513. Who paid for the treat?—To the best of my belief, it was Walker.
 1514. He gave you a 5 *l.* note?—Yes, and I gave the change.
 1515. Was there any talk about the election?

—Yes; he did not say anything about it in my presence; they stopped in the shop about 10 minutes.

1516. Did anyone else change a 5 *l.* note?—Yes, one of the men.

1517. Can you say his name?—Hassett.

1518. Were any mere 5 *l.* notes changed?—Not to my knowledge.

Joseph Hassett was in court, and Witness was asked

1519. Whether he was one of the three men who went in with Walker to change the second 5 *l.* note?—He was one of the three.

1520. Mr. Justice *Keogh*.] Was he one of the men who were with Walker when the two 5 *l.* notes were changed?—Yes.

JOSEPH HASSETT, sworn.

J. Hassett. *Witness*.] I HAVE been here for four days, who is to pay me for my time?

Mr. Justice *Keogh*.] You had better be sworn.

Examined by Mr. *Heron*, Q.C.

1521. Did you change a 5 *l.* note at Keegan's on the day of the election?—No; I was there with Walker.

1522. Who else was there?—Hopkins.

1523. He that was examined?—Yes.

1524. You are a freeman?—I am.

1525. At what hour did you go there with the other two men?—I think about 12.

1526. Had you drink?—There was.

1527. How much did you drink?—I had two glasses of whisky; each had two glasses of whisky and water.

1528. How was this paid for?—Walker paid for the first "round."

1529. And he changed a note; a 5 *l.* note, upon your oath?—Upon my solemn oath, I cannot tell what note.

1530. Do you believe it was a 1 *l.* note?—I made no remark.

1531. Did you see him get change?—I did, but I cannot tell what.

1532. Was the change in silver or copper?—I cannot say, but I do not think it was coppers. It might have been a 10 *l.* note for aught I know.

1533. Seeing him get the change, do you swear that it was a 10 *l.* note?—I cannot say.

1534. Who paid for the second round?—I did.

1535. What did you change?—I cannot say whether it was silver or coppers; I had both in my pocket.

1536. Had you no note?—I had not.

1537. Did you see a second note?—I did not.

1538. Who paid for the third round?—There was not any third round.

1539. And you saw no second note?—I did not.

1540. And you swear there was none there?—How could I swear that; I saw Walker tendering a note, but what it was I cannot tell.

1541. Did Walker tell you he had voted?—He did.

1542. And you had voted?—Yes.

1543. How long were you at Green-street or Halston-street before you voted?—Well, I left the house after my breakfast, at nine; I went round Capel-street, and came in through Green-street, through the court, and it was in some one of the windows in the building that —

1544. Do you know William Campbell?—No.

1545. Upon your oath, do you know the man I mean?—I know many Campbells.

Mr. *Heron*.] I can tell you the Campbells are coming.

Mr. Justice *Keogh*.] Where is Campbell?

His Lordship was informed that he was absent.

Mr. Justice *Keogh*.] I cannot help remarking,

marking, that Campbell is absent or disappears upon every occasion that we require him in court.

Mr. *McDonogh*, Q.C.] My Lord, I gave orders, as I have already said, to make him remain.

Mr. Justice *Keogh*.] I gave orders that he should remain here.

Mr. *Exham*.] And he has been here my Lord, for upwards of an hour.

Campbell here made his appearance in court.

Mr. Justice *Keogh*.] Where have you been, sir?

Campbell.] I went to get a sandwich, my Lord.

Mr. Justice *Keogh*.] Do not leave court again, sir, without the permission of it; if you do, I shall take very strong measures to enforce your presence.

(Witness looking at Campbell.)

1546. Have you seen him before?—I have.

1547. Did you see him before the election?—I did.

1548. Why did you take such time to consider the question?—I was considering whether it was the morning before the polling or after it.

1549. Did you see him the day of the polling?—Often.

1550. And were often speaking to him?—No.

1551. Where did you see him?—Actively engaged at the town council election.

1552. Did you see him actively engaged at the registration of voters in the Four Courts before Mr. *Exham* and Mr. *Purcell*?—I did not.

1553. Were you there at all?—No.

1554. What did you mean by the revision?—The election for town council, I mean.

1555. Where, the last time?—In Abbey-street.

1556. Whose election was it?—Mr. *Redmond's* and someone else; I forget the other.

1557. What month was it?—It was last week or the week before.

1558. Was he upon the Conservative side?—No; it was just concluded.

1559. Had you ever seen him before?—Yes, frequently.

1560. You did not see him at the Four Courts?—No; I was there, of course.

1561. Where did you see him before?—Through the streets.

1562. And at these town council elections, constantly?—No.

1563. When there was an election, did you see him?—No.

1564. Mr. *Heron* (to *Campbell*).] I heard what you have said, and I advise you not to be speaking?—I know him 12 months by eyesight.

1565. By what name did you know him?—I heard his name was *Campbell*.

1566. Upon your oath, did you not tell me you did not know his name was *Campbell*?—I told you I knew many *Campbells*.

1567. And I asked you if you knew Mr. *Campbell*?—I told you I knew many *Campbells*, and you said, "The *Campbells* are coming."

1568. Did you know whom I meant?—I did not; and upon my solemn oath I do not know what his Christian name is, except *William*.

1569. Did you know he was *Campbell* with the red nose and the sunken eyes?—I knew that.

1570. Did you see him upon the polling day?—I did.

1571. Did you see him before you voted?—*J. Hassett*. No; upon my solemn oath.

1572. Did you see him before you went to get the drink?—No. 25 January 1869.

1573. Did you go back to the poll?—No.

1574. Did you see him upon the day of the poll?—I did.

1575. What was he doing?—He was very actively engaged running from one booth to the other; that is all I know.

1576. Did you see the young man with the eyeglass?—What young man with the eyeglass; I did not.

1577. A young man with sandy complexion and eyeglass?—No.

1578. Did you sign the voluntary declaration?—I did not.

1579. You would scorn such an action?—Yes; but I was working outside, and they knew very well from my principles there was not any occasion to sign the declaration. I did not canvass, but I was willing to give any information I could give for Mr. *Guinness* and Mr. *Pim*.

1580. Were you in the committee-rooms in Dame-street?—Not twice, from beginning to end.

1581. Were you in the ward-rooms?—I was; every day I was there, three times a week with my work, for one hour or a half each time.

1582. To give information about the freemen?—Anything I knew that would assist the return of *Guinness* and *Plunket*.

1583. What was the name of the gentleman who was assisting?—Mr. *Lawder* was there.

1584. Who was the attorney?—I do not know; nor the name of the gentleman.

1585. Did you get any money?—I did not.

1586. Had you 5*l.* in your possession on the day of the polling?—I had not. I had not, upon my oath; but I could have had five, or six, or seven, if I went and voted for *Pim* and *Corrigan*.

1587. Was it up to 7*l.*?—Five, or six, or seven pounds.

1588. Did you speak to *Campbell* on the day of polling?—No.

Cross-examined by Mr. *McDonogh*, Q.C.

1589. I believe you were not in any shape or way agent at the election?—Not in the slightest.

1590. Did you vote according to your principles?—Yes.

1591. Without any offer of bribe or promise?—Yes.

1592. Who offered you 5*l.*, 6*l.*, or 7*l.* to vote for *Pim* and *Corrigan*?—A man of the name of *Barke*, of South Anne-street; he met my wife.

1593. What is he?—He is something in the law way; he was active at the election.

1594. You saw him active?—For the Liberal party.

1595. What did he do?—He came to me about the petition. He knocked at the door; my wife opened it; he walked in; he saluted me, "I want to speak to you," he said; "What do you want," said I; "You will get 100*l.* if you give any substantial information about the election petition, and I will give you 10*l.* in hand if you come with me and tell me anything you know about it." "I don't know anything about it," said I; "I can give you no information; I am sorry I did not embrace that offer you made my wife;" "Oh you d—d fool," said he, "why did you not come."

1596. Was

J. Hassett.

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1596. Was that the same person to whom she referred?—Yes.

1597. When you refused the 100*l.* and the 10*l.*?—I did.

1598. Were you afterwards induced to go to Mr. Fitzgerald's office?—Gaynor, a news-vendor, called upon me; he said that he was Mr. Fitzgerald's messenger, and he had sent him to me; "Is it Mr. Charles Fitzgerald, of Stafford-street," said I; "No," said he, "of 20, St. Andrew-street;" "What is his business," said I; "I have not the honour of knowing him." "He wants you over," said he; "What is his business with me," said I; "About the ticket you got after you voted; we know whom you voted for, but the Conservative agent has given another man your polling ticket to personate you." "Did he do so," said I; "No," said he; "So much the better for himself," said I; "I had two tickets, and I left my polling ticket when I voted for Guinness and Pim when I polled in the booth. How is it that the other party could get it, the Conservative agent, if he had such a thing in his possession; must have stolen it, or it must be a forgery;" "Oh!" said he, "if you do not come over under the new Act, Mr. Fitzgerald has the power, and will put it into execution, to place you in gaol and keep you there till the day upon which your examination takes place; after that you will be handsomely remunerated, and get money the moment you go with me." "At

what time does Mr. Fitzgerald leave his office," said I; "At six o'clock," said he; "It is half-past six," said I; "If I go there now, he will be gone;" "Shall I call in the morning?" "No," said I. I went the following morning to Mr. Fitzgerald himself; I saw him, I mentioned my name; he was for a long time before he could understand me. I told him that I had received a message from him through Gaynor. He said he did not authorise him to come to me; "Well," said he, "as you are here here, I recollect the circumstance; you are a voter?" "Yes," said I; "How is it the Conservative agent had got your polling ticket and wanted a man to personate you?" "Well, if it is the case," said I, "it must be stolen, or a forgery." So with that, Mr. Fitzgerald asked me could I give him any information what hour I had voted, and what I had done with the ticket; I told him I had not any ticket.

1599. Did he ask you whether you got a promise?—He asked had I a ticket, or had I received a promise? "No," said I; "Blessed are those who expect nothing, they will never be disappointed." Mr. Fitzgerald thanked me for my kindness in calling upon him; he handed me 3*s.* to get a car or a drink, and he said he would not trouble me any more.

1600. *Mr. Heron.*] Did you give your evidence to Mr. Sutton?—I did not; I do not know the gentleman.

JOHN CARROLL, sworn; Examined by Mr. *Palles*.

J. Carroll.

1601. I BELIEVE you are in the employment of Mr. O'Toole, of Great Brunswick-street?—Yes.

1602. For whom did you vote at the election?—For Pim and Corrigan.

1603. Do you know Johnson?—Yes.

1604. What is he?—I do not know.

1605. Would you know him again?—I dare say I might.

1606. Do you remember his calling upon you some few days before the election?—I do.

1607. Did he canvass you for Guinness and Plunket?—Yes, I did not see him, my wife sent him down to me.

1608. When he came down, what conversation had you with him?—I think the Friday before the election a man called upon me with a printed form, and asked me would I sign it. I asked him to give me a night to consider it.

1609. That was to vote gratuitously for Guinness and Plunket?—The following morning I walked to Kirk, handed him the form, and said I would not sign it.

1610. Did William Johnson say anything to you about voting, or what you were to get for voting?—I do not know the man who first gave me the paper; he called upon me, asked me had I signed it? "No," said I; he asked me to go up to South Anne-street committee-rooms; I said I would go; he came shortly afterwards, and brought me into the room, where there were 25 men sitting; he asked me, "Was I a Roman Catholic?" I said, "I was"; he asked me "Was I going to vote for Guinness and Pim?" "No," said I, "I do not care for voting for Pim"; I was bound to vote for Corrigan; they said a split vote was of no use, so I parted with them.

1611. Tell me the names of any others but the name of Johnson?—Not one upon that occasion.

1612. Was anything said upon occasion about

your being paid to vote for Guinness and Plunket?—He told me if I signed the paper, "Mr. Guinness was a very liberal man." That was all he said.

1613. You said you afterwards went to Kirk?—Yes.

1614. Did you see any canvassing list in Kirk's hand?—I did.

1615. Did you read it?—I did not.

1616. How many names were on it?—Four or five.

1617. Do you recollect upon the day of election, when Kirk returned from polling, his having shown you anything?—No.

1618. Did you see anything with him after he voted?—No.

1619. You were not present at the treating?—No.

1620. You voted for Pim and Corrigan?—Yes.

Cross-examined by Mr. *McDonogh*.

1621. Tell me what was on the ticket?—I was to tender my services for Guinness and Plunket gratuitously.

1622. To act without fee or reward?—Yes.

1623. And you properly desired to vote for Dormick Corrigan, a Roman Catholic?—Yes.

1624. But you also liked Guinness?—I did.

1625. And would be willing to vote for both?—Yes.

1626. And without fee or reward?—Yes.

1627. And you were not offered anything?—I was told that Guinness was liberal.

1628. A liberally-minded man?—That he was liberal.

1629. You would have voted for Guinness, and you

you would have thought he would have made a good representative?—Yes; and I do.

1630. Tell me the first place you were brought to?—To No. 4, South Anne-street—

1631. Mr. Justice *Keogh*.] What business was carried on there?—The ward committee-rooms.

1632. It was placarded?—Yes.

1633. And you said you were willing to sign the paper, and vote for Guinness and Corrigan, but Johnson said that would not do?—I think it was a gentleman in the chair, but it was in the presence of Mr. Johnson.

ELIZABETH BUTLER, sworn; Examined by Mr. *Litton*.

1639. You are the wife of Richard Butler?—Yes.

1640. You remember the day of the last city election?—Yes.

1641. Where did you go that day?—Upon the morning of that day I went with my husband to Bolger's.

1642. Where did you breakfast that morning?—At Becket's.

1643. Did you, your husband, Mr. and Mrs. Becket, breakfast together?—Yes; after breakfast I remained there; my husband went out; Becket went with him; they left me and Mrs. Becket behind; we followed after them; then we went to Halston-street to meet my husband; I did meet him.

1644. Before you went to meet him did any one call at Becket's house?—Yes.

1645. What did he say?—He spoke to Mrs. Becket in my presence; he was asking was it there Mr. Becket and my husband lived; he left a small card he said he understood he was to get for Guinness and Plunkett.

1646. Who said that?—I do not know the gentleman.

1647. But it was the gentleman who called?—Yes.

1648. Did he leave the card behind?—Yes.

1649. Where did you go, then?—I went to Halston-street; Mrs. Becket carried the card.

1650. Where did you find your husband?—I found him in Green-street.

1651. Before you went to Halston-street or Green-street, was there any further conversation between you?—We were speaking.

1652. What did they say?—He said he always understood he always voted for one party.

1653. Well, what then?—He seemed to be satisfied.

1654. Was anything said about your being poor?—They said the man was poor, and expected to be paid.

1655. Who said that?—Mrs. Becket.

1656. What reply did the gentleman give to that?—That it would be made all right.

1657. Anything more?—That was all.

1658. Then you went to Green-street?—Yes.

1659. And met your husband there?—Yes.

1660. Had they voted?—No.

1661. Did they afterwards vote?—Yes.

1662. Did you state to your husband what had taken place in Becket's house?—Yes.

1663. Did they state the conversation?—I did not state it, but I believe Mrs. Becket did; I saw her telling about the gentleman's calling.

1664. Did you hear her say what he said?—I cannot say, but I saw her give the card to her husband.

29.

1634. Who said, "If you sign the paper, Guinness is a liberal man"?—Mr. Johnson, to the best of my opinion.

1635. Was that after the person said that would not do?—I think it was.

1636. But you are sure Mr. Johnson said, "If you sign the paper, Mr. Guinness will be liberal"?—Yes.

1637. Did you sign the paper?—I did not.

1638. You left without signing?—I did.

1665. After that did you see them go to vote?—Yes.

1666. And you saw them coming out?—I met them after they came out.

1667. Where did they go to?—To Capel-street.

1668. Did you and Mrs. Becket accompany them?—Yes.

1669. Were you walking with or behind them?—Behind.

1670. Where did you see them go to?—To the hall door.

1671. Did Mrs. Becket make any statement to you?—She did not.

1672. She made no statement while following after?—I do not think so.

1673. You saw them going into a house?—Yes.

1674. Do you know the number?—I do not.

1675. Did you see any name upon the door?—There was a name, but I do not mind what it was.

1676. Did you see them coming out?—Not at the same door.

1677. Did they afterwards join you?—Yes, in the street; further down in Capel-street.

1678. Where did you go then?—We went to Judge's, on Cork-hill.

1679. Had you refreshment there?—Yes.

1680. Where did you go then?—To Morrisson's, the hatter's, in Castle-street; they bought two hats; Becket paid; I saw him.

1681. What did he pay?—He paid it with a note.

1682. Did you see the amount?—No.

1683. Did you see him get the change?—I did, but I could not say how much.

1684. Did you take the hats away?—No, they remained there for two or three days.

1685. Did you afterwards go for the hats?—Yes.

1686. After they left Morrisson's, where did the party go?—We went to Bolger's, in Henry-street.

1687. After you had been there what did you do?—We got refreshment there.

1688. Did your husband change any note there?—Yes.

1689. What was the amount?—A 5 l. note.

1690. Where did you go?—We went to Henry-street, Mary's-street, and in that street, the shop I don't know, we bought bonnets; we gave 8 s. 6 d. for them.

1691. Who paid for the bonnets?—My husband, but I cannot say whether it was out of the change of the 5 l.; Mrs. Becket and her husband were with me at the time.

1692. Did you go to Judge's or Morrisson's first?—To Judge's.

E

1693. What

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E. Butler.

E. Butler. 1693. What is he?—He keeps a public-house.

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Cross-examined by Mr. *Butt*, Q.C.

1694. Were you at Fitzgerald's office before you came there as you state?—My husband brought me there; he told me I would be sub-pœnaed; I asked what was that.

1695. He took you there?—Yes.

1696. When were you there first?—I think about a week ago; my husband took me there;

that was the first time; I refused upon two occasions to go.

1697. Did your husband threaten you if you did not go?—No.

1698. Did you ever tell any person he wanted you to tell lies?—No; never.

1699. You swear that?—I do.

1700. Did you ever say to any one your husband wanted you to tell lies?—No.

1701. Did you get anything?—My husband got 1 *l*.

JOHN BURKE, sworn; Examined by Mr. *O'Shaughnessy*.

J. Burke.

1702. You remember people coming into your shop and buying bonnets?—I remember the last witness, another woman and two men coming in and buying two bonnets.

1703. What did they pay?—I think they paid 8 *s.*, they seemed to be in partnership; one man paid for the bonnets; he gave me a 1 *l.* note to change.

1704. Would you know the woman?—Yes; I saw her here, there was an elder woman along with her.

Mrs. Beckett was called, but did not answer.

The Witness was not cross-examined.

GEORGE MACDONNEL, sworn; Examined by Mr. *Hemphill*.

G. MacDonnel.

1705. WHAT are you?—Glass-founder and plumber.

1706. Are you a freeman of the city of Dublin?—Yes.

1707. Is there amongst the freemen a guild of St. Loy?—Yes.

1708. Are you a member of that guild?—I am.

1709. About how many members are there?—I cannot tell.

1710. Are there 25?—I do not know.

1711. Are there 20?—I do not believe I know a dozen of them.

1712. Whom do you know?—I know James Copeland, of 42, Middle Abbey-street.

1713. Did he call upon you at any time before the election?—He called several times.

1714. Did he call a week or ten days before the election?—Yes.

1715. Did he tell what he called for?—There was not one that had not a soliciting card; he had not one, but the man who was with him had.

1716. Did you see any one's name upon the card?—Yes; Guinness and Plunket.

1717. Did Copeland or the young man ask you to vote for Guinness or Plunket?—He wanted a promise from me to vote. The freemen brothers said they expected to be paid for our time.

1718. Did he speak about the guilds?—He asked me to what guild I belonged; and I said to a very ancient guild.

1719. Did you say anything about your connection with the guild?—He told me I should know a good deal about the guilds, and I said I did not.

1720. Did he ask whether you could get any of them to vote?—He asked me where they lived, and I told him I could not tell, but if I saw any of them, I would do my best to get them to vote for Guinness and Plunket.

1721. Was anything said about a promise?—No.

1722. What passed?—A hand was raised, a lot of them, and they said, "You are sure of that."

1723. Did they spread their fingers wide in this form (*showing the five fingers*)?—Yes.

1724. What did you understand by that?—I understood it to mean 5 *l*.

1725. Was that when they were canvassing for votes?—Yes; and when coming home that night.

1726. Was it Copeland or the man who was with him?—Not Copeland, but the man who was with him.

1727. Would you know the names of the men if you saw them?—I don't doubt but I would.

1728. Was Campbell amongst them?—No.

1729. Were any of the gentlemen you saw in court amongst them?—No.

1730. Did you attend in the committee-room?—Yes; in Sackville-street.

1731. Did you see any of the gentlemen with Copeland in the committee-room in Sackville-street?—I did not; I did not see a soul of them to-day.

1732. Did you see any in the committee-rooms afterwards?—No.

1733. Are you sure?—I am sure, as far as my eyesight serves.

1734. When the five fingers were held up, did any one speak about getting the other men to vote for Guinness and Plunket?—They said some would get 5 *l.*, that was the general thing.

1735. Did they say anything about making you an agent, to get the other men of the guild to vote; did any one say they should make you an agent, to get the guildsmen to vote?—There were a couple of strange men, who asked me would I be anything of an agent; I am not an agent, said I; they would not allow me.

1736. Did any of the party say you were to be an agent?—No, but that I might be one.

1737. What did the party say?—That I might, if I would be active.

1738. Was there anything at that time said about your being well treated if you voted for Guinness and Plunket?—Oh, yes, we thought that amongst ourselves.

1739. Did Copeland call upon you afterwards?—I believe he did; I was not at home.

1740. Did

1740. Did he make an appointment to meet you?—No.

1741. Did he make an appointment that you and the guildsmen were to go in the evening?—No, it was another man.

1742. Where were you to meet first?—We were to go to the committee-room; we were to meet first at the post-office, I believe about eight o'clock.

1743. Was that on the evening before the polling?—Yes.

1744. Was it Copeland that was to meet you; who were you?—No, they were strangers.

1745. Would you know them if you saw them?—One was a big man, with a hat on.

1746. Was that Copeland?—We understood that he kept a loan-office in Swift's-row.

1747. Was his name Robinson?—Yes.

1748. Is the gentleman in the gallery (*pointing*) that gentleman?—I believe he is.

1749. Did he appoint you all to meet at the post-office?—He appointed with others, not with me.

1750. You went?—I went.

Mr. Butt objected to hearsay evidence being received.

Witness.] I went with the rest of the men.

1751. *Mr. Hemphill*] Did you, before going there yourself, see that Mr. Robinson?—I did not.

1752. Did you, at all events, go to the post-office at eight o'clock?—I did.

1753. Did the other guildsmen go with you?—Many of them.

1754. How many of them?—I don't know.

1755. Do you know their names?—I don't know a dozen of them now.

1756. Were there 20 of the guild there at the post-office that evening?—There were not, for it was a very cold evening.

1757. Was there a dozen there?—Very nigh handy.

1758. Did you meet Robinson at the post-office?—I was on before them; I seen him passing me by.

1759. Did you see Robinson that evening at the post-office?—If that is Mr. Robinson, he went up before me; I would not know him if I seen him; I heard there was a man of the name of Robinson to meet, and then I stopped.

1760. Did you meet him there?—Yes.

1761. You had better answer my question, because if not you will not get your protection; was that gentleman at the post-office?—To the best of my opinion he was not.

1762. Then you and the other guildsmen were there?—Yes.

1763. Did you see Copeland at the post-office?—I did not.

1764. That evening?—No.

1765. Were you all assembled under the big clock there?—Yes.

1766. After meeting there, where did you go to?—Up to the committee-room.

1767. In Sackville-street?—In Sackville-street.

1768. Did that gentleman there accompany you?—He was on before me.

1769. Did he go with you?—He was with the rest of them; he was not with me.

1770. But you saw him there?—I saw him there.

1771. And you followed?—Yes.

1772. Had you any conversation on the way; had you any talk on the way among you guildsmen as you were going up from the post-office?—I could not recollect any great conversation.

1773. Was there any talk amongst you?—Not to my knowledge.

1774. Was anything said about what you were to get for your vote?—That was among ourselves.

1775. Was that understood among yourselves?—I heard from the freemen that we expected 5 l.

1776. Was there anything said about the way in which it was to be paid?—There was not.

1777. Was anything said among you as to the way in which that 5 l. was to be paid?—No.

Mr. McDonogh objected to the question.

Mr. Justice Keogh remarked that as the question was answered in the negative it was necessary to discuss the point.

1778. *Mr. Hemphill* (to the *Witness*).] Did you hear any of the guildsmen, or did you yourself say to that gentleman or any one with him, that you hoped it would be all right this time, and that you would not be treated as you were before?—That was a common word among us.

1779. Did you say that?—I did; I said to the other freemen that Pim used us badly the last time.

1780. And that you hoped you would be treated all right this time?

Mr. McDonogh objected to the question.

Mr. Justice Keogh overruled the objection.

1781. *Mr. Hemphill* (to the *Witness*).] Did you all go up to the committee-rooms in Sackville-street?—We did.

1782. Did you see Robinson in the room?—I told you that.

1783. Were any others with him?—There was a good deal of people there.

1784. Was Copeland there?—He was.

1785. Did that gentleman there (*pointing to a person in court*) take down your names in the committee rooms? Did you give him your names?—There was a list; he knew all our names partly.

1786. Did you see him writing them down on a book or a paper?—There were several people writing there; my name was well known, I suppose; he wrote my name down too.

1787. Were your names called out?—No.

1788. Did you see him write down the names of the other St. Loy men that were with you?—Well, only one; when I knew what he was writing down I didn't stay long after that; I got no promise at all from any one.

1789. I am not asking you that at present; when this conversation was had in reference to Mr. Pim not having treated you well, was there anything said about Robertson's or Robinson's loan office in Swift's-row?—They said that we would be all paid at Robinson's.

1790. Did you know that that gentleman had a loan office in Swift's-row?—I did not know.

1791. Did you know that that gentleman had a loan office in Swift's-row?—Very well.

1792. Was it said among you that evening —?—That we would be apt to be there, and that we would be paid.

1793. At Robinson's in Swift's-row?—Yes.

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1794. At

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1794. At the committee-room did that gentleman or any one else say that it would be all right?—There was plenty of them saying that, and saying that it would be wrong, and I could not name any of them.

1795. I ask you this question, did that gentleman there (*pointing to a person in court*), when you all went up to the committee-room, say it would be all right generally to all the guildsmen?—I didn't hear him say anything; they were saying they hoped it would be all right.

1796. When they said they hoped it would be all right, did you hear any of the gentlemen who were acting in the committee-room say it would be all right?—I did not, indeed.

1797. What did they say when the freemen said they hoped it would be all right?—I didn't hear them say any more.

1798. Did they say it would not be all right?—I heard them say there would be no money, and that it would be all over; but there was a gentlemen —

Mr. Butt objected to this line of evidence.

1799. Mr. Hemphill (to the Witness).] Who was it that then said you would not be paid anything until after the election was over, or words to that effect?—Indeed, I could not tell you who he was, for there were more than a dozen freemen, and free tailors, and free everything there.

1800. But did you hear that from any of the gentlemen in the committee-room?—Not a word.

1801. Did you hear it from Mr. Robinson?—No, nor never spoke to Robinson.

1802. But did you hear it from him?—I did not.

1803. Did you hear it from Copeland?—Copeland had a suspicion of it, too, as well as another; we all suspected it.

1804. Mr. Justice Keogh.] You were asked the question, did you hear Copeland say so?—I did not.

1805. Mr. Hemphill.] Did you ever state that Robison had said in the committee-room that it would be all right?—I never did; certainly not.

1806. Are you sure of that?—Certainly not.

1807. Did you ever state that to any one in Mr. Fitzgerald's office?—I know Mr. Fitzgerald very well. If I did say it to any one it must be to Copeland.

1808. Did you ever state to Copeland that Mr. Robinson said in the committee-room that it would be all right?—I heard so.

1809. What do you mean by saying, "I heard so"?—I heard so from several.

1810. Of the freemen?—Yes.

1811. That Mr. Robinson said that?—No; that we would have to be there, and that we would be all paid.

1812. But did you hear from any one there that Mr. Robinson said you would be all right?—We heard it among all the freemen.

1813. Did you hear from any one there that Mr. Robinson would take care of you all?—Indeed we all suspected that.

1814. It was given you to understand that Mr. Robinson would take care of you all?—Yes.

1815. Was it given to you to understand by the gentleman there (*pointing to a person in court*) that you would all hear from Mr. Robinson after the election was over?—Either there or somewhere else.

1816. Was a man of the name of George White one of the guild there?—He was there.

1817. Was Benjamin Saul there?—I believe Saul is dead.

1818. Was he there?—He might be there; I saw several of them there.

1819. Answer my question; was Benjamin Saul there?—I cannot say.

1820. Was William Booth there?—He was not; he was at home.

1821. Did you ever give William Booth's name in Mr. Fitzgerald's office as one of the men that were there?—I gave the name of a man of the name of Hagarty as being there; we were called to put down my name, and I thought I might as well put down my name and Billy Booth's name.

1822. Was Booth there that night?—I don't think he was.

1823. Was Archibald Tucker there?—He was, but he left before we went down.

1824. Was James Tucker there?—I do not doubt but he was.

1825. Was Richard Tucker there?—He might be.

1826. Was he?—He might, I think; that is my opinion.

1827. Was George Hagarty there?—I don't know really.

1828. Now did Copeland tell those men whom I have mentioned that they would all get 5 l. for their votes?—He did not; I didn't get a fraction.

1829. But did you not expect the 5 l.?—Oh laws, aye!

1830. Did they not all expect the 5 l.?—That is the truth.

1831. Did you afterwards vote the next day for Guinness and Plunket?—I did decidedly.

1832. Did the other guildsmen of Saint Loy vote?—They voted which way they liked.

1833. How many altogether did you induce to vote of the freemen of your guild, you being an old and influential member?—A few.

1834. How many did you bring up to the poll?—None at all.

1835. But how many did you get to vote?—Says I, "You may as well vote for Guinness and Plunket;" and some of them did, and some of them did not. There was no one with me only myself and George White that voted.

1836. About what time in the day did you all vote?—About 10 in the morning. I went off to work afterwards.

1837. Did you get the tip?—No.

1838. Did you get nothing?—Not a fraction.

1839. You have not got it yet?—I have not; not a fraction.

1840. Did you tell your guildsmen that they would get 5 l. for their votes?—Oh, we all understood that.

Cross-examined by Mr. Exham.

1841. You were talking amongst yourselves, as I understand?—That is surmising.

1842. And you were surmising that Mr. Pim behaved badly the last time?—Yes, we took that.

1843. Did you know this Mr. Copeland before?—I saw him several times.

1844. And he came there to ask you to vote for Guinness and Plunket?—I do not know; he asked for that, but he wanted to know who I would vote for.

1845. And

1845. And you told him you had not made up your mind?—Yes, I was pestered with him.

1846. And there were ever so many coming to you?—Yes.

1847. And plenty of them coming from the other side, too?—Plenty.

1848. And you told him you had not made up your mind?—Yes; that I would vote whichever way I liked on the day.

1849. When you spoke to the other guildmen (you say you used to speak amongst yourselves), did you ever tell them that you had authority to promise them anything?—I had no authority, nor they themselves; we used to ask one another if there was any news.

1850. Is not that the evidence that you have been giving here?—Yes.

1851. But did any of the gentlemen, as you say?—Any of them that did get it did not tell me.

1852. Did any of the gentlemen ever say anything to you about it?—The freemen amongst themselves.

1853. Did Mr. Copeland ever promise you a farthing?—Not a farthing.

1854. Nor Mr. Robinson either?—Not at all.

1855. Did you hear either Copeland or Robinson promise anyone anything?—No, I did not.

1856. You say some of them in the morning, under the Post Office, voted for Guinness and Plunket, and some voted the other way?—Not a doubt of it.

1857. And some that were in the rooms the night before, did they vote for Pim and Corrigan, too?—I do not know which way they voted.

1858. Did anyone go up with you to vote?—Not one.

1859. And did you go away after you had voted?—I did; I went off to my work.

1860. Did you go back again?—I did not.

1861. Who was it brought you to Mr. Fitzgerald's?—A man of the name of Quin.

1862. What did Quin tell you you were to get for going down there?—Some pounds.

1863. Where does Quin live?—He lives in Mabbot-street.

1864. What is he?—A shoemaker, I believe.

1865. And you went over to Mr. Fitzgerald's?—He brought me there.

1866. How much did you get for going there?—£1, that was all I got.

1867. They did not like, I suppose, what you told them; was that it; did you go a second time there?—I did not; if I had thought I was to get another pound I would go.

1868. Did they ask you to go back a second time?—They did not.

1869. How long were you in the committee-rooms the night before?—I suppose about an hour; I was there in the day time, when I was going to put a chandelier in it.

1870. Were there many going in and out during the evening while you were there?—There were not many at all.

1871. A good many?—Sometimes there were about 20, I believe, in that side of the room.

1872. Were there many persons writing at a table there?—I did not go into that room at all; there was not one writing.

1873. There was a desk there, but you did not see anyone writing at it?—No.

1874. Nor taking down any names there?—No.

[The Witness withdrew.]

ALEXANDER FERGUSON, sworn; Examined by Mr. *Heron*.

1875. WERE you an elector at the last election?—Yes.

1876. And a rated occupier?—Yes.

1877. And I believe you acted for Guinness and Plunket?—I did.

1878. Do you remember, a few days before the election, attending a meeting at No. 6, Sandymount-avenue?—I do.

1879. Was that a meeting for Guinness and Plunket?—It was.

1880. Was Mr. Askins there?—He was.

1881. Captain Gordon?—Yes, he was.

1882. Mr. Murphy?—Yes, he was.

1883. Mr. Adair?—Yes, that was the secretary.

1884. Was the meeting at Sandymount-avenue at the committee-rooms, or only a board meeting?—The committee-rooms.

1885. And Mr. Adair was secretary?—Yes.

1886. Do you remember the evening before the polling day, that is, the 17th of November, attending a meeting at Haddington-road?—No.

1887. Where did you attend the meeting?—At 6, Sandymount-avenue.

1888. The same place?—Yes, the same place.

1889. Was that called by circular?—The previous meeting was. They were separate.

1890. The evening before the polling, were Sir Arthur Guinness and Mr. Plunket there?—No; at the Haddington-road meeting they were both.

1891. When was the Haddington-road meet-

ing?—About 10 days, I think, before the election, and they addressed the meeting.

1892. Was Mr. Harkins there?—I don't know; he might be.

1893. Was Mr. Hoskins there?—He is an agent.

1894. Was he acting as agent there?—Murphy and Harkins, or Arkins, were both agents at the committee meeting.

1895. And you say that Sir Arthur Guinness and Mr. Plunket were present at Haddington-road?—They were; they addressed the meeting.

1896. Do you remember the names of any other gentlemen present at the Haddington-road meeting?—I do not; there was a great crowd.

1897. Did the gentlemen that you have named, Mr. Askins and Mr. Murphy, canvass you at any time?—They did.

1898. Were they the first people that canvassed you for Guinness and Plunket?—Yes, they were.

1899. Was any money spoken of then?—No.

1900. I believe Mr. Peter Clarke is your landlord?—He is.

1901. Had you a conversation with Mr. Peter Clarke shortly before the election as to your voting?—The night before.

1902. What occurred then?—

Mr. *Butt* objected to this question.

Mr. *Hemphill* stated that he was not going

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going to prove an act of bribery by Mr. Peter Clarke.

Witness.] There was a general conversation of the electors.

1903. Did you tell him how you were going to vote?—Yes; I told him I was going to vote for Guinness and Plunket.

1904. On the evening before the election were you at any meeting?—On the evening before the election, as I told you already, I was there; on the 17th; that was before the election, at 6, Sandymount-avenue.

1905. On the day of the election, that is, the 18th of November, up to half past one o'clock, had you voted?—Yes, I voted at, I think, about a quarter to one o'clock.

1906. Before you voted, did young Mr. Vance call on you?—He did.

1907. You live, I believe, at 22, Temple-lane?—I work there.

1908. You work at your business as a jeweller?—Yes; a goldsmith.

1909. When Vance called upon you, did he ask you if you were going to vote for Guinness and Plunket?—He did; he first asked me if I was Mr. Ferguson, and I said, "Yes"; and then he said, "Are you going to vote for Guinness and Plunkett?" "Well," I said, "on conditions I would vote for Guinness and Plunket;" that in the locality where I lived there were a few Conservatives, and I was frightened. But, besides, I owed some rent to the landlord that I would like paid, and he asked me how much I owed, and I said, "A trifle, only 3 l. 5 s." "Well," he said, "it was all right, was I willing to work for it," and I said I was.

1910. Did you mention any other sum besides 3 l. 5 s.; did you say you wanted anything else?—I said if I went to vote he would have to pay me for my time; a pound for that if I was taken out, and he said it was all right.

1911. Was anything said between you about keeping that secret?—Yes, he said I should keep it very secret.

1912. Did you say you would, or what did you say to that?—I said I would, of course.

1913. What did Vance, after that, do with you; what did he say to you?—We went downstairs together, and entered a cab.

1914. Did he bring you to 48, Dame-street, to the central committee-rooms?—He said I was to come along with him in a cab to 79, Dame-street, that is opposite No. 3, the registration. There is Murray, a publisher or bookseller there, at 79, Dame-street.

1915. At 79, Dame-street, were there ward committee-rooms?—I believe a private office.

1916. Was it placarded for Guinness and Plunket?—It was not.

1917. When you went with Vance in the cab, were you brought upstairs?—I was.

1918. Were you brought into a room?—I was.

1919. Was there anyone in the room when you went in?—Oh, yes, several gentlemen; some of them very respectable gentlemen.

1920. Did Vance say anything to the gentlemen that were there when he brought you in?—He introduced me to a gentleman.

1921. Have you since ascertained who that gentleman is?—Yes.

1922. Who is he?—Alderman Manning.

1923. Is he here in court?—He is; I have seen him here on Saturday.

1924. Have you seen Vance in court, here?—He is.

1925. Which of them?—The young gentleman standing up in a grey coat (*pointing to a person in court*).

1926. When Vance introduced you to Manning, what did Manning do?—He went into the inner office, and I went a part of the way with him, I believe, to put down my name in a paper or a book, I don't know which; but after this was done, he asked me my address in town, and I said, "22, Temple-lane."

1927. Was this Alderman Manning?—Yes; I gave him my address, 22, Temple-lane; and he clapped me on the shoulder, and said it was all right; and I left Alderman Manning then.

1928. Did Alderman Manning say anything else to you about voting?—I was to go and vote.

1928*. Was that what he said?—No.

1929. Was what he said, "All right"?—All right.

1930. Did anyone then, bring you up to the poll?—Yes, a gentleman came in the cab with me to the poll.

1931. Do you know who he is?—No, I have not seen him here; he brought me up to the polling-place, 56, Baggot-street.

1932. Did you then poll?—I did.

1933. For Guinness and Plunket?—I did.

1934. Did you do that in consequence of a promise of payment which you had received?—I did.

1935. Had you signed any papers in the committee-rooms for them?—I did not.

Mr. *Heron* called for the book in which the witness's name was entered.

Mr. Justice *Keogh* ordered that the books kept at all the committee-rooms should be placed on the table of the court to-morrow morning.

1936. Mr. *Heron* (to the *Witness*).] Do you remember going to your work after voting?—I do.

1937. After you went to your work, did the same Mr. Vance call upon you again at about half-past two o'clock?—He did.

1938. Did he say anything to you then about your going with him?—He did.

1939. What did he say?—He said I was to come with him in a car; he wanted me for some purpose to go somewhere with him; he didn't tell me what it was for; I got downstairs and went into the cab, and went with him.

1940. Before you went into the cab, had you any conversation then with him about being paid for your time, or about working for him?—Yes.

1941. What did he say?—He said that as I was polled that I was their agent, and he wished me to go with him. I told him, that if I did, I would have to be paid.

1942. What did he say to that?—He said "All right."

1943. Did you then go back with Vance in the cab to 79, Dame-street?—I did.

1944. Did you see Alderman Manning there again?—I did.

1945. Did you talk to him again?—Vance and Alderman Manning were speaking; they wanted me, I think, as a witness to go with them somewhere.

1946. Did you know where you were to go to?—No.

1947. Did

1947. Did you hear Alderman Manning say anything, that you were to go anywhere with Vance?—No; Vance said to Alderman Manning, that he wanted me to go with him to some place, I think it was Crow-street or Eglington street; I didn't know which, but Alderman Manning seemed to object to going for some voters or something.

1948. After that, did you and Vance go to the cab again?—No. I remained there about 20 minutes, or half-an-hour, perhaps; and then I asked him whether he required me any longer. I had not had my dinner at this time.

1949. Where did you go to then?—I left the office.

1950. Where, then, did you go to?—I went back to business.

1951. Did you go back again that day to 79, Dame-street?—I did not.

1952. Then did you see Alderman Manning only on the two occasions?—Yes, on two occasions.

1953. Did you go back in the cab to your place of work, or did you walk there?—I walked there.

1954. Did you see Vance finally on that day; did he say anything to you about what he would do for you; when you left Vance finally did he make any arrangement with you about calling upon you?—No, I told him if he wanted me he could call upon me.

1955. Up to what hour?—Up to four o'clock.

1956. Did he call upon you up to four o'clock?—No, he did not.

1957. On the 19th November, the day after the polling, did you call at 79, Dame-street?—I did.

1958. Before you went to 3, Dame-street, did you see anybody at all?—No; there was a number of young gentlemen there, perhaps about six.

1959. Did you then call at 3, Dame-street?—Yes, on the 14th of December, I did.

1960. On the 19th of December, did you call on anyone?—I called to see Vance at 79, Dame-street.

1961. Did you meet Vance shortly after the election; where did you meet him?—I met him in Dame-street on the 14th of December.

1962. Is that a note that you then put down on the envelope that you have in your hand?—No, it is to-day that I put it down, and just for the date, for fear I might forget.

1963. You must not look at it any more, then; was that the day you saw Vance next?—Yes.

1964. Where did you meet him?—In Dame-street.

1965. What did you say to him?—I asked him if I would be paid for the day, as I was promised to be paid.

1966. Did you call at 3, Dame-street that day?—I did.

1967. Where were you told to go to?—47, Dame-street.

1968. And to ask for any person?—I was told to ask for some person, but I forget his name.

1969. Was he described as a committee-man or secretary?—I could not say.

1970. When you met Vance in the street, did you make any complaint to him?—I did.

1971. What did you tell him?—I told him I was annoyed at not being paid for my time.

1972. What did Vance say to you?—He said I should go and call on these gentlemen at 47, and that I was justly entitled to it.

1973. Mr. Justice *Keogh*.] Forty-seven, where? —47, Dame-street; that is the central committee-rooms.

1974. Mr. *Heron*.] Did you call?—I did.

1975. Do you remember the name that Vance gave you to mention?—No.

1976. At all events, did you ask for some one there that Vance directed you to; did you give the message that Vance directed you to give?—I did; I do not recollect that day.

1977. Did you see a gentleman?—I did not.

1978. Did you see anyone there?—I saw Mr. Hudson, the secretary, there; I spoke to him as I could not see the other gentlemen; I said I was Mr. Ferguson, and that I came to be paid for the day of the election that I was promised to be paid for by young Vance; and Mr. Hudson said he did not know me, and asked me "who engaged me"; I said, "Mr. Vance"; then he said, "Go to Mr. Vance."

1979. Was that the last time you called at 47?—It was.

1980. Did you speak to Vance since on the subject?—I did not.

Cross-examined by Mr. *MacDonogh*.

1981. What you demanded was payment for your day's work, was not it?—It was.

1982. You demanded that from Mr. Vance?—Well, I said I was annoyed I did not get it.

1983. After you had polled he employed you as the agent, did he?—As their agent.

1984. And it was for payment for that agency that you applied, was it not?—It was for the day, for the loss of time.

1985. But you certainly were not asked to be engaged in any way as agent until after you had polled; is not that the fact?—Certainly not.

1986. Did you mention the sum to the gentleman in Dame-street that you expected to be paid for your loss of time?—Which gentleman?

1987. The person whom you have stated you saw when you went to Dame-street?—I did not.

1988. You did not mention the sum?—No.

1989. Did you mention the sum which you expected to be paid when you spoke to Mr. Vance?—Not that day.

1990. Did you on any day?—Yes; on the election day I told him I should have 1 l. for the day.

1991. Then when you applied afterwards, it was for that 1 l. that you made the application?—It was.

1992. You told Mr. Clarke, the night before the election, that you intended to vote for Guinness and Plunket?—I did.

1993. Was it true what you told Mr. Clarke that you did intend to vote for Guinness and Plunket?—True?

1994. Yes?—Yes, of course it was.

1995. Then the night before the polling you had intended to vote for Guinness and Plunket; that is certain, is it; if anything be certain?—Yes.

1996. And did you really and truly mean to carry out that intention?—Oh, I would not say.

1997. But you did intend it. Then you were bribed, were you not?—No.

1998. You were not bribed?—No.

1999. You would not take a bribe?—No.

2000. And you did not understand you were bribed?—No; I got no money.

2001. And let me ask you this: Did you say to

A. *Ferguson*.

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A. Ferguson. to anybody (for I did not catch the end of the sentence) that there were very few Conservatives in that neighbourhood, and that you therefore wished to have a car; that you were afraid?—I said it to young Vance.

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2002. Did you say you were afraid?—I said there were very few Conservatives in the locality I lived in, and I was afraid in one sense to vote for Guinness and Plunket.

2003. Unless you were protected, I suppose?—No; I did not say whether I was protected.

2004. But was it after your saying that, that that cab was gotten to take you?—The cab was at the door; I do not know who brought it.

2005. Did you know young Mr. Vance at all times; did you know him before that day?—No; not to speak to.

2006. But you had seen him?—I might have seen him.

2007. Did you see him?—No.

2008. Then do not answer me in that way again. I asked you the facts; did you know his personal appearance, and that he was Mr. Vance?—No.

2009. Did you know on the day of polling, when he took you in the cab, that he was Mr. Vance by name?—Yes, I was told so.

2010. And did you hear Alderman Manning address him as Mr. Vance?—I could not say.

2011. Now, upon your oath did you not ask Alderman Manning to lend you money?—No, I did not.

2012. Did not Alderman Manning say to you, "Why should I lend you money"?—No.

2013. Did you not then say to Alderman Manning that you had been promised money at the election?—No; I never had such a conversation with anyone.

2014. Did not Alderman Manning ask you who it was that promised you?—He did not.

2015. Did not you say that it was a young man, but you did not know who he was; upon your oath?—I said young Vance.

2016. Then you did tell Alderman Manning that young Vance had promised you?—No, I did not.

2017. What do you mean by saying "you said young Vance"?—Speaking of the young man that brought me there; I say young Vance was the one.

2018. That is not my question. My question

was on the conversation with Alderman Manning, and I have followed you quietly through the different steps of it; that you asked him to lend you money; that he refused; that you said you had been promised money as a reason why he should lend it; and that he asked you by whom; and that you said by a young man whose name you did not know. Is that true?—It is not.

2019. How much money have you gotten from Mr. Fitzgerald?—Not a shilling.

2020. What had you been promised?—Nothing, that I know of.

2021. Were you at his office?—I was.

2022. Who brought you there?—A man of the name of Hickey.

2023. Did Hickey tell you you would get money?—He did not.

2024. Did he say you would be taken care of?—He did not.

2025. Now I ask you, did you apply to Alderman Manning after the election, as a brother Mason, to lend you money?—Not to lend me money, certainly not.

2026. Did you apply to him as a brother Mason for assistance?—Certainly not.

2027. For what did you apply to him as a brother Mason?—I did not apply to him as a brother Mason; I called upon him.

2028. What did you call upon him for?—To know if I was to be paid the 1*l*. for that day, or if he heard anything about it.

2029. Was that the only time?—Only once I was in Alderman Manning's shop.

[The Witness withdrew.]

Mr. *Heron* asked for the Minute Book of the committee-room at 79, Dame-street, and stated that he proposed by that book to show that Alderman Manning and Mr. Vance who had been mentioned, were named in that book as having been the agents of the candidates.

The book was handed to Mr. *Heron*, and he stated that at the meetings on Monday the 3rd of August 1868, and on Friday the 13th of November 1868, Alderman Manning took the chair, and that amongst the names of the canvassers was that of William Vance.

JOHN KELLY, sworn; Examined by Mr. *Palles*.

J. Kelly.

2030. I BELIEVE you reside at 37, Exchequer-street?—Yes.

2031. And you are a barber?—Yes.

2032. You are a voter for the City of Dublin?—Yes.

2033. Are you a voter as a freemen or as a lodger?—As a lodger.

2034. You voted on the last election for Sir Arthur Guinness and the Hon. N. S. Plunket?—Yes.

2035. Do you remember some time previous to the election, a person calling upon you for the purpose of soliciting your vote?—Yes; a week previous to the election.

2036. Are you able to state the name of that gentleman?—I don't know his name, and I have not seen him since; I have seen him, I believe, once since, but then I do not know his name.

2037. When he came to canvass you, what did he say to you?—He said, "Well, Kelly, are you

going to vote?" "Yes," says I. "Well," he said, "who are you going to vote for?" "Well," says I (I was just in the act of saying "whoever will give the largest cheque," and he took the words out of my mouth and he said it); "Well," said I, "that is right."

2038. What did he say next?—He said, "I will send some one to call on you; I will send Alderman Manning."

2039. Is that practically everything that passed upon that occasion?—Oh, yes.

2040. Did Alderman Manning call upon you before the polling day?—He did not.

2041. But do you remember the gentleman who first came calling upon you a second time?—Yes; he called upon me a second time, and I was busy in the shop, and I went outside the door.

2042. When was that?—On the Monday previous to the polling day.

2043. What

2043. What passed between you then?—He asked me had any one called, and I said not, but I expected that Alderman Manning would. Then he said, “I have your name taken down. I wonder some one did not call upon you.” Then says he, “I will see about it.”

2044. And then he left you?—Yes.

2045. Do you remember any person upon the Wednesday before the polling calling upon you?—No; but on the polling-day, I saw a man of the name of Mr. Coles, of Wicklow-street, a tailor.

2046. What did he say to you?—He asked me if I had seen anybody yet, “No,” says I. “Well,” says he, “I think I can do something for you, but be over at my place at 11.” So I was over at Mr. Coles’ place at 11 o’clock, and I was not long there when Mr. Vance came in.

2047. Had you known Mr. Vance before?—His face was quite familiar to me, but then I had not seen him for some time. I see the gentleman above there (*pointing to a person in court*).

2048. Mr. Justice *Keogh*.] What is Mr. Vance’s name?—William.

2049. Mr. *Pallas*.] Is that the gentleman (*pointing to a person in court*)?—That is the gentleman.

2050. Where was it you saw Vance on that day?—In Mr. Coles’.

2051. Vance came in there?—Vance came in there.

2052. Did Vance say anything to you in reference to the election?—Yes; he asked me was I going to vote, and he said something like “Would it be for Sir Arthur Guinness and Mr. Plunket.” “Well,” says I, “I don’t mind,” says I, “but I must have an understanding.” Then he says, “the understanding will be that you get between 3 *l.* and 4 *l.*”

2053. When he said the understanding was that you should get between 3 *l.* or 4 *l.*, did you say anything?—I said where would we go, or who would pay this 3 *l.* or 4 *l.* So he said he would introduce me to a gentleman.

2054. Did he name the gentleman?—Alderman Manning.

2055. Mr. Justice *Keogh*.] Who said he would introduce you?—Mr. Vance.

2056. Mr. *Pallas*.] Did you agree to that?—I was quite satisfied.

2057. During that conversation do you remember another person coming in?—There was another person came in. I waited for a little time while Mr. Vance, I think, went out for awhile, and then another party, a second party, came in.

2058. Was there any conversation then with that other gentleman?—There was; but it was private.

2059. Was there conversation which you heard then, or not?—There was conversation, but I did not hear it.

2060. Who was it spoke to that other gentleman who came in?—Mr. Vance.

2061. Do you know the name of that gentleman?—I do.

2062. What is it?—His name is Mr. Godwin.

2063. When the conversation was over, did they bring you to any place?—Yes; we went to the cab.

2064. There was a cab at the door at the time?—Yes.

29.

2065. And where did you go to?—We went to the committee-rooms, at 79, Dame-street.

2066. Who accompanied you in the cab?—Mr. Godwin, and me, and another gentleman, whose name I don’t know, and I have not seen him since.

2067. Was Mr. Vance with you?—No; Mr. Vance said he would walk down before us, and would meet us there.

2068. Shortly after you arrived at the committee-rooms, do you remember Mr. Vance coming up?—Yes; he was waiting till we got out of the cab.

2069. Was he there before you?—He was there before us.

2070. What happened as soon as you and Mr. Vance went up together to the committee-rooms?—Me and Mr. Vance and Mr. Godwin went up, and we were introduced to Alderman Manning by Mr. Vance.

2071. Did he introduce you as a voter?—Of course.

2072. Did you know Alderman Manning before?—I did not.

2073. Do you know him now?—I know him now.

2074. Do you see the gentleman here (*pointing to a person in court*)?—I do.

2075. When you were introduced to Alderman Manning, did he say anything, or what took place?—Well, he said “Are you going to work for us to-day?” “Well,” said I, “I don’t mind.” “Well,” said he, “sign this paper.” And I put my signature to a paper.

Mr. *Pallas* requested Mr. Sutton to produce the paper, or one like it. (*The paper was handed to the learned Counsel.*)

2076. Mr. *Pallas* (to the *Witness*).] Was it a paper like that (*handing a paper to the Witness*), or was it in ordinary printing?—It alluded to something; I saw something on it: “Not expected to be paid,” or something like that. I did not read it, but I know there was some printing on it like this, and several other signatures.

2077. About how many signatures were there on it?—I cannot say.

2078. When Alderman Manning told you to sign that paper, did he say anything else?—After I had put my signature to the paper, “Well,” says he, “you know we must try to evade the law in this matter.”

2079. Did you then sign the paper?—Yes.

2080. Was Alderman Manning present when you signed it?—He was.

2081. And Mr. Vance?—And Mr. Vance.

2082. And the gentleman that came in the cab?—Yes.

2083. Did the gentleman who came in the cab also sign the paper at the same time?—He did.

2084. As soon as the paper had been signed by you and the other gentleman in the cab, what next took place?—The gentleman that signed the paper along with me went up with another gentleman in the cab to whatsoever polling place he had to go to, and Mr. Vance accompanied me down to Suffolk-street, where I polled.

2085. And you polled of course for Guinness and Plunket?—For Guinness and Plunket.

2086. Where did you go to after you were polled?—Back again to the committee-rooms, in Dame-street.

2087. Were you accompanied by Vance?—

F

Yes,

J. Kelly.

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Yes, and he brought me, and said to Alderman Manning, "That is all right, sir"; but I was after polling.

2088. When Alderman Manning was told that you had polled, what did he say to you?—He said, "Do you know any one, or can you do anything?" "Well," says I, "I do not know, but I will try if I know any one." "Well," he says, "come back in an hour." So I went away and took a walk, and walked about for an hour, or two hours; me and Godwin walked back again.

2089. When you went back, did you see Alderman Manning?—Yes, he asked me if I brought up any one, or knew any one, and I said I did not.

2090. Then when you went up, did you ask Alderman Manning about a voucher or a card?—That was in the evening.

2091. Not at that time?—Not at that time.

2092. How many times did you see Alderman Manning, from the time that you voted until the close of the poll at five o'clock?—A second time; that is the first time I was brought and introduced to him; I seen him twice after that.

2093. The first time was before you polled?—And then the second time was about an hour and a half afterwards, in the evening.

2094. Was that before the close of the poll?—I seen him before the close of the poll, in the evening.

2095. Upon any of those occasions was there any conversation between you and Alderman Manning about your requiring a card or a voucher?—That was the last time that I seen him in the evening.

2096. Tell me what that conversation was?—I went over to the table where Alderman Manning was sitting, and I asked him was it requisite for me to have a card or a voucher, or something in that way, and he told me to wait for half an hour; and then I seen the place so full and they so busy that I went away, and did not call any more that evening.

2097. Did he say anything to you upon that occasion as to whether you would hear from him afterwards?—That happened afterwards; that was some time afterwards.

2098. Before I leave the day of the polling, was it in consequence of the promises that had been made to you, as you have stated, that you voted for Guinness and Plunket?—Why the fact of it is, I would have voted for Corrigan and Pim, any more than I was promised this money for voting for Guinness and Plunket.

2099. When did you next see Alderman Manning, and where?—I seen him on the Saturday following.

2100. On the Saturday following the Wednesday where did you see him?—In College Green, and he was going up from the committee-room.

2101. Which committee-room?—In College Green, for Sir Arthur Guinness and the Honourable Mr. Plunket.

2102. What did you say to Alderman Manning?—I spoke to him on the stairs; I said it was a nice way my place had been broken and smashed, that I had been doing nothing ever since; he said he had heard something of it, and did I wish that he should go down and look at it; said I, I thought it was better not; but said I, "I thought I would have had a settlement before this." "Well," said he, "of course you

will be looked after, and being a voter, you will not be forgotten."

2103. Did he upon that or upon any other occasion say anything to you to the effect that you could not be settled with at present?—That happened on the day of the municipal election, I think.

2104. When was that?—That was the very Wednesday after the Dublin election.

2105. Where did you see him upon that day?—I seen him in Suffolk-street, and spoke to him there.

2106. What did you say when you spoke to him?—I told him I had not been doing anything, or earning a shilling all the time; that my shop and place was broken; "Well," he said, "we can do nothing at present"; "Well," said I, "I have seen people getting paid in the committee-rooms"; he said, "Those were polling clerks and canvassing clerks, but you, being a voter, you will have to wait for a few days."

2107. Did you see Alderman Manning again?—I seen him in his own place afterwards.

2108. Before you saw Alderman Manning in his own place had you written a letter to him?—Yes, I wrote a letter to him, which I—

Mr. Pallas applied for this letter.

Alderman Manning stated that he had received from this witness several letters of that class, which he had destroyed, because they were worthless to him, and that he had not the letter.

2108*. Mr. Pallas (to the Witness).] What was it you wrote in the letter that you sent to Alderman Manning?—I alluded to the loss of my time, and the way in which my place had been broken, and I had had nothing but being ill all the time, and I would like to hear from him; at the same time I wrote an address in Abbey-street, where I was stopping, if he wanted to send anything, or that I would hear from him to write over to Abbey-street. That is what I stated in the letter.

2109. Did you receive any reply to that letter?—I did not.

2110. Then it was after that letter was written that you called at Alderman Manning's, in Grafton-street?—Yes.

2111. I suppose you first saw some of the assistants in his establishment?—Yes.

2112. And ultimately were you brought up to Alderman Manning's room?—The last time I seen him I sent him my card, and he sent back a reply that I would be heard of in due time.

2113. Was that reply sent to you by Alderman Manning?—No.

2114. Was it sent to you by a messenger when you sent up your card?—Yes.

2115. After that do you remember calling at Mr. Coles' in Wicklow-street?—Yes.

2116. Will you state what took place between you and Coles?—We were often speaking about this thing, not getting paid, and then upon one occasion Mr. Coles said, "If we could get at the money in some way, no matter what money, and you bring me a pint of whiskey if I bring you the money, that will be all the same."

2117. Did you go after that to Mr. Vance?—Mr. Vance, of Suffolk-street.

2118. Either the young gentleman that has been referred to, or Mr. Vance's father?—I went in

in and spoke to Mr. Vance's father. I told him the way that I was situated.

2119. What did he say and do; what was it that you said to him when you went in?—I told him how I was situated in the way I was doing nothing, and the place not being ready, and that I expected I would hear through Alderman Manning.

2120. For what?—To get payment for voting.

2121. Did they say anything to you then?—Mr. Vance said he knew there was a great deal of business going on, and that he thought I should wait for a few days, or something in that way.

2122. Do you remember his saying whose fault it was that you were not paid; did he say who was the man to look up after that?—Sure that was Alderman Manning.

2123. But did Vance tell you that?—He alluded to that, that Alderman Manning was the proper person.

2124. As I understand, this was Mr. Vance, senior?—An elderly gentleman.

2125. Do you see him there (*pointing to a person in court*)?—It is young Mr. Vance's father that I am speaking of.

2126. I know that. Did you know him before?—Oh, very intimately.

2127. After that occasion do you remember again going to Coles', in Wicklow-street, when there was a reference made to the adverse agents being on the look out for cases of bribery?—Mr. Coles said all he knew about it was that he knew when Mr. Pim was up the last time he heard he offered money; he alluded to something in the way of money for voting.

2128. But did Coles allude in any way to persons looking out for proof of bribery as a reason why you should not be paid at present; do you remember anything of that nature?—Well, we had several conversations.

2129. Do you remember his telling you that your name, Kelly, from Exchequer-street, had been mentioned, and that they should be very careful? Did Coles tell you anything like that when you went to be paid: "They are looking out now on the other side for cases of bribery, and you must be cautious and wait?"—Yes; something of that kind. Me and Mr. Coles had several conversations about the affair on that occasion, but I could not altogether say.

2130. Had you frequent conversations with Mr. Coles upon the subject of your being paid for your vote after you had voted?—Yes.

2131. Did Coles state upon more than one of those occasions that the agents of the Liberal party were looking out for cases of bribery?—Yes.

2132. Did he tell you that your name, Kelly, of Exchequer-street, had been mentioned by some of them as a person who was thought to have been bribed?—Yes.

2133. Did he tell you that for that reason they should be very cautious in dealing with you?—That I should mind what I should be saying if I was called upon.

2134. Did any other person except Coles speak to you upon that subject, to "mind your eye" when the Liberal agents came to you?—I do not know; there was nobody had any conversation with me and Mr. Coles and Mr. Godwin about it.

2135. Did you talk to Mr. Godwin about it?—Yes; we had frequent conversations on other

matters at Mr. Coles', and we used to be talking there and joking about not getting our money.

2136. You were both disappointed, I suppose?—Yes; something very near it.

2137. Do you remember calling upon Alderman Manning upon another occasion? Upon the last occasion, you know, you told me you were sent down a message by the person to whom you sent up your card.—Yes.

2138. Upon a future occasion did you call upon Alderman Manning and see him?—Yes; that was the last time I saw Alderman Manning.

2139. Can you fix the date of that?—I dare say it might be a fortnight after the polling.

2140. Did you call at his own establishment?—I did.

2141. And you saw him?—Yes, and spoke to him.

2142. Tell me exactly, as well as you remember, what passed between you and Alderman Manning?—I saw an advertisement in the paper for anyone that has anything to do in the way of being bribed or promised money to go forth, as there was a petition lodged. This was the day after the petition was lodged, I believe.

2143. A notice from Mr. Fitzgerald, I believe?—It was from no particular person, I believe; an article was in the paper. So I went down to Alderman Manning and I spoke to him. Said I, "I see an article in the paper; if any one gives you my name," says I, "how am I to act?" "Well, I cannot say," he says; "what can I do?" "Well," says I, "I know I am very badly treated, ever since doing nothing; in fact," says I, "I might have been starving," says I, "for that matter, for not getting settled with for voting." "Well," says he, "I have nothing to do with it; I might be starving myself," he says. "So," says he, "mention my name; and," he says, "you should be cautious how you mention my name; and it would be better for you," he says, "if you kept your tongue more quiet." "Oh, all right, sir," says I; something like that.

2144. Do you remember the Alderman referring upon that occasion to any period of imprisonment?—Oh, yes: he said, "Why if I gave you to the value of a bit of paper," he says, "I might get two years' imprisonment myself."

2145. Did Alderman Manning, upon that occasion which you are now referring to, refer to that paper which you had signed?—Yes; he did refer to it.

2146. What did he say?—He said, "You have signed a paper that you are not to expect anything." That is what he said.

2147. What did you say when the Alderman said, "Why, you know, Kelly, that you signed a paper that you were to act for nothing"?—Well, I said, "Of course that is right," says I, "that is an understood thing."

2148. What was the "understood thing"?—The getting of between 3*l.* and 4*l.* for the vote.

2149. And it was a mere joke your signing this?—Certainly, it was only just an understood thing, as the alderman said.

2150. To obey the law?—To obey the law.

2151. Do you remember being served with a subpoena to attend to give evidence upon this election petition; do you remember that you were served with a subpoena?—I were served with a subpoena.

2152. After you were served with a subpoena,

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do you remember going to Coles'?—Yes, I did go to Coles'.

2153. Did you see Godwin or Goodwin upon that occasion?—I did.

2154. Do you remember, after you got the subpoena, having any conversation with Goodwin and Coles about going to Mr. Julian's office?—Yes, I do; and Mr. Coles brought me in Abbey-street.

2155. Did anyone except Coles go with you?—No; there was a little girl of my own.

2156. Before Coles brought you to Mr. Julian's office did he tell you anything about what you ought to do; had he any conversation with you about the election?—I went over along with him to see this place; it was more from curiosity than anything else that I went over with him; he said, "Of course what you have to say is that you expect a day's pay." "No," said I, "I expect between 3*l.* and 4*l.*, what was promised. So I went up and saw the gentleman there. I presume this is the gentleman here, I think (*pointing to a person in court*).

2157. Do you only presume it, or do you believe it?—Yes; I am not sure, it is something like it; I would not swear. I know there was a gentleman there.

2158. Which gentleman are you referring to?—This gentleman here (*pointing to Mr. Byrne*). Perhaps it is a mistake.

2159. Tell his Lordship now everything that passed between you and that gentleman when you went to Mr. Julian's?—Mr. Coles brought me up to tell him what he had to say, and I told him, and he wrote it down in a book, that "Young Mr. Vance called upon me, and I went with him and was promised between 3*l.* and 4*l.*" Said Mr. Coles, "a day's wages?" "No; between 3*l.* and 4*l.*," said I. "Did you say that?" said this gentleman who was writing in the room. "Yes," says I. "What else?" says he. "I was introduced to Alderman Manning," says I. So then he asked me had I any more to say, and I said "not." So then he asked me what was the gentleman's name that had called upon me. I told him I had been called upon by one of the Liberal party, and I told him I did not know his name. So he said "If you can find his name out, let me know." So I said I would, and I did not call afterwards.

Mr. Heron stated that at the meeting of the 6th of August 1868, Alderman Manning took the chair; that on the 17th of August and the 4th of September, Dr. Vance took the chair; that on the 5th September Aldermen to the chair; that on the 6th of October, the 13th of October, the 16th of October, the 22nd of October, the 27th of October, and the 3rd of November, Dr. Vance took the chair. That on the 10th of November, the 11th of November, and the 13th of November, Alderman Manning took the chair; and canvassers were appointed, amongst whom were William and James Vance.

Cross-examined by Mr. McDonogh.

2160. I suppose that you were a Liberal?—Yes.

2161. And you are?—Yes.

2162. And when you were first canvassed, you were about to say you would vote for the man who would give the largest cheque?—Yes.

2163. And when you were about to say this, you were stopped in the act?—The canvasser

himself said it as well, both of us were saying it.

2164. You were in the act of telling him that you would vote for the man that gave the largest cheque?—Yes.

2165. And he said that you would vote for the man that gave the largest cheque?—Yes.

2166. Then he knew you?—Did he, Sir?

2167. Is it the fact, that you would have voted for any man that would give you the largest sum of money?—Yes; I said whoever would give the largest sum.

2168. Well, but it is true?—Yes.

2169. That if the old gentleman from below came up and asked you to vote for him, you would, if he gave you the largest sum?—Yes; sure I would.

2170. Everything that you have said is true what you have stated, that that gentleman, Alderman Manning, said as to evading the law?—Yes.

2171. And you remember that remarkable expression?—Oh, I do.

2172. "You know, Kelly, we must try to evade the law in this matter?"—Yes.

2173. Are you quite sure he said those words?—Yes.

2174. And was that when you signed the paper that you were to give your services without payment?—I did not read the paper, but there was some writing in this copper-plate, something like this here (*handing a paper to the learned Counsel*). I did not read it.

2175. "We beg to place at your disposal our gratuitous services?"—Something like that.

2176. And you perfectly understood it?—I perfectly understood it.

2177. And you quite understood that that was to evade the law?—Yes; that was what Alderman Manning said.

2178. And you were determined to evade the law?—I were.

2179. Are you a lodger?—Yes.

2180. You were determined to evade the new law that gave you birth, politically, and brought you into existence. You knew it was against the law to be bribed?—I did.

2181. But you were determined to be bribed, notwithstanding?—Yes.

2182. The fact is, you thought the franchise was a fine thing, did you not?—Well, I did not look upon it as any very fine thing to have.

2183. Except for what you would make by it?—Except for what I would make by it.

2184. Now, who was the person (lest I should be under any mistake hereafter) who was canvassing you, and to whom you were about to say, and, indeed, were in the act of saying, that you would vote for the person who would give you the largest cheque?—I do not know his name; I seen him afterwards; I would know him if I saw him, but I do not know his name.

2185. You cannot tell me where he is, or who he is?—I cannot; and I could not find him out since.

2186. You have tried to do so?—No, I have not; but I have not seen him since.

2187. Mr. Coles is a tailor, in Wicklow-street, if I am not mistaken?—Yes.

2188. Up to this you had not seen Alderman Manning?—Up to which?

2189. Up to the time I am speaking of?—Which time?

2190. Up

2190. Up to the time you saw Coles in Wicklow-street?—I seen Mr. Coles nearly every day.

2191. But you had not seen Alderman Manning up to the time when Coles came to you first?—No.

2192. When you saw Alderman Manning, was it upon the very first occasion that he said, "You know we must evade the law?"—Yes.

2193. Had you ever spoken to Alderman Manning before?—No.

2194. Then he and you were complete strangers?—Yes.

2195. At the time he announced to you that you should evade the law?—Mr. Vance was often introducing me to him as Alderman Manning.

2196. And I perceive that you and Coles afterwards differed as to what you had a right to claim; Coles insisted that what you had a right to claim was your day's work?—Yes; but the understanding between me and Mr. Vance was between 3 l. and 4 l.

2197. Which of the Vances do you say agreed for that order, the father or the son?—This gentleman here (*pointing to a person in court*).

2198. That is the young gentleman?—Yes.

2199. Then, you agreed to sell your vote for 3 l. or 4 l.?—Yes.

2200. And you knew at the time that you were committing an indictable crime that you could be put into that dock for?—I did.

2201. You were very poor, I suppose?—Well, not very rich.

2202. I think the expression of Mr. Alderman Manning was, "Are you going to work for us to-day?"—Yes; I said so.

2203. And it was then that you signed this paper?—Yes.

2204. Now, I come to the time when Mr. Manning asked you, did you know any one that could vote for them. It appears that you were told to come back in half-an-hour?—Or an hour.

2205. That was when you asked whether it was necessary to have a voucher?—Not at that time.

2206. You called three times on Alderman Manning in the course of that day?—Yes.

2207. But it was on the last occasion of those three that the conversation occurred about the voucher?—Yes.

2208. You were told to come back in half-an-hour?—Yes.

2209. But you were so busy that you did not come back?—No, not that night.

2210. And you got no voucher?—No.

2211. And you got no ticket?—No.

2212. Did you not come to the committee-rooms in the morning; take your time to answer?—Which morning?

2213. We will say on the morning after the election?—No.

2214. On the morning of the election, did you come to the committee-rooms?—Yes.

2215. Did you suggest to Alderman Manning that you should be paid for your vote?—I thought there was no occasion for that. When Mr. Vance introduced me to him, me and Mr. Vance had an understanding before that, and then he said, "If you evade the law, I do not want to say anything more about it."

2216. Did you not, as a positive fact, go to the committee-rooms on the morning of the polling?—Yes.

2217. And did you not ask Alderman Manning

that you should be paid to vote?—On my oath I never alluded to it.

2218. And you never suggested it to him?—No.

2219. Did not Alderman Manning refuse to have anything at all to say to money; and when you were urging to get the money, did he not insist upon turning you out of the committee-rooms?—On my oath I never mentioned the like. I thought, after being introduced to Alderman Manning, and signing the paper, and Alderman Manning saying it was to evade the law, it was an understanding.

2220. Did you, at any time, ask Alderman Manning that you should be paid for your vote?—I never alluded to money; but then he knew, of course, the purpose I was coming to him for.

2221. Did he turn you out of the office?—No, never.

2222. Did he threaten to turn you out of the office?—No,

2223. Not a word of the kind occurred?—No.

2224. I believe that your furniture was broken by the mob?—Yes.

2225. By your friends; that is to say, the persons that sympathise with you in politics?—I would not say about friends, because I seen none of them. I do not know of any of them.

2226. Did you afterwards apply to Alderman Manning for compensation for the injury done to your house and furniture?—I applied to him for paying me for voting. I had no one else to look to, on account of being introduced to him.

2227. Did he not utterly deny your right to get one penny for voting?—No.

2228. Did he not deny it at the time that he said that if he paid you a single sixpence he might be sent to goal for two years?—Yes; but that was on the last occasion that I spoke to him.

2229. Did he not say, when you applied, in relation to your furniture being broken, that the way to be compensated was by application to the county?—When I spoke to him about the way my place was broken, he said, "Well, of course the city will see about that."

2230. In all your conversations with Alderman Manning, except the one I mentioned about the money, were not the grounds of your application to him always your loss of the day's time, and your house being broken and furniture injured. Were not those the two grounds of claim against Alderman Manning?—On the occasion I was speaking to him, what I alluded to was, that I was badly treated for voting, and not getting a settlement. That is what I said.

2231. That is to say, badly treated by your party?—By voting for Guinness and Plunket, and not getting a settlement.

2232. Then, did you ever apply to Alderman Manning for having voted?—Of course, that is what I alluded to.

2233. That is what you meant?—Yes; I said for voting in Suffolk-street. I told him I was badly treated for voting, and got no settlement, and he said I would have to wait a few days.

2234. Then, did you apply to him to be paid for your vote?—What else would I apply to him for?

2235. And he said you would have to wait a few days?—Yes, and that he would see me settled with.

2236. When you were describing the letters that you wrote to him, I ask you did not that

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letter, or did not those letters——?—There was only one letter.

2237. In that letter did you not complain of your not having been paid the day's wages and for the breaking the furniture?—No, on my oath, I said nothing about my day's wages, but about not being settled with ever since I voted.

2238. Did you use the words "Not being settled with"?—"Not being settled with," and I wanting money and doing nothing for five or six weeks; that is what I alluded to.

2239. And it was a claim for loss of time during five or six weeks?—For voting; he knew that it was an understanding well enough.

2240. Was your claim for compensation for the five or six weeks?—No, for voting.

2241. And did you in the letter ask for the money for the voting?—Of course; it was alluding to that.

2242. But did you write it?—Of course it was for voting; I said for voting.

2243. But you complained of the injury for having voted and being kept out of business?—For not having been settled with for voting.

2244. Do you mean not getting the 3*l.* or 4*l.*?—Yes.

2245. Did you tell him that in the letter?—I stated that in the letter, or alluded to it.

2246. But did you state it?—Somehow or the other I cannot swear which, but it was for voting.

2247. The day you sent in your card, what was on the card?—"John Kelly, hairdresser."

2248. Printed, I suppose?—A printed card.

2249. You did not see Mr. Manning that day?—I seen him speaking to a gentleman at the lower end of the room.

2250. When you saw an advertisement, did you see a reference to Messrs. Fitzgerald's office?—Not in that advertisement, but I did in another one.

2251. Then you know where to go?—I knew where the office is.

2252. Did you go to it?—No.

2253. You never went to it?—I was in it on two occasions.

2254. What did you mean by saying you did not go to it?—Not at the first.

2255. Did you get any money there?—No.

2256. Did you get any money from Messrs. Fitzgerald?—No.

2257. From any messenger of theirs?—No.

2258. From anybody?—I did.

2259. How much?—I got 5*l.* from Mr. O'Shaughnessy.

2260. He is the person who acts for Mr. Fitzgerald, is he not?—Yes, that is the gentleman (*pointing to a person in court*). I went to him and I told him my shop was near being stopped, and if he would oblige me with a few pounds I would feel obliged to him, and he obliged me with 5*l.*

2261. Did he make you a present or not?—He did not say whether it was a present or no.

2262. Upon your oath do you believe that you will ever have to return it to him?—Well, indeed, I do not expect I shall.

2263. Did he promise you any more?—No.

2264. Look at his honest face; tell me, on your oath, how much more he promised you?—Upon my oath he promised me no more; we had no understanding except that I asked him for the money.

2265. Was anything said about what would be done if you succeeded in putting out the man you voted for?—No; I asked him for 5*l.* and he gave me it at once, as I was doing nothing and wanted to get the place straight.

2266. Did you threaten any person that you would bring many to grief if you were not paid for your vote?—No.

2267. On the day that you saw that article in the newspaper and saw the reference to Mr. Fitzgerald, were you not delighted to see that there was money going?—Indeed I was not.

2268. You were not delighted to see that money was to be got for your evidence?—No.

2269. When you could not get it for your vote?—No.

2270. Did you not, after seeing that advertisement, threaten that you would bring many to grief if you were not settled with for your vote?—No; I never said that.

[The Witness withdrew.]

Mr. JOHN ANDREW HUISH, sworn; Examined by Mr. O'Shaughnessy.

Mr.
J. A. Huish.
—

2271. ARE you an Assistant in Morrison's shop?—A Manager.

2272. Do you remember the 18th of November last, the day of the election?—I do.

2273. Did you sell two hats to any people on that day?—Yes.

2274. How many people came into the shop to buy them?—Four.

2275. What was the price of the hats?—The price of the hats was 6*s.* 6*d.* each.

2276. What was given to you in payment for them?—A 5*l.* note, I believe.

2277. Did you change the 5*l.* note?—Not in the shop.

2278. Did you send out any one for change?—I did.

2279. Whom did you send out?—A young man of the name of Lawler, whom I had in the shop.

2280. The change was brought back, and you gave it, I suppose?—Yes.

2281. Were the hats taken away that morning?—Not that morning.

Mr. Justice *Keogh* said that these facts were not controverted.

[The Witness withdrew.]

HENRY DALTON, sworn; Examined by Mr. Hemphill.

H. Dalton.
—

2282. I BELIEVE you live in No. 6, D'Olier-street, in this City?—Yes, I live there.

2283. Have you any calling?—I am what they call a "grinder," a college tutor, and a civil service tutor.

2284. Are you a voter?—I was a freeman always.

2285. But you were not on the list?—There was an irregularity in it, and I lost my vote.

2286. Have you a brother called William Dalton?—I have.

2287. Do

2287. Do you know a gentleman of the name of Mr. Alexander McNeill?—I am not personally acquainted with that gentleman.

2288. Do you know his appearance?—I might or I might not.

2289. Is that the gentleman there (*pointing to a person in court*)?—No, I have no recollection of him.

2290. Had you a brother before the late election of the name of William Dalton?—Yes; he was in the Marshalsea.

2291. A prisoner for debt?—Yes.

2292. How long had he been in the Marshalsea at this time?—I think about 15 months.

2293. At whose suit was he arrested?—I think he was arrested at the suit of a Mrs. Moran, 32, Dominick-street.

2294. Was she a Miss or Mrs. Moran?—A Mrs.

2295. Do you remember some days before the city election having a conversation about your brother's case at the Sackville-street committee-rooms?—Yes; I went to two committee-rooms in Dame-street and in Sackville-street in reference to my own vote first, and then I stated to a gentleman that I was told was the Conservative agent, that a brother of mine was in the Marshalsea for debt, and that he was a freeman and a Conservative.

2296. Do you recollect was it in Sackville-street that you mentioned this to the gentleman?—It was.

2297. Have you any recollection of the gentleman to whom you made the statement?—I mentioned it to several persons, and they directed me to go to the agent, and they stated to me that the agent was a Mr. O'Neill or Macneill, and that he would enter into the case.

2298. Would you tell us the entire conversation you had with the gentlemen in Sackville-street when you mentioned about your brother being in the Marshalsea?—I told him it was a pitiable case to have a man who would give his vote (I knew it of my own knowledge) to Sir Arthur Guinness and Mr. Plunket confined there for a few pounds; and I added, moreover, that he could be got out by a single application.

2299. What did the gentleman say to you when you said that?—He asked me if I knew any of the particulars, and I stated to him that my brother communicated to me some; I will mention them if you wish.

2300. Just mention everything that passed?—The particulars that my brother mentioned to me were that the party to whom he owed the money was dead, and that there was no claim for debt upon him whatever.

2301. When you said a single application would suffice to get him out, did you explain what you meant?—I did; I told him it would not cost a shilling to get him out of the Marshalsea; that they would only have to make an application to the governor, and that the party to whom he was in debt being dead my brother stated he could be got out by an application.

2302. Did he say to you that anything would be "all right;" or anything to that effect?—He said he would inquire into the particulars, and if those things were true, he would look to it.

2303. Did you give him to understand that he might be got out if the debt was paid?—No, I gave him to understand that he could be got out if an application was made by virtue of the old lady that had imprisoned him being dead; that

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was both through myself and an attorney, Mr. O'Malley. I told him that nothing whatever was to be paid, for my brother told me so in the Marshalsea.

2304. What did you tell these gentlemen in Sackville-street?—That it was not a difficult case at all; that it would only need a little exertion.

2305. And that if he was got out he would vote for Guinness and Plunket?—I told him he was always a Conservative, and that they could calculate on his vote.

2306. Did you afterwards see that gentleman?—I did; I called about my own vote again.

2307. Was this all before the election?—It was in Sackville-street.

2308. Did you have any talk with him about your brother?—I had; he told me he had made inquiry into the particulars and found what I had stated to be true, and that he had sent a man for him, and that he would be out in time to vote at the election.

2309. Did he tell you that your brother's vote was secured, or anything to that effect?—He did; and he told me that he actually did vote.

2310. What was the second time you went to him before the election?—It was the day before.

2311. Did he on that occasion tell you it was all right, and that your brother's vote was secured?—Yes, he told me it would be all right, if what I told him was found to be true.

2312. Did he tell you that your brother's vote was secured?—He told me it would be.

2313. Did you ever state to any one that you had ever called on Mr. Alexander McNeill at the Conservative-rooms in Sackville-street?—I did by accident to one of my pupils.

2314. To whom did you state it?—I stated it to the son of Mr. Mead, the builder, who was reading with me for the Surgeons' Hall.

2315. And you stated to him that you had called at the Conservative-rooms in Sackville-street?—I did not state that; I stated the case of my brother.

2316. But did you not state that you had called at the Conservative-rooms in Sackville-street?—I do not think I stated to him, but I conveyed to him that my brother was a voter, and in the Marshalsea.

2317. Do you know Mr. William Campbell?—I do.

2318. Is that the gentleman there [*pointing to a person in court*]?—Yes, that is the gentleman.

2319. Did you ever speak to Mr. Campbell about your brother being in custody?—I did; I recollect at the Dame-street election committee-rooms also.

2320. When was this?—It was before the election.

2321. And was Mr. Campbell acting there for Guinness and Plunket?—Yes, I believe he was.

2322. What did you tell Campbell about your brother being in custody?—I stated to him that I had a vote, and that it was mismanaged, and that the Conservatives had mismanaged it, and I said my brother was a Conservative elector, and that his vote was a perfect vote and could be got, and that he ought to be looked to.

2323. Did you explain to him that he was in custody?—I did, in the Marshalsea.

2324. What did Campbell say, then?—He told me he had a great deal too much business to attend to, and that he could not attend to it at all.

2325. Did you tell him at any time that he and those

H. Dalton. those who were with him knew how to act in the case?—No, he did not say anything of the kind that I remember.

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2326. At any time?—No.

2327. Did you ever tell any one that Campbell, when you spoke about your brother being in custody, said to you that he knew how to act in the case?—I have no recollection of ever having stated that.

2328. Nor anything to that effect?—No; what Campbell stated to me was, that he had a great deal to do, and to attend to, and that he knew the fact of his being a debtor in the Marshalsea, and he directed me to another place in Sackville-street, to which he said I might go.

2329. Did Campbell or any one say to you at any time that he knew how to act in the matter?—Yes, I think that expression was used, that they knew how to act in the matter.

2330. Was it in the Dame-street committee-room that you had the conversation with Campbell?—It was in Sackville-street.

2331. Do you recollect being in the Dame-street committee-rooms before the election?—I was there.

2332. Were you talking about your brother's case there?—I was talking about it there.

2333. Did any of the gentlemen present state that the sheriff could send him over to vote, or anything to that effect?—No, not there.

2334. Where?—I think it was in No. 3, Dame-street.

2335. When was this?—I think it was some time before the election, in a house where I was

directed to go to see about my vote; and I think I could identify him; I think I saw the gentleman on Saturday night in the Leinster-street market.

2336. What is his name?—I do not know his name.

2337. Is he in court now?—I do not see him.

2338. Would you know him if you saw him?—I would.

2339. What did he tell you?—He said he thought he might be sent in charge of one of the warders, and he, as an elector, might have the privilege of going to vote and returning back again.

2340. Was that long before the election?—It was about four or five days that they actually called at the Marshalsea to know whether that was the case.

2341. Do you know a gentleman of the name of Mr. Lindsay Bucknell?—I do.

2342. Was he acting on the committee in Dean-street?—He gave me to understand that he was employed on the committee of the Conservative agency.

2343. Did you mention to Mr. Lindsay Bucknell before the election your brother's case?—I think I mentioned it to him, and to several.

2344. Do not mind the "several," but did you mention it to him?—Well, I think I did; but I cannot say positively.

2345. How soon before the election was it that you mentioned your brother's case to him?—A day or two.

[The Witness withdrew.]

EDWARD HOuseton CAULFEILD, Esq., sworn; Examined by Mr. *Heron*.

E. H.
Caulfeild,
Esq.

2346. ARE you the Marshal of the Marshalsea?—Yes.

2347. Had you in your custody a prisoner named Dalton?—I had.

2348. Have you brought the original book, with the date of his committal and the entry of his discharge?—I have brought the original committal; the book is always required in the Marshalsea, but the book has only reference to the committals and discharges, and is a short epitome of them.

2349. Have you brought the documents?—I have.

2350. How much was he committed for?—He was committed for 11*l.* 4*s.* 4*d.*

2351. On what day?—It was the 7th of August 1867, I think. I could not possibly bring the book, but I brought the documents; I beg to state that this is the original committal (*producing a document*); this is a copy from the book of the 14th of August 1867, when he was committed.

2352. A record was decreed?—Yes, I think so.

2353. On what day was he discharged?—He was discharged on the 18th November 1868.

2354. That is the day of the polling?—That is the day of the polling.

2355. You knew that that was the day of the polling?—Yes.

2356. At what hour was he discharged?—I should think about half-past three, or between three and four o'clock.

2357. Do you produce the order of discharge?—I have the discharge written by myself (*producing a document*).

2358. "Sir, I authorise you to discharge William Dalton for Mrs. Moran, on his handing you

4*l.* To the Marshal of the Four Courts, Marshalsea; Dublin, November 17th, 1868." Was that document written in the Four Courts, Marshalsea?—Yes.

2359. By whom?—By myself, in Mrs. Moran's presence.

2360. Is the whole of the document, then, in your handwriting?—That is the whole of the discharge. That is my authority for discharging him. I generally write them myself when the parties come without a discharge. They generally bring a discharge with them, but if they come without a discharge and ask me to write it, I write it for them.

2361. Who gave you the 4*l.*?—No one.

2362. You never got the 4*l.*?—Never.

2363. Then you discharged him without receiving any money?—Yes; the man had been 15 months in my custody, and I was not afraid of trusting him.

2364. Then you let him out to vote?—I let him out to do what he liked.

2365. Did you let him out without receiving any discharge?—I received that discharge.

2366. Is it signed by anybody?—It is signed by Agnes Moran.

2367. What is on the other side of it?—I shall tell you that.

2368. Where is it signed (*handing the document to the Witness*)?—There (*handing back the document to the learned counsel*).

2369. Do you know Waller?—Yes.

2370. Did Dalton go off on a car with Waller, on his promise to come back?—Not on his promise to come back.

2371. Did

2371. Did he come back?—I could not take him back.

2372. Whose handwriting is that?—That is mine. Mrs. Moran, of 32, Dominick-street, Lower, gave me her address in order to forward her the money. I said, "If he pays it in a few days I will forward it to you." I expected he would pay it, and then he said he could not pay it for some time, would I trust him; and I said I would; and in accordance with this I paid it, and here is the discharge.

2373. "Received from E. H. Caulfeild the sum of 4*l.* sterling, dated 21st November 1868. Agnes Moran." Did you pay her that money then?—Yes.

2374. Where did you get that money?—I got it from my own pocket.

2375. Did you put it into your own pocket?—I did not; I have not got it to put it there yet; I have not been paid, and I was not the slightest afraid of trusting the man.

2376. Who asked you to pay the 4*l.*?—I did it of my own will.

2377. Did you ever consult Sir Arthur Guinness on this subject?—I never spoke to Sir Arthur Guinness on the subject until I was summoned here. I saw him here by accident, and he said something about my being troubled.

2378. Do you mean to say that you yourself, out of your own money, paid the 4*l.*?—I did, distinctly.

2379. Who came with Mrs. Moran to the gaol?—I do not know that anyone came with her; if there was anyone came I did not know.

2380. Do you know Alexander McNeil?—No.

2381. You do not know his appearance?—If I saw him now, I might know him, but I do not know him by that name. I had seen him before, but I do not know that he ever was with me on business. I do not recollect.

2382. Do you know the Mr. Waller to whom I refer?—I do.

2383. Who is he?—I know nothing about him, save and except that I never saw the gentleman to my knowledge but twice. I saw him on the day that he came to the Marshalsea for a prisoner.

2384. And on what other day did you see him?—I met him afterwards.

2385. Where?—I met him afterwards at dinner.

2386. Tell his Lordship who Mr. Waller is; do you know who he is?—I do not; he is a gentlemanlike good looking man.

2387. Where did you meet him; at dinner?—I met him afterwards at Sir Guinness's. That was the second time that I ever recollect seeing him.

2388. Did he come with Miss Moran on that day?—Indeed he did not.

2389. Did he come to the Marshalsea on that day?—He did not.

2390. Did you see him in the Marshalsea about the release of Dalton?—I never saw him in the Marshalsea in my life up to the present moment.

2391. Did you see him outside the Marshalsea, and did not Dalton go away with him to vote?—I suppose he did; I did not see him travelling away.

2392. Do you know and believe that he did?—I am certain he did, and I do not deny it.

2393. Is not Mr. Waller one of the principal managers, if not the principal one, in Sir Arthur Guinness's establishment?—I believe not; I do not know so much; the only man I know in the establishment is a Mr. Harford, for

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whom I asked for on one occasion, but he was not there.

2394. Do you mean to say that you do not know that Waller is in Sir Arthur Guinness's establishment?—I believe he does work for Sir Arthur Guinness, but whether he is connected with the establishment or not I have never asked, and I do not know.

2395. Did you discuss this matter, and tell the whole of your evidence to Mr. Cecil Guinness on Saturday?—I did not; I do not recollect having any conversation with him except in there, and I could not have much; I said, "If that is the case they depend on they will not make much of it." That was my observation, that was all I said.

2396. Did you give any money in this way to pay for the release of prisoners between the election of 1865 and the election of 1868?—

Mr. *McDonogh* objected to the question.

2397. Mr. *Heron* (to the *Witness*).] For what purpose did you give the 4*l.* to Miss Moran on the 21st?—She was the creditor of Dalton.

2398. Do you mean that it was from an honest wish to pay another man's debts?—From an honest wish to assist a man that I believe^o to be honest, and that I was not afraid to trust.^d

2399. Did he ever pay you since?—He did not, nor did I expect him. He honestly stated, when he asked me to trust him with the money, that he would not be able to pay me for some time; since that he has called on me once or twice, and I was out every time.

2400. Do you mean to say that you did not want to see him?—I was out by accident at the hour he happened to call.

2401. In this transaction was not Dalton.—

Mr. *McDonogh* objected to Mr. *Heron*'s cross-examining the witness without leave of the Court.

Mr. Justice *Keogh* ruled that Mr. *Heron* was entitled to cross-examine the witness as to every transaction relating to the payment of money by the witness out of his own pocket for the discharge of a voter, who was released, as he stated, for the purpose of going up to vote on that day.

Witness.] There is a note I got, asking me to send him down with an officer; I said I had no power of taking him down with an officer.

2402. Mr. *Heron*.] Did any officer from the Marshalsea go with him?—Certainly not.

2403. Did anybody go with him except Waller?—I did not see him start.

2404. To your knowledge and belief did anybody go with him except Waller?—Certainly no Marshalsea person, no officer; I could not have allowed him outside the gate, even with myself, without becoming responsible for his debt; and I could not take him back as a prisoner, of course, after he went out.

2405. We all know that perfectly well. Was Miss Moran there at the same time that Mr. Waller was there?—I should think not; I should think it was a considerable time afterwards; I saw Miss Moran, and I think she was in the act of going out, and I suppose it was an hour before.

2406. Did Miss Moran come there before Mr. Waller came there, or not until after Mr. Waller

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had

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had taken away the voter?—She came there long before, in the morning, about two o'clock.

2407. Will you swear that there was no person with her?—I would not swear that. There were two or three people in the office at the time I happened to go in, and I do not know whether they came with Miss Moran or not. I think there was a person with Miss Moran now I recollect.

2408. Who was he?—I do not know.

2409. What sort of a man was he?—He was rather a stoutish man, and I think he was dark.

2410. Do you know who he was?—I do not.

2411. Could you identify him?—I could not identify him now, nor could I identify Miss Moran; I do not think I could. If I saw them, perhaps I might.

2412. Did not the voter come back into the Marshalsea to sleep that night?—Certainly he did. No prisoner is ever required to go away from the Marshalsea the same day as his discharge comes out, unless he is a very troublesome character. He generally likes remaining in till the next morning, and going early. They like to have time to look for lodgings, and to go away early.

2413. Did he go away next day?—He did.

2414. Why did you not pay the 4*l.* to Miss Moran on that day?—I was not asked at the time. I supposed that he would have got the money. Then, after a considerable time, she went away. When I got this note I went out to him; and when I got this note he then asked me for the loan of 4*l.*, and said he would not be able to get the 4*l.* from Miss Moran for some time.

2415. And you have never asked him since for it?—No; I never saw him till to-day that I remember.

2416. And never made the slightest inquiry after him?—I never did.

2417. Do you expect the 4*l.* to be paid to you by any human being?—I do; I told you all along that I was not in the slightest afraid of trusting him; I would as soon trust him, perhaps, as yourself.

2418. Mr. Justice *Keogh*.] You are a public officer, in the rank of a gentleman, and you ought to know that you have made a very improper observation to the learned counsel?—I did not mean it as an improper observation. I meant, by that, that I would trust him as soon as any man that I was acquainted with.

2419. Mr. *Heron*.] Did you pay any other money for any man on this election?—Certainly not; I did not see any money to pay.

2420. Did you speak to Mr. Waller since the 18th of November?—He asked me how I did when he came up. I was not aware of his name, and he shook hands with me, and he then said, "Do you not recollect seeing me on one occasion before?" And that was the only occasion on which I recollect seeing Mr. Waller.

2421. Mr. Waller said to you, "Do you not recollect seeing me on one occasion before?"—He said something of that sort; I could not tell you what, with a lot of people speaking.

2422. Did you say, "Yes, I do remember"?—We had no conversation further than that.

2423. Did you remember that you had seen him?—I recollected that I had seen him before.

2424. Where did you see him?—I saw him at the brewery on one occasion, and on the other occasion, at or near a brewery.

2425. How do you know he was at the Mar-

shalsea on the car?—Because I saw him at the door coming up.

2426. You knew what he was coming for?—I knew it.

2427. Who told you he was to come?—He told me himself.

2428. For the voter?—For the voter.

2429. When did he tell you?—He told me the same day.

2430. Then you saw him before on that day?—I did.

2431. Where?—I saw him at the brewery.

2432. Did you go to the brewery?—I did.

2433. About this business of the voter?—Yes, exactly.

2434. Whom did you see there?—I asked whom I could see, and I was told there were none of the gentlemen connected with the election at home, and so I said that was unfortunate. So this gentleman, whom I afterwards found out to be Mr. Waller, followed me a short time afterwards, and he said, "Mr. Caulfeild, I am sorry to say that they are all at Green-street" (I think he said) or "at the hustings." "If it is anything of great importance I will go down and take the message, if you will trust me with it." I said, "Well, possibly it is not of any very great importance; it is only a voter who is with me, and all I have him in for, is 4*l.*, and I know the man to be a highly respectable man. I have had him with me for 12 or 14 months; he is a very respectable man, and I am not afraid of trusting him with 4*l.*" "If you like," says I, "you may take him." "Well," says he, "I will take him." "But," says I, "If you take him, remember," says I, "you must drive him down. I do not think he is stout enough to walk down by himself. You had better take him down." So he said, "Oh, very well, I will take him. Am I to bring him back?" "Oh, certainly," said I. What I meant by that was, that he would have some little matters to settle when he came back to the Marshalsea; and I did not want him to walk back.

2435. At what hour of the day was that?—Well, I should think it was about three or four o'clock. It was about this hour I should say; it was not dark; the days are longer now than they were then, and it was before it was dark; a very short time before.

2436. Did you drive on a car from the brewery?—Certainly not; it is only a few yards.

2437. You went up to the brewery?—Yes, I did.

2438. How did you know that Mrs. Moran was willing to take 4*l.* for a debt of 11*l.*?—A few days before this occurred, this man wrote me a most urgent request that I would allow him to come down with an officer to vote, and he pledged me his honour that he would come back. I sent for him upon that occasion. That was two or three days before the 18th; and I said to him, "You know I could not by any possibility allow you to go down to the court to vote; but you had better send for your creditor; you are in for a very small amount, and perhaps your creditor will settle with you." "Well, sir," says he, "as you cannot allow me to go, I will take your advice," and I thought no more of it; and in a couple of days afterwards (I cannot exactly say whether it was two or three days afterwards), I happened to go into the office upon my business, and I found those parties there.

2439. When did you first communicate to any
of

of Sir Arthur Guinness's friends that you had a voter in custody?—Not until after I got the discharge in my pocket; not in my pocket, but my purse.

2440. That was on the day of the polling?—

Yes, I should think it was; about an hour after; but I cannot exactly say the time.

[The Witness withdrew.

E. H. Caulfeild, Esq.

25 January 1869.

WILLIAM DALTON, sworn; Examined by Mr. *Palles*.

2441. You are a freeman?—I am.

2442. And you voted at the last election?—Yes.

2443. For Guinness and Plunket?—Yes.

2444. Before the election you had been in the Marshalsea?—Yes.

2445. For about 14 months I believe?—Yes, with Mr. Caulfeild.

2446. Do you remember some short time before the election having a conversation with your brother with a view to your being released?—Well; one day before the election I mentioned to my brother about the death of Mrs. Moran, and I considered I should be released on that account.

2447. Did you ask your brother to go to any place to see about your release?—I did not ask him.

2448. Did he say he would go to any place to see about your release?—He did; he mentioned he would go and explain it to the Conservative gentlemen to mention about the death of that person.

2449. How long was that before the day of the election, the 18th of November?—I cannot exactly recollect the day but a few days before; I also mentioned it to him at the time that she was buried on the 10th day of October, on a Sunday morning, and the first time he called I mentioned that to him.

2450. It was on the 10th of October that you heard that the lady had died?—Sometime after, but I inquired. I called at the cemetery office on the quay to know the time she died.

2451. You called?—I called.

2452. That was after you got out?—That was after I got out.

2453. When did you first hear in prison that the lady was dead?—A man of the name of Webb called some time after and he informed me of her death.

2454. About when was that?—It was several weeks after.

2455. After what?—After her death; I did not hear it at the time.

2456. You told that to your brother; when did you see Miss Moran after that?—When she called first on me and informed me —

2457. Answer my question; when did you see Miss Moran first?—About a week before the election; she called in company with another lady.

2458. Was Mr. Caulfeild there when you saw her?—He was not.

2459. Did you make any arrangement with Miss Moran upon that occasion?—No, not at that time; a man of the name of Mr. Mead, accompanied her from the corner house of Dominick-street to the Marshalsea.

2460. At what hour did you leave the Marshalsea on the day of the polling?—Well, I did not take particular notice of the hour, but it was just before dark, and in the month of November.

2461. Had you seen Miss Moran upon that day?—I had.

2462. At what hour?—Near two o'clock, before two; she called and remained there half an hour waiting; we were waiting for Mr. Caulfeild; he was out at the time, and I kept them waiting there because he requested —

2463. Never mind that; with whom did you go to vote?—I went with a gentleman of the name of Mr. Waller.

2464. Who told you that you were to go out to vote?—The gentleman called for me.

2465. Who told you that you were to go out to vote?—I was called for, and Mr. Caulfeild sent for me by one of the officers, and I called down, and then Mr. Waller was there; I went off with Mr. Waller.

2466. Who told you to go with Mr. Waller?—Mr. Caulfeild.

2467. What did he tell you to go with Waller for?—He did not say, but I might go where I chose.

2468. When were you to come back?—Of course in the evening.

2469. And you went and voted, and then you came back?—Yes, certainly; I requested Mr. Caulfeild, in consequence of the sharpness of the evening, to let me remain there that night.

2470. How many letters did you write to the Conservative Registration Society in Dame-street, before you went out?—I never applied to them for anything. In the first place I wrote to see that my vote was all right some time before.

2471. Is it not a very simple question to answer; how many letters altogether did you write from the Marshalsea to any of the Conservative-rooms, ward-rooms, or committee-rooms?—Not more than two.

Mr. *Palles* applied for the two letters to be given to him.

2472. Mr. *Palles* (to the *Witness*).] Where did you go with Waller from the Marshalsea?—I was taken to Halston-street, and an accident occurred there with a child —

2473. Never mind the accident?—Then Mr. Waller remained with the police, and he desired another gentleman to take me into the proper place and to see all was right.

2474. Do you know the name of that other gentleman?—I do not.

2475. Do you see him here to-day?—No, I do not.

2476. Is it that man (pointing to a person in court)?—No; it was a young lad.

2477. From voting, where did you go?—I walked to the Marshalsea afterwards, straight.

2478. With whom?—By myself.

2479. Was no one with you?—No one with me.

Cross-examined by Mr. *McDonogh*.

2480. Did you vote according to your principles?—I did.

2481. For Guinness and Plunket?—Certainly.

2482. Were

W. Dalton.

W. Dalton.

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2482. Were you influenced by any consideration whatever?—No.

2483. Did anyone to your knowledge pay any money for you for the purpose of releasing you from prison?—They did not.

2484. When did Miss Moran agree to take the sum of 4 l.?—On that day, the 18th day of November.

2485. Was that arranged between you and her before Mr. Caulfeild?—He consented to it. I paid that debt by small sums, and the balance remained of only 4 l.

2486. Did she give you credit for payments you had made to her from time to time?—She did.

2487. And the balance remained 4 l.?—The balance remained 4 l.

2488. And that finally liquidated the whole claim?—It fairly covered all.

2489. And then did you borrow the money

from this gentleman (*pointing to the last Witness*)?—I did.

2490. Are you liable to him for it?—Yes.

2491. And you intend to pay it as an honest man?—Certainly.

[The Witness withdrew.]

Mr. *Heron* stated that of the Sandymount permanent staff, Mr. Henry Ross W. Adair was the secretary, and that under the date of the 20th of October, 1868, a letter was read from John H. Askins, Esq., dated October the 21st, 1868, stating that he would be unable to attend the meeting of the ward committee, but that he had not neglected his duty to Sir A. E. Guinness and the Honourable David Plunket.

[Adjourned to to-morrow, at Half-past Ten o'Clock.]

Tuesday, 26th January 1869.

WOODLOCK AND FOLEY - - - - - Petitioners.

AND

GUINNESS - - - - - Respondent.

Mr. THOMAS HENRY SANGER, further Examined by Mr. *Hemphill*.

Witness.] MY LORD, before I produce these telegrams on the part of the 'Telegraph Company, I must object to their production. We have always looked upon a telegram as sacred, and as though a seal were attached to it, and we think this decision of your Lordship will shake the confidence of the public in the telegraph.

2492. Mr. Justice *Keogh*.] I do not want to hear anything of what you think; you have the documents in your hand, that is all we want?—Of course your Lordship will understand that I only do this as a matter of duty.

Mr. Justice *Keogh*.] Of course, but I do not want to hear whether or not the company think it will shake the confidence of the public.

Mr. Justice *Keogh* stated that he had received a medical certificate to the effect that Mr. William W. D. Freeman was not in a fit state of health to attend the court from day to day.

2493. Mr. *Hemphill* (to the *Witness*).] You are the principal officer, I believe, in Dublin, of the Telegraph Company?—I am, of the Magnetic Telegraph Company.

2494. Do you produce the telegrams which were sent in last November during the progress of the election through your office?—I do.

2495. Those are they in your hand?—They are.

2496. How many have you in your hand, have you counted them?—Yes, 70, I believe.

2497. Can you state whether those 70 which you hold in your hand all purport to come from the same party?—I have not inspected them.

2498. From whom does the first come?—The first purports to come from J. Wilson Johnstone.

2499. I will read one of them.

Mr. *McDonogh* objected to these telegrams being read until agency should have been established.

Mr. *Hemphill* was heard against the objection on the ground that the telegrams were acts of bribery.

Mr. Justice *Keogh* ruled that the evidence was admissible in this inquiry.

2500. Mr. *Hemphill* (to the *Witness*).] This is one of them, of the 16th of November:—“Station 1621. From John Wilson Johnstone, 24, Dame-street, Dublin, to H. George Campbell, Thompson's Lodging, Bridge-street, Bristol. Letter received. Please be in Dublin on 18th, morning, 29.

and forward accounts of expenses to me. Not time for remittance. Signature of the sender, J. Wilson Johnstone.” This telegram was transmitted through your office in due course?—It was.

2501. Was there any telegram back?—I cannot tell you that.

2502. Have you any books which] would give that information?—No.

2503. Do you keep any record of the answers to telegrams?—Only for a short time. We keep duplicates of them for a short time.

2504. How long do you keep the duplicates?—Three months.

2505. Do you destroy them, or do you send them to any clearing-house?—We destroy them, and I think we shall destroy them much earlier in future.

2506. We are not dealing now with the conduct of your office; since the 18th of November three months have not elapsed, have they?—No.

2507. Have you looked for the duplicates?—No, I was only subpoenaed to produce these.

2508. I ask you whether all the telegrams which you hold in your hand are in the name of J. Wilson Johnstone?—I have not searched them through, but they all purport to be in the name of J. Wilson Johnstone or J. W. Johnstone.

2509. And all from 24, Dame-street, I believe?—No, some from Dublin.

2510. Are they all to the same effect that I have read out?—Well, I have not read the contents, but I believe they are.

2511. Do you know whether those were duly transmitted to the different parties named here?—They purport to have been so.

2512. And received by them?—That I cannot tell you.

2513. Have you no means?—We can trace them, and they are traced. The messages are sent in once a fortnight to a clearing-house that we have, and the forwarded copies of the messages are attached to the received copies, so that if you give notice for the production of the received copies we can produce them.

2514. What was the name of the clerk who took down these telegrams in Dublin?—The clerk in the Counter.

2515. What is his name?—We have two or three there.

2516. Will you give the names of those two or three?—William Nolan, Richard Lennigan.

2517. Have you only the two clerks?—The two clerks.

2518. Then must it have been either William Nolan or Richard Lennigan who received those telegrams?—I dare say I can tell you which it was by the signatures (*the Witness looked*

Mr.
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Sanger.

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Mr.
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Sanger.
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at the telegrams); I cannot say exactly, they write so much alike.

2519. At all events, it must have been either the one or the other of them?—Yes.

2520. Would you look over these documents (*handing some papers to the Witness*), and say whether they appear, according to your opinion, to be in different or in the same handwritings?—Nearly all of them appear to be in the same handwriting. There is one that is different.

2521. It is a matter of opinion, you know, but just pick out those which you think are in different writings?—(*After selecting some of the papers from the rest.*) They appear to be written in various hands; there are 70 of them in all.

Cross-examined by Mr. McDonogh.

2522. Are they all in the same words?—No, not all, but they are all in substance the same.

Re-examined by Mr. Hemphill.

2523. Who brought them, or any of them to your office?—I do not know.

2524. Would it be your duty to know that?—No.

2525. I suppose the receiving-clerks see the parties?—Yes, we merely require the signature of the party who brings the message.

2526. Do you remain in the front office?—I do not; my post is up-stairs.

Mr. Heron applied that the telegrams might be retained in court to prove the handwriting of the different persons who wrote in the name of J. Wilson Johnstone.

2527. Mr. Justice Keogh (to the Witness).] Are those telegrams which you produce in the handwriting of clerks in the office, or of the individuals sending the telegrams?—Of the individuals sending the telegrams. The marks of the clerks are only of the time of receiving and sending the messages.

Mr. Justice Keogh ordered that the telegrams should remain in court.

[The Witness withdrew.]

JAMES CREED MEREDITH, Esq., LL.D., sworn; Examined by Mr. Heron.

J. C.
Meredith,
Esq., LL.D.

2528. You signed the account of expenses at the election, which was produced yesterday?—I did.

2529. Did you get the bills for the election, in order to make up the return of 10,174 l. 6s.?—I got a number of bills; other items in that account are the payments to clerks, and persons from whom I did not actually get bills, but from whom I have got receipts.

2530. Did you insert in this election account, every bill that you saw?—I inserted in this account every bill which I paid, or which my colleague, Dr. Guinness Beatty, paid.

2531. Have you inserted in this account every bill which you saw?—There are one or two which I saw which I did not insert.

2532. Which are they?—I saw a bill from a Mr. M. J. Brown (I believe the gentleman's name was), who claimed something like 30 l. or 40 l. He said he was a canvasser, but having had some previous knowledge of the gentleman, and knowing that he had not been so employed, I did not insert the bill.

2533. I see the item for canvassers, clerks, and so on, is 2,547 l.; did you yourself personally know that most of those clerks were employed?—Certainly; I may say that a portion of that money was paid to the clerks in the different ward committee-rooms. I was not in every ward committee-room, but I had every reason to believe that the persons paid were employed.

2534. Have you a list of the canvassers paid in each ward?—On the Saturday, one of the gentlemen connected with the ward, would generally bring me in a list of the persons who were to be paid in his ward, and when I was satisfied that that was the correct list for the week I paid the money.

2535. On what bank did you draw your cheques?—On the Bank of Ireland.

2536. Who placed the fund there at your disposal?—My own hands.

2537. You paid it in there?—Yes.

2538. Who gave you the money to carry to the Bank of Ireland?—I received the money,

which I so lodged for the purpose of this election, partially from the hands of Sir Arthur Guinness, but principally from the hands of Mr. Samuel Bradburne.

2539. Is he Sir Arthur Guinness' private secretary?—I believe him to be so.

2540. How much did you lodge in the Bank of Ireland?—I lodged 6,000 l.

2541. Did you lodge any money at any other bank?—I did not. Now perhaps you will allow me to explain why I hesitated before answering that question. Dr. Guinness Beatty was joined with me as expense agent, and upon one or two occasions cheques in his favour were handed to me. I waited for a moment to consider whether I lodged those cheques for him in his bank, or whether I handed them to himself to do so.

2542. What is his bank?—The Royal, Foster-place.

2543. Had he a separate account there?—Yes.

2544. How much was lodged there?—I believe the same amount.

2545. £6,000?—£6,000.

2546. Mr. Justice Keogh.] At another bank?—At the Royal, in Foster-place; that is the bank where Dr. Guinness Beatty keeps his account. I keep mine in the Bank of Ireland.

2547. Mr. Heron.] You and Dr. Beatty received separate cheques?—Certainly.

2548. Were you acting zealously for some time before the election?—Well, I have always been a very strong Conservative, and I was very anxious for their return.

2549. When was it that you lodged the first money?—I should imagine somewhere about the 20th of September. It may have been a little earlier; I could not give the exact date.

2550. Had you been engaged in this Conservative Registration Society?—Certainly not.

2551. I do not mean engaged professionally, but were you assisting the business of the registry?—I am in no way connected with the Registration Society. As a friend of the gentlemen whom I knew to be candidates for the representation

representation of the city, I went down to court during the revision; and being prevented by the Act of Parliament from acting there professionally, I gave whatever advice was in my power to the gentlemen who were conducting the revision.

2552. Do you know anything about the payment to the Conservative Registration Society?—Nothing whatever.

2553. Who managed that?—I believe Mr. Hodgson.

2554. What is his Christian name?—Robert L., I believe.

2555. Where is his account?—I have no knowledge whatever; I never saw a cheque of his, and do not know what money he had to deal with.

2556. But you knew the people who were working in the Conservative Registration Society?—I knew three or four of them; I cannot say I knew them, because I very seldom went to the rooms of the Conservative Registration Society.

2557. You did go there?—I have been there once or twice; prior to the revision I was there, I think, one or two days.

2558. Were those same persons the persons who afterwards attended in court?—I have seen some of the ward inspectors and the people whose business it was to give evidence in court in reference to the claims of persons for the franchise, in 3, Dame-street.

2559. Do you know that man who was named here yesterday, Campbell?—I do.

2560. What part did he take?—I cannot exactly tell you, except that I think he was the inspector of the north side of Dublin. I am not sure, but I know he was one of the inspectors of the Conservative Registration Society, or I believe him to have been so.

2561. You saw him acting as such?—Yes.

2562. He went from house to house, and ascertained about different matters?—Yes, to get information either about his friends or to disqualify his opponents.

2563. And of course he was paid for that service?—Well, I assume he was, of course; but I am not going to swear it.

2564. Did you yourself pay any printing bills?—I did; about one-half.

2565. Do you know Espie's office?—I do; at least I have heard that 76, Capel-street is Espie's office; I have heard a good deal of it here.

2566. You did not know the name before?—No; and I had never been in that house.

2567. I did not say you were?—But you were asking me had I ever been in the house.

2568. I am only asking you about a very ordinary matter, the payment of a bill, but you never were there?—No.

2569. Have you a list of the amounts which you paid for printing, amounting to 2,449*l.*?—There was no special list; I beg your pardon, 2,449*l.* does not represent the printing.

2570. Printing, stationery, staff, &c.?—Yes, that makes a little difference; there was no list of those bills; the bills came in to us, and when we were satisfied that the amount was to be paid, we paid them, and we subsequently ourselves entered into a book the bills under different heads, for the purpose of making this return to the sheriff.

2571. Have you the book here?—I have.

2572. Show it to me, if you please. (*The Witness handed a book to the learned Counsel.*)

29.

2573. Are those the names of the printers to whom you paid bills?—Those are the names of the printers who were paid either by Dr. Beatty or myself.

2574. "James Forrest," is that the James Forrest of Espie's office?—That I am not certain about.

2575. "James Forrest, 76, Capel-street"?—That is clearly so.

2576. That is October the 23rd; "James Forrest, 11*l.* 5*s.*; October 31st, James Forrest, 76, Capel-street, 5*l.* 10*s.*"?—Perhaps I ought to be allowed to say why "76, Capel-street" is written opposite his name; it is not done on the other occasion; a number of printers got a certain job to do; James Forrest sent in his bill for 5*l.* 10*s.*; the other bills were sent in at a much larger figure, and they were taxed down to what his bill was, and for the purpose of being able to refer ourselves to where the man's account was who had sent in the fair bill, I marked opposite it in the book, "76, Capel-street."

2577. Does that contain the entire amount of the bill which you paid to Forrest?—No; Forrest was paid a subsequent bill.

2578. Is it there?—It is on the 23rd of December; at least, I believe that to be the same Forrest, but that was paid by Dr. Beattie, and not by me.

2578. On the 23rd of December, "James Forrest, 100*l.*"; is that his receipt for that (*showing document to the Witness*)?—It purports to be; it corresponds with the date; I believe it to be, but I do not remember seeing it signed.

2580. "City of Dublin Election, 1868, No. 81; Dublin, 23rd December, 1868. Received from the 'Expense Agents' for Sir Arthur G. Guinness, Bart., and the Hon. David R. Plunket, the sum of One hundred pounds, for printing. Paid, James Forrest, 23-12-68, £100." Did you get any detailed account of that?—Certainly, every penny of it; my recollection is that the amount was over 100*l.*, and it was taxed down to that, as most of our printer's accounts were.

2581. Did you also pay the bills of the "Oyster Department"?—No; those were paid by Dr. Beatty; but the "Oyster Department" is not a fair name.

2582. "Red Bank Oyster Establishment, 55, Dame-street, opposite Georges-street. Oysters, 11*s.*; bread and butter, 2*s.* 2*d.*; Bass, 2*s.* 6*d.*; sandwiches, 1*s.* 6*d.*; total, 17*s.* 2*d.* 13th November, 1868." Did you pay all those bills?—They were all paid by my colleague, Dr. Beatty; I may explain that that was merely some of the days on which we were very busy in the office, and the candidates and the conducting agents had their luncheon there; nothing beyond that.

2583. You were at 47 and 48, Dame-street constantly?—I was there every day from the time the revision closed until the election.

2584. You were acting all that time as expense agent?—I was expense agent.

2585. Where was it you got the money; in what place was it given to you?—Some of it I received in 47, Dame-street, and some of it I received in my own house in Upper Mount-street, and one cheque I remembered receiving in the Four Courts; the first cheque.

2586. Who was it drew the cheques for you?—The only cheque that I saw actually drawn

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was

J. C.
Meredith,
Esq., L.L.D.

26 January
1869.

*J. C.
Meredith,
Esq., LL.D.*

26 January
1869.

was drawn by Sir Arthur Guinness's own hand.

2587. Do you know whose the handwriting was?—I do not.

2588. Do you know Mr. Bradburne's handwriting?—I do not think I do.

2589. Did you receive cheques purporting to be signed by Mr. Bradburne?—Certainly not; every cheque that I received was signed by the firm of Guinness, Son and Co.

2590. Where did they keep their account?—At the Bank of Ireland.

2591. You say that you knew about the payment of the different wards; will you give me the book of South Dock Ward?—I may inform you that I never saw one of those books.

2592. Have you any account of your list of canvassers?—I had no list of canvassers.

2593. But you knew that there were canvassers?—I did.

2594. And you paid them?—I did.

2595. From your personal knowledge, I must ask you about the gentlemen that I shall find to be canvassers here?—A great many were canvassers that were not paid.

Mr. *Heron* asked for a list of the committee in South Dock Ward.

Witness.] These I know were sent, and a very troublesome job it was to get them.

2596. Is this a list of the general committee. "To Mr. Bastable. Six street lists for canvassing"; who is he?—Mr. Bastable I recollect seeing, but I could not identify him if I saw him again; but I know he was employed as a canvasser in the South Dock Ward.

2597. "To Mr. Hardgrove. Six street lists"; was he paid?—He was.

2598. Is his name Hardgrove?—He signed the receipt as Hargrove.

2599. "Mr. James Richards" appears to have got a great number of streets; was he paid?—I do not remember paying a gentleman of that name.

2600. Did you yourself pay the car hire, or did Dr. Beatty?—I think that was paid in about equal proportions.

2601. I am going to read the car hire for the election: "Order given to P. Lenahan for 1*l.* sterling, for two days, for his car, 1*l.*; Robert Jolley, order given for 1*l.* for two days, for his car, 1*l.*; William Going, order given for 3*l.* sterling, for two days, for three vehicles each day, 3*l.*; Charles Coulter, order given for 2*l.* sterling, for two days, two cars each day, 5*s.* extra, 2*l.* 5*s.*; Joseph Fagan, order given for 1*l.*, for one car for two days, 1*l.*; order given to John Cavendish for three vehicles, for Monday and Tuesday, and one on Saturday, for 2*l.* 10*s.*, 2*l.* 10*s.*; order given to Michael Ryan for 2*l.* sterling, for two vehicles for two days, 2*l.*" This, according to the accounts, was what was furnished to you, and you paid it?—No such document as that ever came in to the head committee-rooms in that form.

2602. That is to say, no document for car hire on the day of election?—I beg your pardon, that is not for the day of election.

2603. Well, listen: "Richard Fagan, car owner, gave his services voluntarily on the day of the election"?—That is on a different page, I believe, and not on the page you were reading before.

2604. Do you know anything about that entry at all?—No.

2605. How do you know it was not on the day of the election?—On the page that you were first reading there is "Joseph Fagan's order given for 1*l.*, for one car for two days"; on the opposite page, "Richard Fagan gave his car for the election for nothing." You are reading two pages together, which is not very fair.

2606. You are not the judge here; I am reading the entry of the man giving his car voluntarily on the day of the election. Do you find that Coulter or Going gave his car voluntarily?—Going appears to have done so.

2607. And Jolley?—I think Jolley did, but I am not quite certain. I remember his appearance.

2608. The South Dock committee-rooms were at Westland-row?—At No. 7.

2609. Who was the head agent at South Dock Ward?—I think it was Mr. William Welch, solicitor; I am not quite certain. I will not swear to that, but to the best of my belief he was.

2610. "Frederick Anketell, paid clerk"?—His is a curious name, and I remember it.

2611. "John Bastable, canvasser," do you know him?—I do not know him personally, but I know there was a man of that name there.

2612. "Robert Hargrove, canvasser"?—I remember seeing his name, but I do not know his appearance.

2613. Was Alderman Durdin on that committee?—I am not aware.

2614. Captain Higginson?—I never heard that name before. I beg your pardon, I have heard it, but I do not remember ever seeing the gentleman.

2615. On the 15th of October there was a public meeting at the committee-room, and resolutions were passed, and the Hon. Mr. Plunket addressed the meeting. When did you first know about the printing of the documents that the voters were to act gratuitously?—I cannot fix the day.

2616. Do you know anything about any payments at 3, Dame-street?—No.

2617. Do you remember hearing that there had been a payment, at 3, Dame-street, of persons, and I.O.U.'s taken?—I have heard it since, within the last fortnight.

2618. From whom did you hear it?

Mr. *McDonogh* objected to this, as the witness knew nothing about it, except what he had heard during the last few days.

Mr. *Heron* was heard against the objection.

Mr. Justice *Keogh* thought that the question might be brought nearer the point.

2619. Mr. *Heron* (to the *Witness*).] Was the gentleman from whom you heard it a gentleman acting on the same side with you?—Yes.

2620. Had you seen him in the committee-rooms?—I say that he was a gentleman on the same side, because I knew, of course, it must have been from some of our own friends that I heard it; but as to who it was told me I cannot tell, further than that the way in which I heard it was that it was alleged that during the preparation for this trial somebody said it had been done.

2621. Then you did not hear that it had been done as a fact?—No.

2622. Do you know Mr. Henry Wade?—No.

2623. "16th

2623. "16th November 1868. Pay agents: Frederick Anketell Clarke, Sam. Perse, messenger; John Rorke, put on by Mr. Durdin, do.; Wm. Duncan, put on by do., do.; John Bastable, canvasser; Robert Hargrove, do.; John Rickards, do.; Edwd. De Lisle, do.; Eyre Ivers, do.; Thos. Popham, do.; John Blundon, do.; Wm. Newbold, do." There is the phrase here, "put on by Mr. Durdin," and put on by do.; is that the same?—I do not know; I never saw that document before.

2624. Of the first four names I read, Anketell is put down as clerk, Perse, Rorke, and Duncan, as messengers, and all the others are put down as canvassers?—But the words "pay agents," clearly relate to their being paid, because there is opposite to them what they are employed to do.

2625. That is what I understand you to mean, that they got money for their services?—But you laid great stress upon the words "pay agents."

2626. On the 18th of November, the day of the polling, F. Anketell is put down as "clerk," and Sam. Perse, John Rorke, and Wm. Duncan, as porters, at 10, Wentworth-place. Was 10, Wentworth-place, the committee-room?—I imagine that 10, Wentworth-place was the polling place for the South Dock Ward; but I am not certain. I know we had a tally-room in Wentworth-place.

2627. Then follow the names of Wade, John Bastable, Robert Hargrove, John Richards, James Richards, George Richards, John Bolton, Robert Brennan, Edward De Lisle, Thos. Popham, John Blundon, William Newbold, and James Thomas; and opposite the names of James Richards, George Richards, John Bolton, and Robert Brennan, are the words "to bring up freemen." Then there is "John Brennan, personating agent"; and these two words are struck out, and these substituted, "appointed at head office"?—All those persons are named there as paid agents.

2628. Have you any general list of the paid agents?—No.

2629. Is the only list, so far as you know, contained in this book?—No answer.

Mr. *McDonogh* observed that one of the counsel for the Petitioner had another book from which he was taking extracts, and he considered this was not desirable.

Mr. *Hemphill* said that the book was that of the general agents, and had been handed over by Mr. Williams.

Mr. Justice *Keogh* said that it had been handed over to Mr. Heron, and it was advisable that some one should inspect the book, to enable him to pursue the examination. The adoption of this course facilitated matters; counsel at the other side had a right to inspect the books.

2630. I find in the "Expense Agent's Book" the payment of agents?—Yes.

2631. The total payment to agents for the South Dock Ward is set down here?—Yes.

2632. It is given as 50 *l.* 5 *s.* 4 *d.*?—Yes.

2633. In the list of wards, committees, solicitors, general agents, printers, &c., page 41, you will see the name W. J. Campbell, blank "address," recommended by —, blank?—Yes.

2634. Upon the same page I read three other names: A. Blackham, J. Hunt, Jas. B. Frazer. At page 46, "runners to poll," Robt. McNeill,

29.

recommended by Alexander McNeill; page 51, general agents, I read the names of William Vance, Jas. Warren, Jas. Ferguson (Fownes-street). Upon the last page, which is not paged by a number, "Benjamin Warren," general agent, appears?—

Mr. Justice *Keogh*.] Is that all?

Mr. *Heron*.] All, my Lord, at present. (*Counsel reading*.) "Mansion-house Ward Committee Book," Tuesday, 7th Oct. 1868. A meeting at 32, Aungier-street, blank "Johnson" amongst the names.

2635. Do you know Johnson?—I do.

2636. Who is he?—He is some official connected with some of the public churches.

2637. Is he a sexton?—He is something in that rank of life.

2638. Is he the sexton to St. Peter's?—I cannot tell.

2639. "Oct. 17, Johnson moved that Mr. H. Thompson be elected a member of the committee." In the street lists names are given (*reads extract*). Does it not mean that the men mentioned were to be canvassers from Aungier-street to Cross Kevin-street?—I will not swear it.

2640. How much was paid?—(*Referring to book*) 26 *l.* 18 *s.* Payments in the Mansion-house Ward.

2641. I see the name R. Wickham, five guineas?—No; it is only four guineas.

2642. Can you fix the date that the gratuitous document was gotten up. Was it a fortnight before the election?—I cannot tell; I have no means of telling.

2643. Did you ever see this circular before?—Not this particular one; I have seen many like it. It was brought to me by a gentleman who said it had been sent to him, and he could not find any one to give him anything; I believe it to be a dodge.

2644. You saw one of them?—I think C—somebody, but I do not know.

2645. Turn to the payment to the wards?—(*Witness inspects the the book*.)

2646. You have a general list of the names of wards?—No; there is a lot of the entire.

2647. What is the amount of the entire sum that was paid to canvassers?—I cannot say.

2648. The entry as to the 2,000 *l.* and upwards, you see it; what does it include?—It includes canvassers, messengers, presentation agents, tally agents.

2649. What is the payment of 195 *l.*, agents?—Some few of the ward agents and others were paid agents, and were accordingly paid. Some were entered in different wards.

2650. Mr. Justice *Keogh*.] What about the papers that has been referred to here?—A person came to me and said it had been sent to him, that he could not tell what it was; I said I was in the same condition.

2651. Who was that?—A man of the name of Gannon. He told me he was not a voter of the city of Dublin; he said he had not seen any one to give him money.

2651* Mr. *Heron*.] I see here a sum of 31 *l.* 10 *s.*, Toowey (attorney), and another sum, 16 *l.* 16 *s.*, to another?—There are other items of such a kind as would make up the 190 *l.* odd.

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2652. I

J. C.
Meredith,
Esq., LL.D.
—
26 January
1869.

J. C.
Meredith,
Esq., LL.D.
—
26 January
1869.

2652. I think the wards have been alphabetically arranged?—No; in their proper order.

2653. I see the name of John Bastable, 10*l.* 6*s.* 8*d.*; did you pay that?—No; Dr. Beatty. The other sum was also paid by him.

2654. I see another extract, "Sandymount district;" Magrath, a canvasser, &c., four guineas each paid to persons; in all 29*l.*; also C. K. Kennedy, Moore, &c., paid 1*l.* 10*s.* each; others six guineas each.

Mr. Justice *Keogh*.] I do not see what object can be gained by going through these items except there is some "plant" in the name.

Mr. *Heron*.] All we require, my Lord, is to obtain permission to give evidence as to the contents.

2655. You know a great many of the persons whose names have been mentioned here, to have been electors?—I believe that none of them were.

2656. I find in your book the payment to Campbell?—I do not think he was a paid agent; I believe him not to have been so. I believe he was not a paid agent at the last city of Dublin election.

2657. Did you speak to him at all?—I have spoken to him.

2658. Did you speak to him about the revision?—I did not, I hardly remember; he was principally in O'Hara's court; I was generally about the other courts. He heard some of the freemen's cases; Mr. Purcell heard others.

2659. Was Campbell in Mr. Purcell's court?—I cannot say; my belief is he was not. During a portion of the time that Mr. Purcell heard the cases of the freemen, I was in the court.

2660. You saw Campbell in the committee-rooms?—Yes.

2661. You saw him in the central committee-rooms?—I believe so.

2662. Had he not an office?—I do not think he had a particular office; there was an office where clerks were, and he was there amongst others; I cannot tell the names.

2663. Had he not a room to himself?—I believe not.

2664. Was he not there with some others?—I rather imagine he was in one of the front drawing-rooms; if so, there were 16 or 18 clerks in that room.

2665. Clerks under him?—I cannot tell that; another man named Walsh, looked after the clerks.

2666. You went in upon business; whom did you address. Did you speak to Campbell upon bringing up freemen?—I do not think I had any business at all connected with the bringing up of freemen.

2667. Mr. Justice *Keogh*.] That was not the question?—I do not know; I believe that Campbell was at Green-street, on the day of the election; I saw him there.

2668. The whole day?—I was there for an hour in the morning; during that time I saw him.

2669. Active?—As active as any of our agents; as active as myself while there.

2669*. Try to remember who were the people whom you saw in the front drawing-room; were some of the clerks upon the business of the Registration Society?—Some were.

2670. I believe that No. 3, Dame-street was transferred to No. 48, Dame-street?—I believe not; some of the people were taken from one place to the other.

2671. Had a person named Thomas White been acting in the business of the Registration Society?—I believe he came down on one or two days, but he was not one of those who were acting throughout.

2672. Did he upon that come down to No. 48?—Certainly.

2673. And was active there?—Certainly; he was there every day, and I imagine he was one of those who did most for us.

2674. You know Alexander McNeill?—Yes.

2675. When did you know him first?—The first time I went into the committee-rooms after the revision.

2676. Was he in the front drawing-room?—No, I think upstairs; he managed there for a time, left it, and Macknamara succeeded him.

2677. He did not manage the whole business; he was upstairs, further than the drawing-room; he gave orders and lists.

2678. Do you believe that this is the book you saw in McNeill's possession?—I saw a book like it, but I cannot say whether it is the same or not.

2679. I ask you from what you saw of 48, Dame-street, was not the front drawing-room the department for the freemen?—It was originally intended for the freemen to meet, but subsequently we wanted it for the clerks, and I do not believe it was used as such exclusively more than for any other purpose.

2680. There were one or two of the men who, I believe, were freemen?—Working there; they came to give us assistance.

2681. Is there any list of paid agents?—I cannot tell.

Counsel referred to a book in which the names of printers were entered.

2682. If a person came in and recommended a printer's name, it would be put down in a book like that?—Yes; perhaps he would get a job, perhaps not.

2683. Have you any other book of expenses but these?—No.

2684. Did Dr. G. Beatty keep one?—I had a book which I used for the first week; this I divided into wards with different headings. For the first week I entered down the money as I paid it, in a book, but I found that it would not enable me to make my returns to the sheriff, according to the requirements of the Act, and I discarded it.

2685. I think you paid money for telegraph messages to some clerk; I think you gave authority; the amount is 10*l.* 9*s.*?—I cannot tell that; I think I paid about 5*l.*

2686. When did you pay that?—About the 16th of November.

2687. To whom did you pay it; was it to a clerk of Mr. Alma's?—I cannot tell; some of it was paid to Frazer, I believe, one of our own clerks.

2688. J. A. Frazer?—Yes.

2689. He was a paid clerk; where is he?—I do not know; the last time I saw him was on the occasion of the funeral of the late Dr. Gratton Guinness, about the 20th or 21st.

2690. Who was he; did you ever know him before the election?—Never.

2691. What was the duty of people in the office with Frazer?—He was one of the ordinary clerks.

2692. Was

2692. Was he in any particular room?—I do not know that he was.

2693. Do you know Mr. Alma?—I do not.

2694. Do you know Mr. Parkinson?—I saw him once after the election, when he asked me to call upon him before paying a bill which he thought was excessive.

2695. What was the bill in reference to?—To one of the newspapers.

2696. Do you know Mr. Gerrard?—I know gentlemen of that name; one was called to the Bar the other day; I saw him, or them, once in the committee-room, acting on business; he came in one day.

2697. Do you know Mr. Wilson Johnson?—No.

2698. Do you know where 24, Dame-street is?—Yes, it is a house where a number of attorneys have offices: Mr. Howe, Mr. Parkinson, &c.

2699. Was there anything peculiar about it?—Mr. Parkinson conducted business for the company partly there and partly in No. 47, which Mr. Sutton gave him leave to use.

2700. No. 24 is nearly opposite to No. 47?—Yes, half a dozen doors further up, at the opposite side.

2701. Do you know Mr. Johnson, the attorney of No. 3, Palace-street?—I never heard of him.

2702. Do you know Adolphus Mortimer?—Yes, he gave us assistance in Dame-street; I think he was acting for us without payment.

2703. Did you see Mortimer and Frazer together?—I cannot call to mind that I did; but they had the *entree* there; they were working.

2704. Did you pay all the car hire, 519 l.?—I said it was paid in equal proportions by Dr. Beatty and myself.

2705. Do you know about any other car hire that was paid?—No.

2706. Do you know had Parkinson anything to say to the payment of car hire?—I heard so.

2707. Tell what you heard from anyone in the committee-rooms?—I never heard anything about it.

2708. Do you know Andrew Blundell?—I do.

2709. Is he a working printer on the "Free-man Journal"?—I am not aware.

2710. You gave him 8 l.?—Yes; and I can tell what it was for. He printed some documents—instructions to canvassers, 500 copies—and other things; and that was the bill he was paid.

2711. What did you do with the bill?—I have it not; that bill was paid by Dr. Beatty.

2712. Do you keep all the bills?—We have most of the bills.

2713. Here is an item: Robert L. Hodson, 140 l. 16 s. 8 d. Here also is for the payment of clerks, on the 16th, 17th, 18th November, in 47 and 48, Dame-street?—Yes; some of the clerks were continued in employment there.

2714. The name of George Tickells is mentioned?—Yes.

2715. How much did you give him?—Two hundred guineas.

2716. For what?—He furnished the greater number of our committee and tally-rooms, and sent in a bill for the furniture. At the close of the election the furniture was returned to him, and he was allowed for anything that was not broken or destroyed in the rooms, half-price.

2717. Thomas Stanford, 1 l. 10 s., for canvassing. Paid?—Dr. Beatty paid that.

2718. It is a genuine document?—Yes.

2719. "Dublin, Oct. 1868. Received from 29.

the expense agent, 1 l. 10 s., one week's salary for canvassing Mountjoy Ward"; was he not paid that regularly?—I cannot swear it.

2720. Do you know Mr. Robinson, secretary?—I do not know him personally.

2721. "Received from conducting agent"?—That money was paid by me.

2722. To Robinson?—No; that was a weekly account; one of the ward agents. I think it was paid by me to Mr. Saunders.

2723. Is that Mr. Robinson of the loan office?—I rather think not; I am pretty certain it is not.

2724. As regards the telegrams produced by Mr. Sanger, did you pay for any of them?—I believe not.

Mr. *Heron* here asked the Court for permission for Mr. Fitzgerald to inspect the books.

Mr. *McDonogh* suggested that the inspection should not take place till after the Witness had been cross-examined.

Mr. Justice *Keogh* thought it would facilitate matters that the books should be inspected; and suggested that one of the counsel for the Petitioner should examine the books, and replace them when done.

Mr. *Hemphill*.] There is no objection to Mr. Foley, who is a member of the Bar, sitting near the other counsel, and inspecting the books with him?

Mr. Justice *Keogh*.] No, there is not.

Mr. *O'Shaughnessy* and Mr. *Foley* then proceeded to inspect the books.

Cross-examined by Mr. *McDonogh*, Q.C.

2725. I believe the book with which you are acquainted is your own?—Certainly; most of it is in my own handwriting.

2726. The other books I take for granted you know nothing about?—No; of most of them I did not know anything till I saw them in court.

2727. There is one that you can explain. In the book out of which Mr. Heron read, at page 41, the name of Campbell appears. Is that a book recording the names of the applicants for situations, and the persons who recommended them?—So I understood it to be so.

2728. Then you don't understand they were actually appointed?—One of the names read out never was appointed.

2729. Who was that person?—One of the Poleaners.

2730. That book was made out to enter the names of the several committees of wards as well as the names of all persons?—

Mr. *Heron* objected to the question.

Mr. Justice *Keogh* ruled that the line of cross-examination should not be pursued.

2731. Mr. *McDonogh*.] As you know in this instance (the name read out), the person was not appointed, you draw the conclusion that the book does not record the appointment of agents?—Certainly.

2732. Did you not know that William Campbell was not a paid agent?—Certainly; I believe that to be a fact.

2733. That book is entitled, "List of Wards, Committees,

J. C.
Meredith,
Esq., T.L.D.
26 January
1869.

J. C.
Meredith,
Esq., LL.D.

26 January
1869.

Committees, Solicitors, General Agents," &c.?—
Yes.

2734. With respect to the printed circular, look at it again, and tell his Lordship when it was that Gannon brought a circular similar, to the room in which you were; about what time?—The latter end of the week after the election, or some time in the week following that.

2735. Was that the first time you had ever heard of that printed circular?—Certainly.

2736. And you never paid for the printing of it?—Most decidedly not.

2737. You believed it to be a plant?—I did, and do still.

2738. *Counsel reading.*] Document, marked private referring to a communication, "You are requested to write your name and your address legibly upon the enclosed card, and present the same to a person who shall be appointed to receive it, at 3, Dame-street, two days after the election." And you say you never heard any such thing, connected with the Conservative side, upon that occasion?—I do not believe it was ever done.

2739. Turn to the first entry of payment to Forest, the first upon the 23rd of October, was that in relation to the election or the registry?—The election.

2740. He was the printer at 76, Capel-street?—Yes; I wrote the name opposite the second item, not the first; the point had not arisen.

2741. And you have stated to his Lordship the true reason for writing that?—I have.

2742. Had you the remotest suspicion that anything wrong had occurred at Espy's or Forest's?—I had no suspicion of it, and I don't believe it.

Mr. Justice *Keogh*.] You are a member of the Bar, Mr. Meredith; you know the rules of evidence, and I strongly recommend you not to express your "belief" till you are called upon to do so.

2743. Was the dealing at the establishment open, and such as anyone might have had an opportunity of going into it?—Certainly.

2744. And Conservative orders were given to that establishment?—Amongst others; many of them; and to a much larger extent in many others.

2745. Do you remember Messrs. Alley and Reilly getting a large order?—I remember the name, and I thought they got a larger order.

2746. You acted as expense agent?—I did.

2747. Had you so acting, any knowledge (I put the question following his Lordship's suggestion) that, whatever were the practices alleged to have been perpetrated at Espy's, they had taken place?—Not the smallest.

2748. Did you give authority, directly or indirectly, to any human being for the purpose of doing anything of the kind?—Never.

2749. Had William Campbell any authority, directly or indirectly, from you, or as you believe from Sir Arthur Guinness, or any other agent, to do, or be a party to the doing, of any of these improper practices?—None from me, nor from any other person, to my belief.

2750. You used an expression which was somewhat ambiguous in its character, that you had seen Campbell active on the day of the election, as active as any other agent; did you use that expression?—I believe I used an expression similar to that.

2751. Did you mean that he was bribed?—I will tell you what I meant.

2752. You have told me Campbell was not a paid agent at the election?—I believe not.

2753. Did he fill any position at the election?—I am not aware of any particular position.

2754. Was he, or was he not as far as you know, acting voluntarily at the election?—

Mr. *Heron* objected to the line of examination.

Mr. Justice *Keogh* ruled with him, that the question was not within the rules of evidence.

2755. In what way was he acting?—He was giving assistance as many other gentlemen did, to the Conservative candidates, without being employed by them to do so.

2756. Had he been employed at the Registry-office?—He had.

2757. Was Campbell acting as agent upon that day?—

Mr. *Heron* objected to the question.

Mr. Justice *Keogh*.] I have again to remark that the Witness has persisted in using the word "belief."

Witness.] I have used it, my Lord, merely in reference to matters not within my own knowledge.

Mr. Justice *Keogh*.] I did not stop the evidence because I did not see the use of it. If it is thought that mere belief will produce any effect upon my mind, I can assure the Witness that it will not; I form my own conclusions from the evidence; belief is not evidence; if he were an ordinary witness I would not have made any comment, but being a gentleman of the Bar, and adopting such a course, I did comment upon it.

2758. Mr. *McDonogh*.] As to the carhire paid by you and Dr. Beatty, was that for cars employed prior to the election?—Certainly.

2759. For the wards committee in canvassing the wards?—Yes.

2760. And not for conveying the voters to the poll?—Certainly not.

2761. Did you pay a single fare for a car to convey a single voter to the poll?—Certainly not.

Mr. *Heron* said that there were a few more documents to which he wished to call the attention of the Witness.

2762. I see the name of Mr. Johnson here?—Yes.

2763. Is it not the countersign or authority of Mr. Johnson to pay that sum?—Yes.

2764. What was he?—He was a person acting in the Mansion House Ward.

2765. And whatever he checked off they paid?—Certainly not; that is a bill for 2s. for the newspaper for the week; when I saw that it had been supplied to the ward I paid the money.

2766. Do you see a printed form for 7s. 6d.?—No; for 7s. 2d.

2767. Was that by your authority?—No; I believe by Mr. Sutton.

2768. What is the meaning of it?—It is stated here to be for attendance to accept appointment, receive instructions, and become generally acquainted with his duties as check clerk.

2769. What is the name of the man?—John Gifford; but it is most likely he is a boy.

2770. "16th

2770. "16th October 1868, received 25 l., &c., to the use of the wards committee for Guinness and Plunkett. J. O'Byrne?"—That money was paid by me, and altogether 115 l.

2771. Mr. *Heron*.] Who was that White?—The gentleman between Mr. Byrne and Mr. Williamson.

2772. "Received 15th November from the expense agent of Guinness and Plunkett, 43l. 10s., for the purpose of paying money to obtain a hearing at the nomination and declaration of the poll." "Chas. Boushey, 6l. 6s?"—Paid to the secretary of the Rotundo Ward; this was two weeks' salary.

2773. How much was paid altogether to the secretary of the Rotundo Ward?—21 l.

2774. Was that the usual fee of a secretary?—Some were longer employed than others; some were paid at a higher rate.

2775. Was Boushey a solicitor?—He was.

2776. Did he attend at Cherry and Shields?—Yes.

2777. Have you the cash book?—Yes.

2778. I suppose that was the original book in which you made the entries?—Yes.

Dr. GUINNESS BEATTY, sworn; Examined by Mr. *Litton*.

2788. You were one of the expense agents of Guinness and Plunkett?—Yes.

2789. How much money did you receive at the election?—£. 6,000.

2790. Who gave you that money?—Mr. Bradburn.

2791. How long before the election?—I think about the 16th September I got the first cheque.

2792. Was it all paid by cheque?—Yes.

2793. Whose cheque?—The firm of Sir Arthur Guinness.

2794. One cheque, I believe, had his own signature; you opened an account?—I added it to my private account in the Royal Bank.

2795. Did you mix your private account with it?—I threw it into my private account.

2796. Did you divide the business of examining the accounts with Meredith; what was your course of dealing?—For the first two or three days we were in separate rooms; we afterwards joined; I sat at the same table, and as people came in we took them alternately. If a person gave me a document I asked was he a voter. A poll runner who had a vote had a ticket signed in the ordinary way, but countersigned as being a voter. I did not pay the money.

2797. Were many of those who made the demand voters?—Not many.

2798. Did you return the paper?—I said, "You are a voter;" and handed it back.

2799. The voters brought papers, and you thought you were not at liberty to pay the money, so you returned it, as it had been countersigned?—The dockets I allude to were countersigned; it was a proof that the men had been appointed to attend at eight in the morning and worked till midnight.

2800. Can you mention the names of any of those who so countersigned the paper?—I cannot.

2801. Have you the bank account in court?—My private account-book and the other accounts are mixed up.

2802. Did you take up the cheque you paid in the Royal Bank?—I did not.

2803. To Mr. *Litton*.] Was any other account opened by you in any other bank?—No.

2779. Was William Moore the agent in Arran Quay Ward?—He was.

Cross-examination resumed.

2780. The expenses amounted to 10,174 l.?—Yes.

2781. Have you the balance?—No.

2782. Where is it?—I paid it to Mr. Bradburn; my portion I paid back.

2783. Then every sixpence you received, you paid as expense agent or returned to Bradburn?—Yes.

2784. Mr. *Heron*.] When did you return it?—The day before yesterday; I closed my accounts upon Friday only; as soon as these were closed I returned the money.

2785. Mr. Justice *Keogh*.] Who is Mr. Bradburn?—He is the private secretary of Sir Arthur Guinness.

2786. You said that Campbell was an agent at the registration?—Yes.

2787. Was he a paid agent?—I suppose so; I do not know anything of the payments of the Registration Society.

2804. Do you know of any other?—Mr. Mortimer opened two accounts in the Bank of Ireland.

2805. Any besides Mortimer?—No.

2806. Have you been often in the central committee-room?—Yes.

2807. I suppose you took a warm interest in the return of Sir Arthur Guinness?—I did.

2808. Had you an opportunity of seeing who acted as agents?—Yes.

2809. You saw a good many, and you knew Campbell?—I did.

2810. Have you ever spoken with him?—I have known him some years.

2811. Did you see him actively engaged during the election?—I saw him about five times, perhaps, the whole time.

2812. Where did you see him generally?—Upon the staircase in 47, Dame-street.

2813. What position does he hold now?—I do not know.

2814. You stated you had known him some years; what character did he then fill?—When taking out my freedom I knew him.

2815. Was he engaged as the agent of the Dublin Registration Society?—He was in their office; I do not know his business.

2816. When did you take out your freedom?—It was just prior to the election of 1865 that I took out my freedom.

2817. Had you Campbell in a special office in 47, Dame-street?—No.

2818. Did you see him in the front drawing-room; have you been in it?—I have been in all the rooms.

2819. Is that (the front office) chiefly reserved for the freemen to transact their business?—My belief is I was there once to ask a question, simply to ask a question.

2820. Where were you upon the day of the polling?—I was in 47, Dame-street, up to four o'clock, that is after voting.

2821. At what hour did you poll that day?—I went with my uncle, Dr. Beatty, and his son, about a quarter to eight; we drove from Merion's-square to the poll.

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2822. Did

J. C.
Meredith,
Esq., LL.D.

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Dr.
G. Beatty.

Dr.
G. Beatty.
—
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2822. Did you see Campbell about the polling place at that time?—No.

2823. Or any time during that day?—No; I went back again immediately; I was not there five minutes; I slept in and out again; it was less time than that.

2824. As to the telegraphing; did you pay any telegraph account?—I did.

2825. What was the amount; to whom did you pay it?—The receipts are all there; I did not tot up the amount.

2826. To whom did you pay it?—I paid them myself some of them.

2827. Did you pay any to Mr. Alma?—No.

2828. To Parkinson?—No.

2829. To Gerrard?—No.

2830. To W. Johnson?—No.

2831. To J. W. Johnson?—No.

2832. To Thomas Ormsby?—No.

2833. Tell me to whom?—I paid some myself; I ran across to the office, and paid the money.

2834. What telegrams did you send?—I sent one to Sir Arthur Guinness in London.

2835. To whom else?—To Mr. Caterson Smith.

2836. Was that the day of the polling?—Oh, no.

2837. Did you send to Mortimer, or pay any money upon account at the Registry?—No.

2838. Or Frazer?—I gave him some money at different times for telegrams, to the amount of some shillings.

2839. Do you know J. Wilson Johnson, or J. W. Johnson?—No, I do not know any such person.

2840. Had you an opportunity of speaking to Campbell upon the state of the poll?—No, I was not in Green-street more than five minutes, and I did not return there.

Cross-examined by Mr. Butt, Q.C.

2841. You got 6,000*l.* yourself?—I did.

2842. Is all that accounted for in your return to the sheriff, except what you have given back to Sir A. Guinness?—Every halfpenny.

2843. Then no part was applied in any other way than appears in the sheriff's account?—Certainly not.

Re-examined by Mr. Litton.

2844. Look to the amount 5*l.* 16*s.*?—That is the amount of several telegrams added; we

WILLIAM JOHNSTONE, sworn; Examined by Mr. Hemphill.

W.
Johnstone.
—

2851. Do you live in 3, Palace-street?—I do not; I have been subpoenaed here in two cases.

Mr. Hemphill stated that this was a case of mistaken identity.

[The Witness withdrew.]

JOHN MALLET WILLIAMSON, Esq., sworn; Examined by Mr. Hemphill.

J. M.
Williamson,
Esq.
—

2852. Where do you live?—I live at Monks-town.

2853. You have an office in Dublin?—I have.

2854. And you are a solicitor?—I am.

2855. Were you concerned for Sir Arthur Guinness and the Honourable David Plunkett at the late election?—I was; I was assistant to Mr. Sutton.

2856. Where was your office during the election?—Nos. 47 and 48, Dame-street.

pinned them together to keep them safe. The amount is in Mr. Meredith's handwriting.

2845. Mr. Heron.] Another document appears here, 4*l.* 19*s.* 4*d.*; in whose handwriting is it?—That is in Mr. Meredith's handwriting, too.

Mr. Heron then produced a number of receipts for telegrams; money paid for sending messages by telegrams.

2846. Mr. Litton.] These are the vouchers of the clerks of the telegraph office for telegrams, the cost of which was 1*s.* or 1*s.* 6*d.*?—Yes.

2847. Are these receipts for telegrams sent by J. W. Johnson?—No, I should say not.

2848. Did you ever hear that name before?—I saw it in the newspapers.

2849. When, for the first time?—I cannot say.

2850. Of what telegrams are they the vouchers; for what are they receipts?—I believe they were sent by Mr. Sutton's order.

Mr. McDonogh.] It will not be pretended that they are the same.

Mr. Heron.] I shall identify them. I shall ask his Lordship for liberty to bring these receipts to the Magnetic Office, to have them identified, one by one.

Mr. McDonogh.] I object to their being removed from the custody of the sheriff; all the telegraph officials to whom you refer may be brought here.

Mr. Heron.] I suggest, my Lord, that Mr. Fitzgerald at one side, and Mr. Sutton at the other, shall proceed to the telegraph office, and have the receipts identified as having been given on payment for certain telegraphic messages.

Mr. Justice Keogh.] I have the receipts before me; the places to which they were sent are set forth on the face of them. In the absence of supplementary evidence this is sufficient. If a telegram is sent to a particular place on a particular day, it is evidence for me if the receipt and the telegram correspond. It will be quite enough to send the solicitors at both sides to the telegraph office.

Mr. McDonogh.] I cannot spare the solicitor to go to the telegraph office; it is necessary that he should be here. One of the counsel (Mr. Exham is prepared to go) will be sufficient. Mr. Mortimer has said that he has not paid any of these telegrams.

2857. That was the principal office of the candidates?—It was.

2858. Do you know a person of the name of J. William Johnstone or J. W. Johnstone?—I do not.

2859. Did you ever hear that name in connexion with this election?—Never, until after the election was over.

2860. Did you send any telegram yourself in the progress of that election?—Never.

2861. Did

2861. Did you send no telegrams?—Never.

2862. From the 1st of November up to the 18th?—I never telegraphed in connection with the election at any one time, either before or after.

2863. Do you know by whom any telegrams were sent to the country voters?—I do not.

2864. Did you ever hear from Mr. Sutton of any telegrams being sent to any country voters?—I did not.

2865. Were there any country voters who came up to vote for Sir Arthur Guinness, to your knowledge?—Not to my knowledge.

2866. Did you hear Mr. Sutton, in the course of conversation after the election, state that country voters did not come up?—

Mr. *Butt* objected to the question.

Mr. Justice *Keogh* allowed the objection.

2867. Mr. *Hemphill* (to the *Witness*).] Whose duty was it to send any telegrams that might be required during the election?—I cannot say exactly whose duty it was, but Mr. William Johnstone, the solicitor, was in charge of that department, so that it might reasonably fall to his duty to do so.

2868. Are you aware that there was a large sum paid for telegraphic messages?—I have heard it here for the first time.

2869. Do you know Mr. James B. Frazer, of 12, Middle Gardner-street?—I know him from having seen him at the committee-rooms, 47, Dame-street.

2870. Do you know whether he was sent to forward any telegrams?—I do not.

2871. Any telegrams for any purpose?—No, I do not.

2872. Was he active about the election in those committee-rooms?—He was an active clerk.

2873. Was he the clerk to Mr. William Johnstone, of 3, Palace-street?—I do not believe he was; but he was in the room along with him.

2874. Was Mr. Frazer in the same room with Mr. William Johnstone in 47 and 48, Dame-street?—I believe he was.

2875. You have seen him there, at all events?—Well, I am certain I have seen him there, because it was my duty to be in and out of every room in the house to see to the general business.

2876. Do you know Mr. Rudolphus Mortimer?—I do, intimately.

2877. Was he engaged in those central committee-rooms?—He was.

2878. What was his precise duty?—His duty was confined to the same room in which Mr. Johnstone was.

2879. And Mr. Frazer?—Mr. Frazer was, I believe, there as an assistant.

2880. At all events, Mr. Rudolphus Mortimer was in the same room as Mr. Frazer?—Yes.

2881. Do you know that Mr. Edward L. Alma was engaged?—I do not know.

2882. Was Mr. Thomas Henry Parkinson engaged?—I do not know.

2883. Did you see him at all in the central committee-rooms during the election?—Not once during the whole time.

2884. Not during the week prior to the election?—I was there for many weeks prior to the election, and during the week of the election I did not see him there.

2885. He has an office immediately opposite?—He has.

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2886. Do you know Mr. Samuel Jerrard, a solicitor?—I do, intimately.

2887. Was he active in the central committee-rooms that week?—He was not.

2888. Was he there at all?—He might have called there with regard to private business on one or two occasions.

2889. Was he in any way acting as a sub-agent for the election?—He was not; he was appointed as an inspector of a booth on the day of the election, but he declined to act.

2890. Was his son, Mr. John Jerrard, acting?—He was not to my knowledge.

2891. Did you, in Mr. Sutton's office, make out any list of the persons who were to act on behalf of Sir Arthur Guinness, as canvassers and agents through the town?—Not of the canvassers; but my duty with Mr. Sutton was to appoint all the agents who were to act upon the day of the election, in the different booths, such as inspectors, poll clerks, and check clerks.

2892. But before that, had you made out any list of persons who were to bring up voters?—No, I had not; that was not my department.

2893. Were you in the habit, or was it part of your business, to open the letters that came from the country during the election?—No.

2894. Did you in fact receive any letters?—Never.

2895. Did Mr. Sutton?—I am sure he did.

2896. Did you ever bring any letters addressed to Mr. Sutton to any party?—I did.

2897. To whom?—To Mr. William Johnstone, of Palace-street.

2898. On what days did you bring those letters?—I brought them at different times.

2899. During the week before the polling day?—Weeks.

2900. And up to the polling day?—No.

2901. When was it?—About a fortnight before that.

2902. Do you mean to say that up to within three or four days of the polling, you did not bring any letters to Mr. William Johnstone?—I mean to say that positively.

2903. You used to bring those letters to Mr. Johnstone, as I understand?—I did.

2904. Were not those letters from out-voters, and persons not residing within the borough?—They were.

2905. What did you bring those letters to Mr. Johnstone for?—At the time we were under the belief that we could pay the expenses of out-voters going back from the poll, but not coming to it. At that time we were making out lists for the purpose of corresponding with those parties, but we were afterwards advised that we could not do that as a legal practice, and I went and got from Mr. Johnstone all the letters that I had brought to him, and Mr. Johnstone's duty then ceased to have anything to say to that department.

2906. What became of those letters?—They were all handed by me to the custody of Rudolphus Mortimer.

2907. When was it that you handed them to him?—To the best of my recollection, more than a fortnight before the day of election.

2908. But when you brought the letters first to Mr. Johnstone, was not it to make out a list of the voters who required their travelling expenses to be paid?—It was.

2909. Then did you see Mr. Johnstone enter their names in a book?—I did not.

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2910. Where

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2910. Where they in fact entered in a book? —I do not know.

2911. When he received those letters, did Mr. Johnstone write any letters to anybody, in reference to them?—I believe he did not, because he was to take his instructions entirely from me, as to what was to be done.

2912. Did you ever hear from Mr. Johnstone, or Mr. Sutton, that he wrote letters addressed to Mr. Alma, or to Mr. Parkinson, in reference to those?—I did not.

2913. I am speaking of the time when you thought it was legal to pay his travelling expenses?—I did not.

2914. What became of those letters?—They went out of my custody into the custody of Mr. William Johnstone, and he handed them back intact to me, and I handed them over to Mr. Mortimer, who had the custody of all the correspondence of the office.

2915. But you say that Mr. Johnstone had them some time before he handed them back to you, as I understand?—He had.

2916. When was it that you were first advised that it would be illegal to pay those travelling expenses?—About a fortnight before the election.

2917. And up to that time you had been constantly in the habit of bringing those letters to Mr. Johnstone?—Three or four times only, in bundles.

2918. Before they were handed back to you, is it not a fact that Mr. Johnstone sent letters marked "private," to Mr. Alma and Mr. Wilkinson, for the purpose of being forwarded?—I believe Mr. Johnstone did not. He had the most positive directions from me, not to do a single thing, except under the orders which I gave him, namely, to make out the lists.

2919. What was he to do with the lists?—To keep them by him until he got further orders; I brought him a printed list of all the out-voters at the same time, and I handed him the letters of the out-voters, as you call them, in order that he might check those off with that printed list.

2920. Have you got that printed list, or any duplicate of it?—I have not; but I believe there is one in court, in the custody of Mr. Mortimer, who will produce it in one moment; I should think we could get it very easily.

2921. You say that you were constantly in 47 and 48, Dame-street?—I was, for many weeks prior to the election, with the exception of one week.

2922. Did any of the country voters come into the office while you were there?—No.

2923. Are you sure of that?—I swear it.

2924. Did any one to your knowledge, come in and ask to see a Mr. Johnstone?—Not to my knowledge; I have already stated that I have never heard of the name of Mr. J. Wilson Johnstone.

2925. But I am asking for Mr. Johnstone?—No.

2926. You were not in the same room with Mr. Mortimer, I think?—I was not; but I was continually in and out of his room.

2927. Will you look at some of those telegrams (*handing some telegrams to the Witness*); there is one signed William Johnstone; in whose handwriting do you believe that to be?—I do not know.

2928. Do you know the handwriting?—I do not.

2929. Can you form any belief?—I cannot.

2930. Do you know Mr. William Johnstone's (of 3, Palace-street) handwriting?—I do.

2931. Is that his handwriting (*showing some papers to the Witness*)?—

2932. Do you know Mr. Fraser's handwriting?—I do not.

2933. Do you know Mr. Mortimer's handwriting?—I do.

2934. Are any of these papers in Mr. Mortimer's handwriting in your opinion (*the Witness examined the telegram*)?—

2935. Are any of those in Mr. Mortimer's handwriting?—No.

2936. Or in Mr. William Johnstone's?—No.

2937. Can you form any opinion as to whose handwriting they are in?—I cannot.

2938. Do you know Mr. Espie, of 76, Capel-street?—I believe that gentleman has been dead for years.

2939. Who lived in 76, Capel-street?—I really do not know who lives in it, except from some inquiries I have made since.

2940. Do you know James Forrest?—I have seen James Forrest since this trial has commenced.

2941. Were you not aware that James Forrest was printing for the committee?—I was aware, and I will tell you why; the accounts of him and other printers came in, and were submitted to me, and I took exception to the amounts charged, and they were taxed most liberally in consequence.

2942. Are you not aware that James Forrest's name is on a brass-plate on the door of 76, Capel-street?—I do not know, although I have been in his house.

Cross-examined by Mr. McDonogh.

2943. Would you look at that circular which was produced here to-day (*showing a paper to the Witness*); did you see that in the Conservative committee-rooms, or anything of the kind?—Never.

2944. To your knowledge, was any such circular used upon the part of Sir Arthur Guinness or Mr. Plunket?—To my knowledge, there was no such thing.

2945. Nor to your belief?—Nor to my belief.

2946. Did you authorise at this election, before or after the election, any improper practice in the shape of bribery?—Most positively, I did not.

2947. Were you aware on the day of the polling of the transactions with respect to Mr. Forrest's house?—I was not.

2948. Did you give any authority, direct or indirect, to Campbell, or to any other person, touching that transaction?—I did not.

2949. You were engaged in appointing the agents?—I was.

2950. And you were acting chiefly with Mr. Sutton, who was the chief agent of Sir Arthur Guinness?—Entirely with him.

2951. You have spoken as to your own knowledge. To your knowledge or belief, did anyone of the agents give any authority whatever, in relation to that transaction with Forrest?—They did not.

2952. Now you may give back the circular to my learned friend; were you aware of the instructions that were given to the several persons, who took any part in relation to the promotion of the interests of Sir Arthur Guinness and Mr. Plunket?

Plunket?—I was; I took part in the preparation of these instructions.

2953. Were they not most distinct, that no act of bribery of any nature, or of any character, should be allowed or tolerated?—They were; they were intended for that special purpose.

2954. And honestly and *bonâ fide*. so?—Honestly, and *bonâ fide*.

2955. I believe that you have not been subpoenaed for this trial?—I was not.

2956. Do you produce the instructions given by you and Mr. Sutton, on the part of Sir Arthur Guinness and Mr. Plunket, to the various agents?—I do.

[*The same were delivered in, and were as follows:*]

“Instructions to Canvassers.

“Your duty will be to make yourself acquainted with the voters in each district or street, in which you shall be directed by the ward committee to canvass, and daily report the result to the committee; and you are to acquire such information as will enable you to take upon yourself the responsibility of bringing up a certain number of rated occupiers or freemen to the place of polling, on the day of election. But you are, on no account whatsoever, to offer any bribe, promise, or inducement of any kind, for the purpose of obtaining the vote of any person whatsoever; nor are you to pay, or promise to pay, any money for the conveyance of any voter to the poll, either to the voter himself, or to any other person.

“*Frederick K. Sutton,*

“*John Julian,*

“Conducting Agents.”

“Further Instructions to Secretaries and Agents at Ward Committee-rooms.

“You will reply to any person, being a voter, who applies for an appointment, that, having regard to the Act of Parliament (a copy of which is posted in your committee-rooms), that such party cannot get employment for payment without involving the loss of his vote; but if such voter be desirous of working and assisting the candidates, he must do so on the distinct understanding that he gives his services gratuitously, and without any promise of payment for same from the candidates, or anyone on their behalf; and you will not employ any person whatsoever, without the authority of the conducting agent.

“You will bear in mind, in sending a recommendation for persons to be employed for any duties, that they must be thoroughly competent to perform them, and must not be recommended for the sake of pleasing any individual or voter; at the same time, the fact of the party recommended being the relation or friend of a voter, does not disqualify such party from being appointed; but in such case, the most scrupulous care must be taken to ascertain that the party recommended is thoroughly qualified for the post he is proposed to fill.

“*Frederick K. Sutton,*

“*John Julian,*

“Conducting Agents.”

“Instructions for Ward Committees.

“The committee, on being furnished with street lists of the voters in the ward, and also of the freemen resident therein, will divide the ward
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into districts, and with the assistance of agents, ascertain each friend and his exact residence and occupation, and where he will be found on the day of polling.

“Some members of each committee should take charge exclusively of the freemen resident in the ward, and communicate all information regarding them, to the head committee-rooms.

“It will also be desirable that, as soon as possible, information should be forwarded to the conducting agents, of the names of such persons as the candidates ought to wait on personally.

“Committees cannot too frequently meet for the purpose of comparing notes and communicating information.

“Two copies of the register of the ward should be kept open for inspection, as also two copies of the freemen’s register, in each committee-room.

“The secretary of the committee will return daily on the canvas lists, furnished for the foregoing purpose, the result of the previous day’s work, first keeping a record thereof on the register, or street list for the ward.

“The committees will let the conducting agents have, on or before the 31st October instant, a list of all such persons as they are well acquainted with, and will recommend for discharging the following duties at the ensuing election, namely, for poll and check clerks and tally agents, stating opposite to each of their names what his peculiar capabilities for the office to which he is recommended are, as great care in the appointment of agents must be observed, having regard to the 8th section of the 31 & 32 Vict. c. 49, a copy of which section is posted in your committee-rooms.”

“Instructions for the Day of Polling.

“First. Inspector at Booths.

“The inspector-in-chief at the booths will remain in charge of same during the entire day; he will see that the several inspectors, poll and check clerks and tally agents, are in their respective places, and if absent, that their places are filled up by competent persons.

“The inspector-in-chief will, each half-hour during the polling, take up from the check clerks in each booth in his charge the slips, seeing that the exact half-hour up to which the slips are taken is marked thereon, and will enclose one set thereof to the secretary of the ward committee, and the other set of slips to the conducting agents in envelopes, which will be furnished to him for that purpose, and give same to the poll runners, who will be in attendance for that purpose; and at the expiration of each hour he will tot up on the slips provided for that purpose, the amount of the gross poll up to the hour, and forward same in like manner to the conducting agents.

Second. Inspector at Rooms.

“You must be in your tally-rooms at 7 o’clock a.m.; you must have two or more corrected clerk of the peace lists of the voters in your ward, and also a corrected list of the freemen’s register; you will see that you have a proper supply of pens, ink, and paper, voter’s cards, &c.; you will see that you have a sufficient staff of tally agents, and that they are in attendance in the tally-rooms at the above hour.

“The duties of the tally agents will be to conduct the voter to the proper booth in which is to be
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be polled, and as soon as the voter has polled, the tally agent is to return to the tally-rooms, and report himself to the inspector for further duty.

"You will fill up a card for each voter, if he is not already provided with such, with his name and number on registry, &c.

"You will render every facility in your power for the immediate polling of the voter.

"The conducting agent of your polling place will once every half-hour send you a list of all voters who have polled, and it will be your duty, forthwith, on the receipt of such list, to strike out the names of all such voters who have polled in the clerk of the peace list, and you will from time to time, and as often as possible, make out lists of all voters who have not been polled, and send agents to bring up such voters.

"Polling commences at eight o'clock a.m., and closes a five o'clock p.m.; all freemen poll in Green-street.

"Third. Chairman and Committee at Wards.

"The chairman is most earnestly requested to preside in his ward-room during the entire day of polling, and urge each member of his committee to see that the tally agents perform the several duties assigned to them, for sending the voters to the poll from the several districts with which they are best acquainted.

"These members of the committee who have undertaken the canvassing of the freemen resident in the ward, should understand the incalculable importance of having them all sent up to the poll at Green-street, before 10 o'clock a.m., on the day of polling; as also the necessity on receiving from the tally-rooms in Green-street, from time to time during the day, returns of unpolled freemen; of immediately thereupon sending agents to see that the unpolled freemen so returned are sent up forthwith."

2957. Were those instructions given *bonâ fide*, and honestly by you?—They were given by Mr. Sutton, and endorsed by me.

2958. Were they delivered to the various canvassers and others?—I did not deliver them, but I have knowledge that they were delivered.

2959. Were portions of the Act of Parliament printed and posted in the various ward-rooms?—In the several ward-rooms that I was in, they were printed upon large placards.

2960. What portions of the Act of Parliament?—With reference to bribery.

2961. The instructions to canvassers are, "Your duty will be to make yourself acquainted with the voters in each district or street in which you shall be directed by the ward committee to canvas, and daily report the result to the committee; and you are to acquire such information as will enable you to take upon yourself the responsibility of bringing up a certain number of rated occupiers or freemen to the place of polling on the day of election."

2962. You have heard the gentlemen on the other side refer to the documents which were signed by parties as to their gratuitous services. Take any one of them (*handing a paper to the Witness*); you know that those were signed, and asked to be signed, by the parties?—I signed one of them myself.

2963. Did every person who was a voter, and who was engaged in any way, sign one of those documents?—They were required to do so.

2964. In order that no voter should be paid at the election?—For that purpose, and that purpose alone.

2965. Were they *bonâ fide* and honest, and not under the guise of evading the law?—It was for that purpose, and that purpose alone.

2966. Was it, at any time, understood amongst any one of the agents, or announced by any one of the agents in your presence, that the parties who should sign those would be paid a farthing?—Most distinctly not.

2967. You were aware of the Act of Parliament forbidding the payment of voters as agents?—I was, when this was prepared, and I am now.

2968. Was that section of the Act of Parliament also posted up in the committee-rooms?—In every room in the place.

2969. In every ward committee-room?—In every ward committee-room, I believe; I was not in them all, but in every ward committee-room that I was in, I saw it.

2970. As you told his Lordship before, you ascertained that by the present state of the law, the payment of travelling expenses was not legal; and you mentioned to my learned friend, Mr. Hemphill, that it was about a fortnight before the election when you took the advice?—Yes.

2971. So soon as you ascertained that the payment of travelling expenses was illegal, were letters written to every single out-voter, pointing out that under the Act of Parliament they could not be paid?—

Mr. Heron objected to the question as being vague.

Mr. McDonogh.] *Ex uno disce—omnes.*
Look at that letter (*handing a letter to the Witness*).

2972. Mr. Hemphill.] Did you send that letter yourself?—I was present at the writing of it, and gave instructions that it should be sent; I am aware that this circular in my hand was prepared by Mr. Sutton's directions; I was present when it was prepared, and I am also prepared to swear that instructions were given in Mr. William Johnstone's office to him and Mr. Mortimer, that this should go to every out-voter.

2973. Who superscribed that letter?—This envelope is in the handwriting of Mr. Mortimer.

2974. The person to whom the instructions were given?—One of the two gentlemen.

2975. And this, I believe, came back through the dead letter office?—This appears to have come back through the dead letter office, as the person could not be found at the address given.

2976. And therefore you have the original letters?—I have both the original letters.

2977. Are you aware that Mr. Mortimer carried out your directions?—I am positively sure he did.

2978. And the authority ceased to Mr. Johnstone to pay any travelling expenses?—He had no authority to do so.

2979. Did you ever afterwards give authority to anyone to pay travelling expenses?—Never.

2980. You told my learned friend, when he asked you if you knew Mr. Espie (he was not aware, of course, that he was dead), that he had been dead several years?—So I believe; I knew him some 15 or 20 years ago.

2981. Directly or indirectly, did you in any manner sanction the illegal practices, or any one of

of them, described as having occurred in Forrest's house?—Positively not.

2982. Or even knew of their existence?—I never heard of them.

2983. To your belief, was there a single agent connected with this election acquainted with or acting in that transaction?—

Mr. *Hemphill* objected to the question.

Mr. Justice *Keogh* ruled that the question was not admissible.

The following Letters were delivered in:—

“City of Dublin Election, 1868.

“Sir Arthur E. Guinness, Bart.
and

“The Hon. David R. Plunket.

“Committee Rooms, 47 and 48, Dame-street,
Dublin, 6th November 1868.

“Dear Sir,

“In answer to your letter, . . . we beg to say that it is a subject of great regret to Sir Arthur E. Guinness and the Hon. Mr. Plunket, that by an enactment of the last session, of which an extract is herewith sent to you, they are prevented paying the necessary expenses of conveying their supporters to the poll. But they confidently hope that the great importance of the present struggle, the revolutionary views recently put forth by our opponents, and the fact, which is beyond question, that the election of Sir Arthur E. Guinness and the Hon. Mr. Plunket is safe, if the important section of non-resident electors come forward to support them, will be sufficient to induce you to attend and vote for them at the coming election.

“We remain, yours truly,

“*Fred. Sutton,*

John Julian,

“Conducting Agents.”

“City of Dublin Election, 1868.

“Sir Arthur E. Guinness, Bart.
and

“The Hon. David R. Plunket.

“Committee Rooms, 47 and 48, Dame-street,
Dublin, 12th November 1868.

“Dear Sir,

“We beg to inform you that the polling for the City of Dublin election, will commence at eight o'clock a.m., and terminate at five o'clock p.m., on Wednesday, the 18th day of November next.

“We cannot too earnestly impress on you the urgent necessity of every voter coming to the poll, as the main portion of our strength amongst property-voters consists of gentlemen like yourself, non-resident; we therefore entreat you to come, no matter at what inconvenience to yourself.

“We remain, yours truly,

“*Fred. Sutton,*

John Julian,

“Conducting Agents.”

Re-examined by Mr. *Hemphill*.

2984. I asked you for a printed list of out-voters, which you stated you would get for me, or

29.

that Mr. Mortimer should produce it?—That is it (*producing a paper*).

2985. In those instructions to canvassers about which you have been asked, you have a list of the canvassers to whom those instructions were issued?—They were sent to the ward committee-rooms.

2986. Have you a list of them?—I have not.

2987. Has Mr. Sutton?—I believe not.

2988. Have you any book in which you have your list of canvassers?—I have not.

2989. Is there any book in any of your committee-rooms in which there is a list of canvassers?—I believe not.

2990. How did you know to whom to send those instructions?—The easiest way in the world. We sent them to the secretaries of the ward committees, whose business it was of course to see that the business of canvassing was carried out.

2991. Had the secretaries any list of the canvassers in their different wards?—I cannot tell.

2992. Were all the ward committee-books returned to Mr. Sutton's office?—I really cannot tell.

2993. Are these all the books that were returned?—Yes.

2994. Are you aware that William J. Campbell was a canvasser?—He was not.

2995. Then William J. Campbell never got one of those lists?—Not to my knowledge; he may have got it.

2996. Then if you have no lists of the canvassers, how can you tell that any particular person was not a canvasser?—You are quite right; I could not.

2997. Then how can you tell that Campbell was not a canvasser?—Campbell was employed in particular business in 47, Dame-street, and therefore he was not a canvasser.

2998. How was he employed?—In making out the freemen's lists.

2999. For the purpose of ascertaining which of them were your friends?—Every one of them, friends and foes. He was there for, I think, some weeks before the election. Except when he was engaged in the election he was in the place.

3000. Is he not, generally speaking, employed as the Conservative agent, both for the poor-law and other elections?—I have heard so, but I do not know.

3001. Have you any doubt about it?—I have every doubt about it, because I do not know. I was never concerned in a city of Dublin election before nor in the registration.

3002. Was Campbell ever paid?—He was not.

3003. Has he ever claimed to be paid?—Never, to my knowledge.

3004. In this circular, which you sent, I see the words, “In answer to your letter;” I presume you received letters from the out-voters, asking for their travelling expenses?—There were letters of that kind received; but I did not receive them; I told you before, that Mr. Sutton received all the letters.

3005. Must you not have been aware, when you were preparing that document, that letters were received from out-voters, asking for their travelling expenses?—Certainly.

3006. Are those the letters which you brought over to Mr. William Johnstone?—Certainly; at least, among the many letters that I brought to Mr. William Johnstone, there were a vast number

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that

J. M.
Williamson,
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that never asked for travelling expenses. I brought all the letters to Mr. William Johnstone.

3007. I see there is a second circular, dated the 12th of November 1868?—Yes.

3008. Where those circulars sent to the same parties to whom you sent the others?—They were enclosed in the same envelope.

3009. But the first is dated the 6th?—No matter.

3010. Just attend to me; one is dated the 6th, and the other is dated the 12th; am I to understand that those two documents, purporting to bear different dates, were sent in the same envelopes?—They were.

3011. Did you receive any answer to those documents from any out-voters; you have told us that all those letters were sent under your direct supervision; did you receive answers to any of those two circulars which were enclosed in the same envelopes?—There may have been answers received; but I do not know where they went.

3012. Did you see any answer sent by any country voter, after you had forwarded this?—I did not.

3013. Whose duty would it have been to have received this?—Mr. Sutton's, or Mr. Julian's.

3014. Were you at liberty to open letters that you found at 47 and 48, Dame-street?—I should have done so, if necessary; but they were opened, always, before I came to the office.

3015. Were you aware that the decision of the court of appeal from the revising barrister was made on the 16th of November?—I cannot tell you; I think I was.

3016. Have you any doubt about it?—I have every doubt about it; because I do not know it. I am aware that there were certain names ordered to be put upon the clerk of the peace's list, for the purposes of the election, and we never got the names, for we did not know who they were.

3017. Have you any means of telling me how many out-voters, altogether, voted at the election?—I have not.

3018. Have you any other letters that were returned through the dead letter office?—I have not.

3019. Was this the only one returned through the dead letter office?—I will not say that; but it is the only one that I can produce.

Re-examined by Mr. *McDonogh*.

3020. Can you tell me the precise position that Campbell occupied up to the day of the election?—He was engaged solely, and alone, in preparing lists, in 47, Dame-street.

3021. Did any of the lists come in late?—We got no clerk of the peace's lists until the eve of the election; it, therefore, was necessary for us to make out the lists for canvassing as best we could from such information as was afforded to us by the Registration Society.

3022. And was that the employment that he was engaged upon?—That was the employment he was engaged upon.

3023. And did that cease before the day of the polling?—It did.

[The Witness withdrew.]

WILLIAM JOHNSTONE, Esq., sworn; Examined by Mr. *Heron*.

W.
Johnstone,
Esq.
—

3024. WERE you engaged, in the business of the election, on behalf of Messrs. Guinness and Plunket?—I assisted Mr. Sutton.

3025. Were you engaged?—No.

3026. Did you assist voluntarily?—Yes.

3027. Had you any department in 47, Dame-street; did you ever see that list of out-voters before?—Yes; I have seen a copy of it.

3028. Had you one of them?—I had.

3029. In your possession?—I had.

3030. What did you do with it?—I left it in the committee-room.

3031. After the election was over?—Yes.

3032. Had you that list in your possession?—This one I had not; but a copy of it I had.

3033. I do not mean that individual list; but had you a copy of it?—I had.

3034. How long had you it?—During the time I was engaged there.

3035. For how long?—During the time I was engaged there.

3036. How long had you it, I ask you?—About a fortnight.

3037. Did you sit in any room in Dame-street?—I did.

3038. In what room?—As well as I recollect, I think it was the third story; a back room.

3039. What people sat with you in that room?—There was a Mr. Mortimer and a Mr. Frazer.

3040. Is that Mr. Rudolphus Mortimer, of 1, Charleville Mall?—I do not know what his Christian name is.

3041. Was Mr. Frazer in the same room with you?—He was.

3042. Was anyone else in the same room with you?—Occasionally there might be; but I think generally not.

3043. Were those two persons employed as clerks under you?—I do not know how they were employed.

3044. Did you speak to them?—Certainly.

3045. About what business?—About the out-voter's business.

3046. Was that about the payment of the travelling expenses for the out-voters?—No.

3047. You never spoke to them about that?—No.

3048. Did you get any letters from out-voters asking for travelling expenses?—I saw some.

3049. Did you get any into your own possession?—None.

3050. How many did you see?—I suppose I saw 30 or 40, but I could not exactly say.

3051. Where did you see them?—I saw them in that room.

3052. Who brought them there?—I cannot tell you.

3053. Will you swear that you do not know?—I do not know.

3054. To whom were those letters directed?—Many of them were directed to the agents, and others had no envelopes, and I could not say to whom.

3055. Did

3055. Did you attend to that department exclusively whilst you were there?—Entirely.

3056. Did Mr. Rudolphus Mortimer and Mr. James B. Fraser assist you exclusively in that department, or had they anything else to do?—That I cannot say. While I was there, they assisted me exclusively.

3057. To what date were you there?—Up to the eve of the election.

3058. Do you mean the day before the polling day?—The day before the polling day.

3059. Did you leave the day before the polling day?—No; after the day before the polling day.

3060. That was the 17th of November?—Yes.

3061. Where did you go to then?—I went home.

3062. Were any letters from out-voters brought in to you up to the 17th?—I think they ceased.

3063. At what hour?—I think they ceased before that.

3064. Are you sure?—Well, I am not quite certain, but I am almost certain of it.

3065. On your list of the out-voters, had you checked off the men who asked for travelling expenses?—No; I checked off the changes of address in this list.

3066. Did you leave behind the list upon which you made marks, at 48, Dame-street?—I did.

3067. Have you never seen it since?—No.

3068. Have you a book in your own office with the same list?—No.

3069. Have you any letters in your office?—No.

3070. What did you do with the letters?—I do not know what became of them.

3071. What did you do with the letters?—I put them into a box in a room, and left them there.

3072. Did you desire that box to be sent to your office?—No; I do not recollect having done so.

3073. Is that all you will say before the court?—That is all.

3074. You will not swear you did not?—I will not.

3075. On your oath, did you not?—I cannot recollect that I did.

3076. On your oath, did you not?—I cannot recollect that I did.

3077. Will you swear that you did not?—I will not.

3078. Was any one present when you put the letters in that box?—As well as I recollect, there was.

3079. Who?—Both Mr. Fraser and Mr. Mortimer.

3080. Where is Mr. Fraser?—I cannot tell.

3081. If you left any direction, was it to Fraser or Mortimer?—I am not sure. If I left any direction, it would be to either of them. I had no communication with anyone else in the room.

3082. What is your office?—My office is No. 3, Palace-street.

3083. Did you see that box there since, on your oath?—I did.

3084. That is the box in which you left the letters?—Yes.

3085. Where is that box?—I cannot tell.

3086. When did you see it?—Not for some time.

3087. How long?—At least — ; I could not exactly say.

3088. Did you give any directions about the box?—No.

3089. What sort of a box was it?—A small tin box.

3090. Was anybody's name on it?—No.

3091. Did you get that in the committee-rooms?—It was in the committee-rooms.

3092. Was it provided for you there?—I found it there; I cannot tell whether it was provided.

3093. Was it full of election papers?—No.

3094. Half full?—No.

3095. Was anything but election papers in it?—Those lists and some letters, which came from the out-voters.

3096. How many?—I cannot tell.

3097. Were there 40?—No.

3098. Was there a book in that box?—No.

3099. Did you enter the names of the out-voters in a book of your own?—No.

3100. Did any one by your direction?—No.

3101. Did you see any book in which their names were entered?—No.

3102. Was none such kept, to your belief, there?—None that I saw.

3102. Did you yourself write letters to the out-voters, on your oath?—To the best of my memory I did not.

3104. Did you sign a letter to the out-voters?—No; I do not recollect having signed any.

3105. Did Fraser?—I do not recollect having signed any.

3106. Did you take the letters to the out-voters?—No, they were sent.

3107. Did you send telegraphs?—Yes.

3108. Is your name William Johnstone?—Yes.

3109. Did you ever hear of any person in existence named Wilson Johnstone?—No; I have heard the name.

3110. On your oath do you not believe there is no such person?—That I cannot tell.

3111. Do you know anything about these telegraphs (*handing some papers to the Witness, which he examined*)?—If they are all the same as those I have turned over, I do not.

3112. Can you form a belief as to the handwriting of any of them?—I do not. (*The Witness examined the paper.*)

3113. Do you say you do not observe there are different handwritings?—I do not. (*The Witness turned over the paper.*)

Mr. Justice Keogh directed the witness's attention to the fact that he had turned over three or four of the Papers together.

3114. Mr. Heron (to the Witness).] Do you know that handwriting (*pointing to a particular paper*)?—I do not. (*The Witness further examined the paper*). I see two or three in my handwriting.

3115. Show me one of them in your handwriting. (*The Witness handed a paper to the learned Counsel.*)

3116. Mr. Justice Keogh.] Select those that are in your handwriting?—I am doing so (*the Witness handed another paper to the learned Counsel*); I think these are the only two.

3117. Mr. Heron.] What is your name?—William Johnstone.

3118. Is your name J. W. Johnstone?—No.

3119. But why did you telegraph in a false name?—Because I did not wish my name to appear in the transaction.

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3120. Why did you telegraph in the name of J. W. Johnstone?—Because I had heard of the name of J. W. Johnstone.

3121. Who told it to you?—I heard it in several places.

3122. There is no privilege here. You must tell who told it to you. (*The Witness hesitated.*)

Mr. Justice *Keogh*.] You must give the fullest explanation of why you telegraphed in the name of J. W. Johnstone, or in the name of John Wilson Johnstone. (*The Witness hesitated.*)

Witness.] I heard that a Mr. J. W. Johnstone was in communication with the out-voters, and, therefore, I communicated the telegraphs in his name.

3123. You must tell us who he was; where you heard that he was in communication with the out-voters; and on whose behalf he was in communication with them. You must tell us everything in relation to him?—I cannot recollect who it was that told me.

3124. I must impress upon you the necessity of giving the frankest explanation to the court, no matter what the consequences may be, of your reason for telegraphing in the name of another person who you say you knew was in communication with these out-voters; why you adopted his name, who he was, and where you heard of him. In fact you must, as a professional gentleman, tell me with the utmost frankness all you know of that person; I would strongly recommend you to do so?—As well as I can recollect, I think the gentleman who told me of his name was a Mr. Foster.

3125. Who is Mr. Foster?—He is a gentleman who resides in Mountjoy-street.

Mr. Justice *Keogh* directed that the two papers identified by the witness should be handed up to him, which was done.

3126. Mr. *Heron* (to the *Witness*).] Who is Mr. Foster?—He is a gentleman that resides in Mountjoy-street.

3127. What is his Christian name?—Henry.

3128. What is he?—I think he has an appointment in the registry.

3129. In the Conservative registration office?—No, in the registry office.

3130. In the office of the Registry of Deeds?—Yes.

3131. In the Four Courts?—At Henrietta-street.

3132. Where did he tell you this, about J. W. Johnstone?—I think in his own house.

3133. What did you go there for?—To ascertain if I could be of any assistance during the election.

3134. How long before the polling day?—I suppose it might be three weeks or a month.

3135. Was it then that he told you about J. W. Johnstone?—No, I think not.

3136. I ask you when he told you about J. W. Johnstone?—Pardon me, I misunderstood you; I thought you asked me when I saw him; it was about a fortnight before.

3137. Before the polling day?—I think so.

3138. What did he tell you about J. W. Johnstone?—That he was in communication, or would be in communication, with the out-voters.

3139. For what purpose?—I could not tell.

3140. Was that after you heard that it was

illegal to pay travelling expenses?—Oh! I had heard before, because I had seen the Act.

3141. On your oath, did you believe that John Wilson Johnstone was a real person?—No, I did not.

3142. Mr. Justice *Keogh*.] You did not believe him to be a real person?—I did not.

3143. Mr. *Heron*.] Who suggested the name of Wilson Johnstone?—I could not tell.

3144. Was it you?—No.

3145. You say Foster told you this, a fortnight before the polling day?—As well as I can charge my memory with the time.

3146. Who told you to give the false address, "24, Dame-street"?—An idea of my own.

3147. Adopted by Foster, was it not?—I do not know whether it was adopted by Foster or not.

3148. Did Foster speak to you about telegraphing?—No.

3149. Did you write any letter signed "Wilson Johnstone"?—I think not.

3150. Will you swear you did not?—I do not think I did; I am almost certain I did not.

3151. Did you write any signed "J. W. Johnstone" then?—No, I am certain I did not.

3152. You are not certain about the other?—Either in the name of "J. Wilson," or "J. W. W," I do not think, to the best of my memory, I wrote a single letter; any letters I had to send were those circulars.

3153. Will you swear, to his Lordship, that you did not send other telegraphs besides those in a false name?—Without seeing them I could not tell from memory.

3154. Have you sent 20? have you sent 30? have you sent 100?—No.

3155. How many did you send?—About 10, I suppose.

3156. When did you begin sending them?—I could not from memory tell.

3157. A week before the election?—Possibly.

3158. When you say "possibly," do you not mean "probably," and that you are certain of it?—No, I am not certain.

3159. Did you send the telegrams in your own handwriting, in answer to any communication?—No, I think not.

3160. Will you swear that you did not?—I am almost certain that I did not.

3161. I ask you again, where are the letters?—If I had the telegram, I should be able to tell you whether it was an answer to any letter or not.

3162. Where are the letters of the out-voters?—I do not know.

3163. Who has access to your office, to steal the box with the election papers in?—I could not tell.

3164. Was the tin box, with the election papers, taken from your office against your will?—No, I should say not; I do not know who took it.

3165. Could it be taken from your office without your consent?—It might have been.

3166. Was it?—I cannot tell.

3167. Mr. Justice *Keogh*.] You can tell whether it was taken with your consent or without?—With my consent, of course. I should have no objection to its leaving.

3168. Was it taken with your consent?—I cannot tell; I expressed a wish some time ago that it should be taken away.

3169. I am

3169. I am very sorry I am obliged to caution you a second time as to the evidence you are giving; you were asked repeatedly whether you know anything about what became of that box; you now tell us that you expressed a wish that the box should be taken away; I hope I may not again have to caution you as to the testimony you have given.

Mr. *Heron*.] Come, sir, out with it; give the name of the person whom you told you wished to come and take away the box.—*(The Witness hesitated.)*

3170. Mr. Justice *Keogh*. You must answer the question?—I mentioned the circumstance to a gentleman.

3171. Tell his name?—Mr. Bond.

3172. Explain what took place about that box?—I can say nothing further. I did not see him since.

3173. Mr. *Heron*.] Who is Mr. Bond?—Bond is a gentleman who has an office in the same house.

3174. What is he?—He is a solicitor.

3175. What is his Christian name?—Thomas.

3176. When did you tell him to take away the box with the election papers?—Some time after I heard of the petition being filed.

3177. How long after the petition was filed?—I suppose a fortnight.

3178. Mr. Bond is no partner of yours, is he?—No.

3179. Was he assisting in the business of the election?—I cannot tell.

3180. Do you swear that you do not know?—I do not.

3181. Who was present when you told Bond to take away the box?—No one.

3182. At what hour of the day was it?—That I cannot recollect; about the middle of the day.

3183. Is Bond connected with you professionally in business?—No.

3184. Is he an intimate friend of yours?—He is.

3185. Does he also register at 3, Palace-street?—He does.

3186. In the same office with you?—No.

3187. In the same house?—Yes.

3188. Now, why did you tell him to take away the box?—Because I was afraid I should have been subpoenaed to bring it.

3189. Do you mean to say that you were afraid to tell the truth?—No.

3190. What was in the box that made you afraid of detection, if the truth came out?—There was nothing in the box but the letters, and the copies of those out-voters lists, and nothing further.

3191. I ask you again, why did you tell Mr. Bond to take away the box?—Because I did not wish to have it.

3192. Did you tell him to burn every shred of paper in it?—No.

3193. Did you convey that to him?—No.

3194. Did you mean that he was to keep it?—I did not want to have it.

3195. Did you mean that Bond was to keep it or to destroy it?—I meant that it should not be there; that I should have nothing further to do with it.

3196. I now ask you to look at his Lordship, and tell him what you said to Bond, and what he said to you?—I said I wished that box was con-

veyed away, for I did not want to have it, and Bond said nothing to me about it.

3197. Did Bond know that it was election papers?—No.

3198. Do you mean to say that you did not convey to Bond that those were papers connected with the election?—I did not.

Mr. *Heron* applied for an order for a subpoena at once for Bond, this being the first time of his name being mentioned.

Mr. Justice *Keogh* acceded to the application.

3199. Mr. *Heron* (to the *Witness*).] What is Foster's Christian name?—Henry.

Henry Foster was called in answer to his subpoena, but did not appear.

3200. Mr. *Heron* (to the *Witness*).] Do you know now that you sent the telegram in a false name and with a false address?—Yes.

3201. Why did you select 24, Dame-street?—Because I heard Mr. Johnstone had his address there.

3202. Do you intend that as an answer to the question; because you heard Mr. Johnstone had his address there?—I do.

3203. Who told you that?—I have seen letters brought by out-voters, dated from 24, Dame-street, and signed by J. W. Johnstone.

3204. Did you not tell me this minute, or five minutes ago, that 24, Dame-street was your idea?—I think not.

Mr. Justice *Keogh* directed the shorthand-writer to refer to his notes; and the following question and answer were read:

“Who told you to give the false address, 24, Dame-street?—An idea of my own.”

Witness.] I explain that in this way; I quite forgot at the time having seen those letters brought by out-voters with that address.

3205. Mr. *Heron*.] Who brought you the letter directed by out-voters to Wilson Johnstone, 24, Dame-street?—The out-voters themselves. They brought me the letter and asked me was it mine.

3206. Where did they bring you these letters?—They brought them to a room where I was.

3207. In 47, Dame-street?—Yes.

3208. Did you direct them then to go to 24, Dame-street, on your oath?—I saw at once that they were wrong, and told them that the address was 24, Dame-street.

3209. What do you mean by that?—I told them that they had come to the wrong place; that this was 47 and 48, and that 24 was the place it was directed to, and where they should go.

3210. Where they should go for what?—To get an answer to the letter.

3211. That is money?—No, in many cases it was not; and I don't remember that in any case it was to get money.

3212. Then a week before the polling-day whenever an elector came to you, an out-voter, with a letter directed to “J. W. Johnstone,” did you always refer him to 24, Dame-street?—If “24, Dame-street,” was upon the letter.

3213. You always referred them to 24, Dame-street?—I always referred them to 24, Dame-street.

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3214. Who do you believe was there to answer the letter?—J. Wilson Johnstone, whoever he was.

3215. Are you serious?—Certainly I am serious.

3216. Did you not know that there was no such person?—I could not tell; there might be a person there of that name, whether assumed or otherwise.

3217. Did you not tell me that you believed there was no such person?—I do not think I did.

Mr. Justice *Keogh* directed the shorthand-writer to refer to his notes; and the following questions and answers were read:

“On your oath, did you believe that John Wilson Johnstone was a real person?—No, I did not.”

“You did not believe him to be a real person?—I did not.”

3218. Mr. Justice *Keogh*.] I regret that I have to call your attention to your evidence. You are a professional man and you know the position in which you are placed, and I certainly shall not give you any further caution. You had better now proceed to answer the questions of the learned counsel, or it may be my duty to take some other course?—With respect to that Johnstone, I really did not know whether Johnstone was an imaginary or a real person.

3219. You were asked that precise question, and you said that you believed him to be an imaginary person?—That is what I said.

3220. You are asked another question now, why you referred certain parties to a person who you knew was non-existent. You said you did not know but that there might be a person there of that name?—Answering to the name.

3221. Mr. *Heron*.] Who told you to refer the out-voters to 24, Dame-street?—No one.

3222. Did you invent that?—No.

3223. Why did you do it?—Because, as I told you before, the letter was handed to me, and I saw 24, Dame-street, upon it and signed, “J. W. Johnstone.” The party had come to me considering that I was the writer of it, and I referred it over then to No. 24.

3224. Did you believe that the letter would be answered at No. 24?—I assumed that it would be; it emanated from whoever J. W. Johnstone was.

3225. Who lives at 24, Dame-street, to your knowledge, among your friends working for the cause?—The house is occupied I know by a solicitor, Mr. Parkinson.

3226. That is Mr. Henry Thomas Parkinson, of 24, Dame-street?—And the Conservative registration rooms for the county.

3227. How many persons live in 24, Dame-street, or have registered offices there?—I cannot tell you.

3228. Do you mean to say that you gave them a roving commission over 24, Dame-street, to find out; on your oath did you not tell them the very room?—No.

3229. Not the identical room?—No.

3230. What room?—I did not tell them any room; I did not know.

3231. Nor suspect?—Nor suspect.

3232. You did not suspect Mr. Parkinson?—I did not.

3233. Nor Mr. Ormsby?—Mr. Ormsby I never heard of.

3234. Mr. Thomas Ormsby, to prevent mistakes?—I never heard of him before.

3235. Do you mean to say you never heard of him before this day?—Never till you mentioned the name.

3236. Who were attending at the Conservative registration rooms?—I cannot tell.

3237. Were you ever there?—I was.

3238. Were you there on the 17th?—No.

3239. On the 16th?—No.

3240. On the 18th?—No.

3241. Were not you there for a week before the election?—No.

3242. Can you tell now the names of any out-voters who asked you for money?—I cannot tell the name of one. I have not a recollection of a single one.

3243. Will you swear that none did?—I will, that none asked me.

3234.* Asked you what?—Asked me for money, either by letter or otherwise, that I got.

3235.* Did you get any money yourself?—No.

3236.* I do not mean for yourself?—Nor for any one else, nor for anything else.

3237.* And you were not paid at all?—No.

3238.* Did you ever telegraph in a false name before?—Never, that I recollect; I never did to the best of my recollection.

3239.* Is that all you will say; do you not think that telegraphing in a false name is a thing likely to impress itself on the memory; will you ever forget this?—Well, I may say that I never did.

3240.* What do you mean by “may say”?—With safety that I—

3241.* That is to say that you could not be convicted?—No, I do not apprehend that; I mean without fear of contradiction, or without apprehension of stating what is not the fact.

3242.* When you say “without fear of contradiction,” do you mean that there is nobody to contradict you?—I mean that I have not done so; I do not recollect ever having done so.

3243.* Can you form no opinion as to the handwriting of the other telegrams?—No.

3244. You say that Mortimer and Fraser were in the office with you?—They were.

3245. Did Mr. Mortimer know about J. W. Johnstone, of 24, Dame-street?—I cannot tell.

3246. Did you ever speak to him upon the subject, on your oath?—On my oath, I do not recollect.

3247. Used Mortimer and Fraser to be always in the room with you?—They used.

3248. And the voters would come in, asking where to go to?—Yes.

3249. And they were present when the voters asked?—They were.

3250. And they were present when you told them to go to 24, to J. Wilson Johnstone?—Any communication I had with any of the out-voters was always in their presence, to the best of my recollection.

3251. Now, will you swear that Mortimer did not know about 24?—I cannot.

3252. Did he not hear you telling the voters to go there?—He might, or he might not.

3253. But did not Fraser hear you?—He might, or he might not.

3254. Where is Bond?—I cannot tell.

3255. Is he in Dublin?—He went down to the funeral of his brother.

3256. When?—On Saturday.

3257. To

3257. To the county Longford?—Yes; I cannot tell where he is.

3258. You say it was about a fortnight after the petition was filed, that you told Bond?—As well as I can recollect, I think so.

3259. On your oath, did you tell Bond to take away the box?—No.

3260. Did you tell him to leave it there?—No; I told him there was a box there, that I wished taken away, or something to that effect.

3261. Did you convey to him that it was about the city election?—No.

3262. And you believe that he did not know it?—I am certain he did not.

3263. Do you believe that Bond has that box forthcoming?—I cannot tell.

3264. Have you ever spoken to him on the subject since?—Never.

3265. Is he Thomas Wensley Bond?—Yes.

3266. Who suggested to you to get rid of that box?—No one.

3267. Mr. Justice *Keogh*.] Did you see Campbell over these telegrams?—I think I did.

3268. Would you just look at that, and tell me if it was your handwriting, (*the telegram being handed to the Witness*)?—That is mine.

3269. Then that is another that you did not mention, that was in this bundle?—It is.

3270. I wish you to go over these documents again; you will have an opportunity when you retire from the box, of examining each of them individually, as to whether they are in your handwriting.

3271. Mr. *Heron*.] Will you read that document (*handing a paper to the Witness, who read it*); you have read it now?—I have.

3272. That is to Mr. Edward Jeffcock, 170, Queen's-road, Bayswater, London. "Come over at once; we require voters on Wednesday, having not a vote to spare. Letter by post; signature of sender, J. W. Johnstone." Did you send a letter?—I cannot recollect whether I sent a letter, or whether there was one to be sent.

3273. If you sent a letter, did you not sign it "J. W. Johnstone"?—I do not remember that I sent a letter; my own impression is, that I did not.

3274. Who was it that sent the letter?—J. W. Johnstone, I suppose.

3275. Did you tell any one that you had sent the telegram?—No.

3276. If you told no one that you sent the telegram, how was J. W. Johnstone to send him a letter?—There was a list written of the parties who got telegrams, and I believe Mr. Johnstone got them, but how he got them I do not know.

3277. There was a list written of the parties to whom you sent telegrams?—Who got telegrams.

3278. Was that list kept in 47, Dame-street?—I think so.

3279. In whose hand writing was it?—It was in mine.

3280. By whose direction was that list kept, of persons to whom the telegrams were sent?—I think it was Mr. White.

3281. Mr. Thomas Fell White?—Yes.

3282. Had Mr. White permission to come into that room, and see that list?—I believe he had permission to go to any part of the house.

3283. Had he permission to come into that

room and see your list; did he come into your room?—He did.

3284. And look at the list?—I don't think he did look at the list.

3285. Who was to see the list but yourself?—I cannot tell who was to see it, but it vanished from the box somehow.

3286. That is to say, the box kept in 47, Dame-street?—Yes.

3287. It vanished from the box at times, but came back again to the box?—No, I think not.

3288. Did you not say sometimes?—At night, I suppose, it was taken out of the box, but I missed them in the morning when I went there.

3289. You used to miss it in the morning?—Yes, sometimes.

3290. It came back mysteriously in the middle of the day?—No, I did not see some of the lists again; I did not see some of the lists at all.

3291. Then there were different lists?—There was a list from day to day.

3292. In your hand writing?—Most of them in my hand writing.

3293. This is a telegram to Mr. Headley, Clonsche, Enniscorthy, "letter sent," look at your telegram, (*handing a telegram to the witness*); was that true?—I cannot tell whether it was true or not.

3294. In the course of business should there have been a letter sent, when you put that in your hand writing?—There were circulars sent to every man of those electors; I am not sure whether the "letter sent," might not have referred to J. W. Johnstone.

3295. Do you mean the letters signed by the conducting agents?—They were sent.

3296. Do you mean to say, that the telegram in the false name, has reference to the circulars sent by Mr. Sutton?—No.

3297. Then it is some other circular, is it not?—Some other.

3298. What is it?—I cannot tell.

3299. In whose name was it to be sent?—I apprehend in "J. W. Johnstone's."

3300. Why do you apprehend that?—Because I did not send it.

3301. Who was it that let them know that you had sent the telegram?—"J. W. Johnstone," I suppose.

3302. Mr. Justice *Keogh*.] But who was that "J. W. Johnstone"?—I cannot tell.

3303. But just look at your telegram; you sent a telegram in the name of "J. W. Johnstone," and that telegram says: "a letter sent," and now you are asked who sent that letter; do you mean to say, on your oath, that you do not know what that paragraph in your own telegram meant?—I apprehend that the reason—

3304. I am not asking you what you apprehend, but I ask you, upon your oath, what did you mean?—That letter should be sent by "J. W. Johnstone."

3305. Who was that "J. W. Johnstone"?—I cannot tell who "J. W. Johnstone" was.

3306. Although you telegraphed that a letter was to be sent by him?—No.

Cross-examined by Mr. *McDonogh*.

3307. Do you know the hand writing of Mr. Mortimer (*handing a paper to the Witness*)?—I cannot swear to it.

3308. I am not asking you to swear; do you know

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know it as to a belief?—As well as I can recollect, from having seen Mr. Mortimer write, I should think it was his hand writing.

3309. Do you remember having received, or having heard any directions given to Mr. Mortimer, to transmit circulars professing to be signed by Mr. Sutton and Mr. Julian?—There were a number of printed circulars.

3310. You remember, when it was ascertained that it was not legal to pay travelling expenses, that directions were given that those circulars should be transmitted to the out-voters?—You mean this in my hand?

3311. I do; allow me to open it for you. Look at, and read that circular (*handing a paper to the Witness*)?—Yes, that circular was sent.

3312. Do you remember having heard orders given by Mr. Williamson, in relation to the transmission of those circulars?—I do.

3313. Did you hear him give those directions to Mr. Mortimer?—I think the directions were given to myself; but either to Mr. Mortimer or to myself.

3314. Were you both present on that occasion?—We were.

3315. “We beg to say, that it is a subject of great regret to Sir Arthur E. Guinness, and the Hon. N. Plunket, that by an enactment of the last Session, of which an extract is herewith sent to you, they are prevented paying the necessary expenses of conveying their supporters to the poll.” Do you remember that?—I do.

3316. Do you know whether those circulars were transmitted to the several out-voters?—They were.

3317. Just remember, if you please, the questions which the learned Judge put to you, and also those which my learned friend put to you. At the time that you first were applied to by any of the out-voters, did you then know anything about the existence of J. W. Johnstone, of 24, Dame-street?—I did not, until I got the letters signed “J. W. Johnstone, 24, Dame-street.”

3318. Was it from the voters that you received them, or who was it, that showed you these letters signed “J. W. Johnstone”?—It was the voters, and I apprehend the reason they came to the office where I was, was my name being Johnstone, that they mistook it; as soon as I saw these letters, I then referred to 24, Dame-street, from which the letters were addressed.

3319. And at that time, when you told them to go to 24, Dame-street, had you any knowledge whatever of, whether he was an existing person or not?—I could not tell.

3320. When first did you believe, that he was a non-existing person?—I do not understand the question.

3321. I will not repeat a word, so I must ask you. Did you at first, when the voters produced to you these letters, know whether he was an existing person or an imaginary person?—I believed there was a person who wrote those letters, and was communicating under the name of “J. W. Johnstone,” or that it was an actual name.

3322. When first did you form the belief, that there was no such person as J. W. Johnstone; at about what time?—(*The Witness hesitated.*)

3323. Mr. Justice Keogh.] Be so good as to answer the question?—I am trying to fix my memory as to the time when I formed that opinion; I do not exactly understand the question.

3324. Mr. McDonogh.] I will try to make you

understand it. In order to endeavour to explain what you have been saying, when the voters first came into your office, you having the name of Johnstone, did you not think that there might be a person of the name living at 24, Dame-street, where the address was?—I thought there was a person there of that name.

3325. At that time?—At that time.

3326. Was it not the state of your mind, and did you not begin to believe, that there was no such person?—I began to think that it was a person with an assumed name.

3327. When did you begin to form that idea, that it was a person with an assumed name. I do not mean to fix you to a day, but what time intervened after the first communication with the voter?—I should think it would be about a week, as near as I can recollect.

3328. Now, may I ask you, how came you to take that box out of Dame-street?—It was left behind me in Dame-street.

3329. Did you then take it of your own authority?—No, it was brought to my office the day after I left.

3330. Do you know by whom?—I do not.

3331. Mr. Justice Keogh.] I wish to ask you a question, and, if possible, give me a frank answer; all those three telegrams are in your handwriting?—They are.

3332. You overlooked one of those when you first looked over them?—It might have been stuck to the others.

3333. Possibly that may have been so; you signed this telegram, “Johnstone, Dublin;” you had previously written, “J. W. Johnstone, Dublin,” and you erased the initials, “J. W.”? I do not think I did.

3334. So it appears; that is the telegram to Mr. Jefferock, Bayswater, London. You say “Letter,” by post; come over at once; record your vote; Wednesday morning; not a vote to spare; letter by post.” When you wrote those words, “Letter by post,” what did you mean to convey?—I expected that a letter would have been sent by J. W. Johnstone.

3335. By another person?—By another person.

3336. I ask you for the last time on that matter; can you tell me, believing that a letter would be sent by J. W. Johnstone, who was the person (no matter what his name was), whom you expected to write that letter?—Whoever the person was in 24 Dame-street.

3337. Whom did you believe him to be?—I could not tell.

3338. How was he to know that you sent that telegram?—By the list which was made out.

3339. By whom?—By myself.

3340. And given to whom?—Left in the box at Dame-street.

3341. And taken by whom?—I cannot tell.

3342. To whom?—I cannot tell, unless it would be to J. W. Johnstone.

3343. Unless it would be to an unknown person; the next telegram, signed “J. W. Johnstone,” is also in your handwriting, addressed to Mr. Danagher, 31 Balam-street, Plaistow: “By all means come without fail, in time to vote. Bring James with you.” (Perhaps this would bring the matter to your recollection). “Letter sent.” Can you give me any explanation as to what that letter was, who sent it, by whom it was to be sent, and likewise what it was to contain?

contain?—Likewise by Mr. J. W. Johnstone. Any letters alluded to in those telegrams were to be sent by J. W. Johnstone.

3344. Was he to send the letter without your knowing anything on the subject?—There was a list which I mentioned.

3345. Did the list contain a direction to send a letter?—No, “a telegram sent to the following individuals,” or something of that kind.

3346. The third telegram, signed by J. W. Johnstone, unlike the other two, is dated 24 Dame-street, and you appear to have erased the “24 Dame-street,” why did you erase the “24 Dame-street”?—I do not think the erasure is my doing at all.

3347. It appears to have been erased by you, and that is addressed to Mr. Heatley, Clourouche, Enniscorthy. “Come up and record your vote to-morrow without fail. Every vote required to ensure success, a letter sent.” You make the same answer as regards that?—I do.

3348. Then follow these words, “Mr. Stanford approves.” Tell me what the meaning of that is?—I will. I recollect that that gentleman was engaged upon the survey of an intended line in Wexford.

3349. Who was?—This gentleman, to which that was addressed?—He was engaged under Mr. Stanford, who was the engineer of it; Mr. Stanford had been communicated with, and had given liberty to him to come.

3350. That is a very fair explanation; but can you give me no further explanation as to the “letter sent,” except that it was to be sent by somebody from this list?—I cannot.

3351. Will you go over the whole of these telegrams, and, in the course of the day, inform me whether there are any others of them that are in your handwriting; just look very carefully at them?—I will.

3352. Be good enough also to tell me whether you can form a belief, after inspecting them more carefully than you could have done in a hurried way in the chair, as to whether there is any paper in the whole of them with regard to which you can form a belief as to the handwriting; and I commend you to look at them very carefully.

[The Witness withdrew.]

Mr. RUDOLPHUS MORTIMER sworn; Examined by Mr. *Hemphill*.

3353. WHERE do you live?—At Charleville-mall, North-strand.

3354. What is your business?—Not any.

3355. Have you no way of living?—I have.

3356. What is it?—A little independence.

3357. Are you a voter?—I am.

3358. I suppose you voted for Guinness and Plunket?—I did.

3359. Were you employed about this election last November, in the city of Dublin election?—I was; I volunteered my services on the 4th of October.

3360. Did you continue to act for the candidates Messrs. Guinness and Plunket, up to the day of the election?—I did.

3361. And until after the election?—No, not after.

3362. Up to the 18th of November, the following day?—On the 17th of November, I closed my services with them.

3363. What were your duties in connection with the election?—One of my duties was to receive recommendations made by applicants for offices, and to enrol them in a book.

3364. Have you got that book?—I have not.

3365. Had you anything to say to the out-voters?—Yes.

3366. What was your duty with regard to the out-voters?—To send them letters, requesting them to come as soon as it had been declared what the day of election should be.

3367. Did you receive this, or a similar list of out-voters, from Mr. Sutton?—Oh yes, I had it.

3368. Have you your own list?—I have.

3369. Will you produce it, and show it to me?—I will; it was exactly similar.

3370. But you have a list with your own observations?—Yes, I gave it to Mr. Williamson; not with observations, but alterations in residence; there it is (*producing a paper*).

3371. Are all these observations that I see on this list, in your handwriting?—No.

3372. Whose handwriting is that, “Those

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ticked, have replied before the 27th of October”?—I do not know.

3373. Do you mean to tell his Lordship you do not know whose handwriting that is?—No; it was on it when I got it.

3374. When did you first get this list?—I should think about the 8th of November.

3375. You got this list, and this observation was on it then?—Yes.

3376. “Those ticked have replied before the 27th of October”?—I knew nothing of that.

3377. From whom did you get that list?—Mr. Fraser brought it to me.

3378. Do you know where Mr. Fraser is now?—I cannot tell.

3379. Was Fraser working in the same room with you, in 47 or 48, Dame-street?—He was; he was my clerk there.

3380. And Mr. Johnston, the last witness, was also in that room I understand?—He came about a fortnight before the election to assist, as there was a great deal to do.

3381. You were then the principal man in that particular room?—I had been.

3382. With Fraser and your clerk?—Yes.

3383. You got this list about the 8th of November?—Yes, I should think so.

3384. Do you know from whom Fraser received it?—I do not.

3385. Did he not tell you?—No, he did not.

3386. What did he say to you when he handed you that list?—I asked him, had he a list of the out-voters, for I knew I was to send letters, directing them to come as soon as we could ascertain the day of the election.

3387. And he handed you this?—He did.

3388. “Envelopes each, enclosing a yellow and a blue circular were sent to the addresses of the gentlemen on the 13th and 14th of November 1868”?—Yes; that is my handwriting.

3389. Are those the yellow and blue circulars, (*producing papers*)?—Yes.

3390. Did you keep from day to day, an ac-

count

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Mortimer.

Mr.
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count of the gentlemen to whom you had written?
—They were all done in the one day.

3391. Had you any list of those parties?—
That document that I have given you.

3392. Did you tick it off, or mark it any way?
—I got in four clerks, and I cut those up in sheets, and I gave them a sufficient number of stamped envelopes to direct, and then the stamped envelopes were handed to me; before me were placed a pile of the blue, folded in that shape (*describing the same*), and a pile of yellow, folded in that shape, and I took one each, and the gentleman that was here last by my side did the same, and we put them into stamped envelopes previously directed; the only one of the envelopes that I directed was that one, and that is my handwriting.

3393. What became of those slips or lists; where they put in that tin box that Mr. Johnstone told us about?—Which slips?

3394. You say you cut up one of those books into slips?—Sure, that is the identical book that I cut up.

3395. And then you sewed it together again?
—Yes, that is the identical one, and I know it from that circumstance.

3396. Did you send any telegram?—I did.

3397. When did you send telegrams first; you know you state in the memorandum that you sent these letters on the 13th and 14th of November?
—I think about that.

3398. Was it not after that, that you sent telegrams?—No, I sent those letters.

3399. When did you send the telegrams?—I think on the 15th and 16th.

3400. Of November?—Yes.

3401. You sent telegrams, as I collect, to the outvoters in the country, or to some of them?—I did.

3402. Who paid for the telegrams?—Mr. Johnstone who was here gave me the money for some of them, and I advanced some money, which he repaid me.

3403. Did Mr. Johnstone repay you what you advanced yourself?—He did, the same day.

3404. And he paid for others at times; in whose names were those telegrams sent?—I sent them first in the name of the Conservative—

3405. Answer the question; in whose name were they sent?—Any that the name was given in I gave to Messrs. Sutton and Julian.

3406. And if in any the name was not given, what did you do?—I said: "The Conservative Agents, 48, Dame-street."

3407. Was that the way you sent them?—Yes.

3408. Did you send any in the name of J. Wilson Johnstone?—Not one.

3409. Did you ever hear of J. Wilson Johnstone?—Not until I received this subpoena.

3410. Do you mean to say that you never heard of J. Wilson Johnstone?—I never did.

3411. Do you know Mr. Henry Foster?—No.

3412. Of Mountjoy-street?—No.

3413. Was he in and out at all there?—No; I never saw him there.

3414. You do not know his appearance?—No.

3415. You know Fraser very well?—I do.

3416. And you do not know where Fraser is now?—No.

3417. Where did you see Fraser last—About a week after the election, and not since

3418. Did Fraser ever mention to you the name of J. W. or J. Wilson Johnstone?—No, he never did.

3419. Did Mr. Johnstone, the attorney, ever mention his name?—He never did.

3420. How many telegrams did you send altogether, yourself?—I think I sent them three times; about 14 or 15.

3421. About 14 or 15 altogether?—Yes.

3422. How many did you send in the name of the conducting agents?—I cannot tell.

3423. Did you send half of them?—I think I did; more than half of them.

3424. Did you go yourself to the office in Dame-street?—To be sure I did.

3425. Did you know the clerk to whom you gave the message?—I do not know his name; I would know him, I think, if I saw him?—I wrote the telegrams that I sent in the telegraph office, with the exception of the last batch.

3426. Did Mr. Johnstone ever mention to you that he had sent telegrams himself; I mean Mr. Johnstone, the attorney, of Palace-street?—He never mentioned it, but I knew he had been sending them.

3427. About the 16th and 17th of November?—Yes.

3428. Did you know in whose name he had sent them?—I did not.

3429. Did he tell you that he had sent telegrams in his own name?—No, he never mentioned anything of the kind, but I know he did; I carried some of his telegrams to the office.

3430. Would you know those telegrams again if you saw them?—Well, I do not know that I would; I do not think I would, because I could not distinguish them.

3431. But they were in Mr. Johnstone's handwriting?—They were in Mr. Johnstone's handwriting.

3432. How many did you carry altogether, do you recollect, in his handwriting?—I suppose I carried eight in his handwriting, in two batches.

3433. That was between the 14th and 17th of November?—I do not think there were any so late as the 17th.

3434. Well, the 16th?—Yes.

3435. You carried two batches of them?—I did.

3436. How many were there in each batch?—I think, four or five.

3437. Were the two batches on the same day, or on different days?—Both on the same day.

3438. I suppose you had one of those block books, or whatever you call them, of the telegraph office in Dame-street?—At the latter part there was, but at first there was not.

3439. And you filled them up in the office in Dame-street?—Yes.

3440. You filled them up to save time; had you the curiosity to look into any of those telegrams which you brought from Mr. Johnstone, the attorney?—No, I did not.

3441. Did you see that the address was given, 24, Dame-street?—No.

3442. You did not observe that at all?—No.

3443. Do you mean to tell his Lordship that you never looked at them?—I did when I was handing them in, and paying for them.

3444. What were they about?—To direct persons to be here on the morning of the 17th or 18th.

3445. Did you post any letters to outvoters at the same time, or on the same days?—No, I sent

sent them all along before the printed circulars; I never wrote a letter.

3446. You never sent any but the printed circulars?—Never.

3447. Were you paid for your services at the election?—No.

3448. You were altogether a volunteer?—Yes; I never received a penny.

3449. Where is this independent property of your's?—

Mr. Justice *Keogh* said he would not allow this question to be put.

3450. Mr. *Hemphill* (to the *Witness*).] Can you tell the handwriting of any of them?—I have no reason to doubt that they were Mr. Johnstone's handwriting, but I really cannot tell whether they were or not, because it is not the man's natural handwriting.

3451. Mr. Justice *Keogh*.] But you have no reason to doubt that they are in Mr. Johnstone's handwriting?—No.

3452. Look them all over quietly?—It is utterly impossible for me to tell; I have no reason to doubt that they are Mr. Johnstone's, but there is not one of them that I can identify as his handwriting.

3453. Mr. *Hemphill*.] You said that you did not know Mr. Foster?—No.

3454. Did you know Mr. Fraser's handwriting?—Well, I cannot say that I did; I can form some idea about it.

3455. Do you believe, or can you form an opinion as to whether any of them are in Fraser's handwriting? (*The telegrams were handed to the Witness*.)

3456. You know Fraser's handwriting you know?—I cannot form an opinion of which of them is in Fraser's handwriting, but I know that Fraser wrote some telegrams in the very same office in the next box to me, and came into the office after I had been there.

3457. The same day?—The same day and the same hour.

3458. In whose handwriting was that book kept (*handing a book to the Witness*)?—After the first few names that were written before my time, and which were written by another person, the remainder of each page is in my handwriting.

3459. I am informed that there are some red and black marks opposite different names there?—There are.

3460. Can you tell me who put the red marks and who put the black marks, or were they put by the same person?—The red marks, generally speaking, were put by me.

3461. And the black?—The black, I do not know by whom.

3462. What do the red marks indicate?—That the person had sent an answer to it. In fact this was the register of the answers that I got, and which remained in my custody in a box which afterwards most mysteriously disappeared.

3463. Is that the tin box that Mr. Johnstone spoke of?—No, another tin box that I had containing the letters which were received from the parties. These are the enrolment (if I might so call it), alphabetically, of the letters that I received from the parties to whom the original letters were sent, to request them to come and give their support to Sir Arthur Guinness and Mr. Plunket; and those letters, after they had been opened by Mr. Sutton, were handed over to me. I attended him every morning at 10

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o'clock, or a little after, and he handed them over to me, and I brought them down and entered them alphabetically, and endorsed them, and tied them up and put them into a tin box of which I had the key, and the key exclusively.

3464. Mr. Justice *Keogh*.] You said something about the box?—Yes, that box has disappeared.

3465. Have you the key of it still?—I have.

3466. Mr. *Hemphill*.] When did you see the box last?—I saw the box last on the Monday after the election.

3467. Where did you see it?—In the room that I occupied.

3468. In Dame-street?—In Dame-street.

3469. But you have not seen it since then?—No, on the evening but one before the election. There is the key of it (*producing a key*), and that key was broken in the lock; and when I found that the key was broken I went and bought another lock, and there is the key of that (*producing another key*). That has been in my possession from that day until the present moment, but the box is gone.

3470. And you do not know where that box is now?—I have not the shadow of any idea, but in trying to arrange another box of papers this book was in that box; I will swear it. In trying to arrange another box of papers I found this book in another box, but the 650 letters that this relates to were never forthcoming; nor the 450 letters of application which were likewise in it, nor the book of applications.

3471. Mr. Justice *Keogh*.] Do you swear that that book was locked up in the box of which you had the key?—Most positively.

3472. Mr. *Hemphill*.] And in what box did you find that book afterwards?—In another box that contained a parcel of blank books.

3473. Where was this box containing the blank books when you found it?—In Mr. Sutton's, 69, Abbey-street.

3474. Then you found that with a parcel of blank books in a tin box at 69, Abbey-street?—I did about eight or nine days ago. On Saturday night I looked over this to ascertain how many persons had made application for expenses, and I think there were very little exceeding 20; and the great majority of those when I received these letters I marked A., stating that they had asked for their expenses, as a mark to myself. I knew that in the first place it could not be done because it was illegal; at last it was posted up in the office over the chimney-piece, and I could not avoid reading it, and besides that of those blue letters that I speak of, I had a thousand in my possession earlier than Mr. Williamson commenced; they were given to me by Mr. White.

3475. When was the last entry made in that book in your handwriting?—I cannot tell you exactly when the last entry was made in this book in the letter A., but the letter was the letter which I have produced directed to "Francis Allan, Esquire, Belfast, care of Mr. R. Stevens, Berkeley-street, Dublin."

3476. That was the dead letter?—Yes, that was the dead letter.

3477. At about what date was it that you made your last entry in this book; was it the 17th of November; you say that your business was done on the 17th of November?—It was.

3478. Was there an entry as late as the 17th of November in that book?—I do not remember that there was.

K 3

3479. Was

Mr.
R. Mortimer.
—
26 January
1869.

Mr. 3479. Was there as late as the 16th?—I think there was.
R. Mortimer. 3480. Can you say when those applications for expenses came?—They came in the letters.
 26 January 1869. 3481. But the dates?—I cannot. They came at various dates.

Cross-examined by Mr. Butt.

3482. I see you say "Those ticked have replied before the 27th. Envelopes, each enclosing a yellow and blue circular, were sent to the address of the within gentlemen, on the 13th and 14th of November"?—Yes.

3483. That was the circular telling that they could not be paid their expenses?—Exactly.

3484. Mr. Justice *Keogh*.] This book was produced by Mr. Williamson?—It was.

3485. You first saw this book some 10 days ago in Mr. Sutton's office in Abbey-street?—Yes.

3486. And you also tell us that you swear positively that the book was locked up in a box, of which you held the key, and which has most mysteriously disappeared?—That is the truth.

Mr. Justice *Keogh* thought that it was incumbent upon somebody to produce the box.

3487. Mr. Butt (to the Witness).] If I understand you rightly about these telegrams, except from seeing the signature of Johnstone, you can form no opinion whatever as to whose handwriting they are in?—No, I cannot.

[The Witness withdrew.]

EDWARD LOVE ALMA, ESQ., sworn; Examined by Mr. Heron.

E. L. Alma, 3488. Do you know who J. Wilson Johnstone is?—I do not.
Esq.

3489. Do you know anything about these telegrams?—Some telegrams were sent by a gentleman of the name of Crossthwaite to certain out-voters. Their names I do not know. He was a stranger to me, and I have never seen him but once since the election, and that was about three weeks since, in the Bank of Ireland, by chance.

3490. Who is the Mr. Crossthwaite you mention?—I never saw the gentleman until a few days before the election, nor do I know where he resides.

3491. Was it in the Conservative committee-rooms at 47, Dame-street, that you met him?—It was not.

3492. Where was it?—I never was in the Conservative committee-rooms but once, and that was in the middle of October. It might be right to state what brought me there then, with the view of saving time to his Lordship and the Court. It was to tell Mr. Sutton of two gentlemen who it might have been supposed would have been doubtful as to the votes that they would give, that if they were asked to vote by Sir Arthur Guinness, they would vote for him. I went there, and I saw Mr. Sutton. I told him the fact; he looked at their names, and I was not five minutes in the room then, nor before, nor since.

3493. Mr. Crossthwaite, you say, you met some short time before the election?—I met him in 24, Dame-street.

3494. You met him there in the registration-rooms for the county of Dublin?—No.

3495. Where?—In a room above the county registration-rooms.

3496. What led you to go there?—I think that either Mr. Parkinson or Mr. William Johnstone told me that there was duty going on there in reference to Sir Arthur Guinness and Mr. Plunket, and that I could be of service. I said "very well," as I very freely and willingly would give any service to those gentlemen.

3497. Where was it that Mr. William Johnstone told you that?—I think I met him in Dame-street, that is my recollection.

3498. Did he tell you what the duty was?—He and I had some talk about the correspondence, and he said that he was going to 47, Dame-street, and that I could do service in 24, Dame-street.

3499. When you went into 24, Dame-street,

was there a room set apart for you there?—There was a room set apart for Mr. Crossthwaite.

3500. Do you know his christian name?—His christian name, as I understood it, was "Davenport."

3501. Did he live in Dublin, or was he a total stranger?—I think he was a total stranger.

3502. Was he the head controlling person in that room in 24, Dame-street?—He was the only person that I saw there then, and I think that two days afterwards there were two young boys or youths with him assisting him as clerks.

3503. Did you know of his telegraphing in the name of "Wilson Johnstone"?—Well, I must say I do.

3504. Will you tell his Lordship all that occurred?—When I went there, I said, "Well, Mr. Crossthwaite, how are you getting on here?" and he said, "I am very glad to see you, for I am not very *au fait* at these sort of things, and I should be very much obliged to you if you would direct me how to proceed." Then I said, "What are you doing?" "Well," he said, "here is a printed book of names of voters that I have to send letters to;" or something of that kind. I should say it was a copy of this (*pointing to a book*) and he was preparing from that letters to send to them. I then told him that the proper way, in my opinion, was to make a list of all those persons whom letters went to, and to enter them in alphabetical order for the convenience of reference (he did not seem to know much about business of any kind whatever) and to keep a list of them; and he did so, I believe. I told him also that all letters that came back in reply should be entered in like manner in alphabetical order. He told me he did do so, and I believe he did do so. A great many letters came back in the affirmative, without any stipulation or any condition whatever. There were some came back, I should say perhaps 30 or 40 at the outside (there may be more or less, I cannot undertake to say from memory), calling for expenses. I said that we must be very cautious in anything of that kind, and that in the event of any expenses being paid, they should be measured as much as possible by the railway charges that are taken for tickets, taking 100 miles as the criterion of what the cost would be.

3505. Then, about the name of "J. Wilson Johnstone"?—Well, I said, "Who is Mr. J. Wilson Johnstone?" I think it right to tell you that I found on the table, when I went in, all

all the paraphernalia of an office, such as pens, ink, and paper, and 100 or 150, or about 200 lithographed letters with the name of "J. Wilson Johnstone" to them visibly. Those letters were the letters which he had sent out to the different parties.

3506. You asked who "J. Wilson Johnstone" was?—Yes; I said, "Who the deuce is J. Wilson Johnstone?" "Well," he said, "I really do not know;" and he adopted that name all through, and any telegrams or letters that were written from the office were written or sent by this gentleman.

3507. In the name of J. Wilson Johnstone?—Yes.

3508. In addition to that printed or lithographed circular from the office signed "J. Wilson Johnstone," were there envelopes also sent to the elections with the name "J. Wilson Johnstone" printed on them to be sent back again?—I should say not; at least I never saw them.

3509. Did you attend from day to day at that office?—I may say "Yes;" I went there for about an hour or two hours in the day to see what was going on.

3510. Had this man Crossthwaite, or J. Wilson Johnstone, the control of any money?—I cannot say whether he had or not. If he had, he kept it very studiously from me; but of course if he had telegrams to send he must have had money to pay for them.

3511. At all events you were not enlightened on any of the money arrangements?—Not in the slightest degree; I never could ascertain whether there was a fund, or, if there was, where it came from, or whose funds they were.

3512. That discontinued, I presume, on the 18th, and you went there no more?—Well, I think I went after the election.

3513. Did you see that man Crossthwaite writing while you were there?—I cannot say that I did, for this reason; he used generally to go there in the morning about 10 o'clock or so, and I did not go there until one, two, or three o'clock; and he had all letters written, and all entries made, and his lists prepared and written, so that I had no opportunity of seeing him writing, and I never received any letter from him. I could not by any means identify Mr. Crossthwaite's handwriting.

3514. Did you see that book go backwards and forwards between 24, and 47, Dame-street (*handing a book to the Witness*)?—I never saw this book in my life.

3515. Were you aware of the list passing backwards and forwards between 24, Dame-street and 47, Dame-street opposite?—I do not think that there was any list that I am aware of passing backwards and forwards.

3516. Did you see lists of outvoters in No. 24?—I think there was a list prepared for this.

3517. I mean a manuscript list?—I think there was a manuscript list; it was in dark writing, but there was no heading to it.

3518. Do you know Mr. William Johnstone's handwriting?—I do not.

3519. You never saw him write, or corresponded with him?—Never.

3520. Can you form an opinion as to whose handwriting the list of outvoters, that you saw, was in?—I cannot.

[The Witness withdrew.]

MISS AGNES MORAN, sworn; Examined by Mr. Litton.

3521. WHERE do you reside?—At 32, Dominick-street.

3522. Do you know a person of the name of William Dalton?—I do.

3523. Was William Dalton indebted to you, in December last, for a sum of money?—Yes.

3524. Was he confined in the Marshalsea as a prisoner at the suit of your mother?—Yes.

3525. Do you remember the day before the election any person calling upon you?—No.

3526. Did you get a letter from any person?—On the 18th, I did.

3527. Did you get a letter before that from Dalton?—I think I did, but I do not know what day it was.

3528. Did you go down to the Marshalsea on the 18th November?—I did.

3529. Who went with you?—A friend.

3530. Who was that friend?—Mr. Meade.

3531. When you went to the Marshalsea, did you apply for an interview with Dalton?—Yes.

3532. Did you see him?—I did.

3533. Was anyone else present at the time with Dalton but you and Meade?—Not at that time.

3534. Did you call a second time?—I waited; he told me to wait until the arrival of Mr. Caulfield.

3535. Afterwards, did Mr. Caulfield come down to where you and he and Dalton were?—Yes.

3536. Will you state now, what conversation took place between you and Dalton?—Nothing.

only just he asked me what arrangements I would make; I said what did he intend to do; and then he said he would give me 4*l.*; at first he did not offer me so much.

3537. Did he offer you 4*l.* in discharge of his debt?—Yes.

3538. Was that offer made in the presence of Mr. Caulfield?—Yes.

3539. Did Mr. Caulfield write out in your presence any memorandum or document?—He did.

3540. Did you sign that document?—I did.

3541. Did you read it?—No, I did not.

3542. Did you know what it was?—I did not; I did not read it.

3543. Did you agree to take the 4*l.* in discharge of your debt?—I did.

3544. When were you to take that 4*l.*?—On the 21st.

3545. Where were you when you were paid that?—At 32, Dominick-street.

3546. Who paid it to you?—A man belonging to the prison.

3547. You do not know his name?—No.

3548. Did you give a receipt for it?—Yes.

3549. Did he say by whom he was sent?—Yes; I think he said Mr. Caulfield; I was out at the time, and he had to wait until I came in.

3550. Do you know the name of this man?—No.

3551. Had you ever asked for the 4*l.*, between the 18th and the time you received the money?—I went to him about a fortnight before that, to see if he intended to do anything about it.

K 4

3552. What

E. L. Alma,
Esq.

26 January
1869.

Miss
A. Moran.

Miss
A. Moran.
—
26 January
1869.

3552. What did he say to you?—He said he would try what he could do for me
3553. Whom did he say he would try with?—He did not say so.
3554. Mr. Justice *Keogh*.] Who said this?—Mr. Dalton.

Cross-examined by Mr. *McDonogh*.

3555. Was it not to your mother that the debt was due?—Yes.
3556. And your mother died some time ago?—Yes.
3557. How long before the election?—About three months.
3558. That is your receipt for the 4*l.* (*producing a paper*)?—Yes.

3559. I believe you had received certain monies on account of the debt, which reduced it?—Yes.
3560. Do you remember when you signed this paper: "Sir, I authorise you to discharge William Dalton, on his paying you 4*l.*"?—Yes.
3561. You agreed that he should be discharged?—Yes.
3562. Upon his paying 4*l.*?—Yes.
3563. And is that "*Agnes Moran*" your signature?—Yes.
3564. Ellen was your mother's name?—Yes.
3565. Although you did not read this, you had agreed that he should be discharged on paying 4*l.*, the amount of the debt?—Yes.

[The Witness withdrew.

WILLIAM FIELD, sworn; Examined by Mr. *Hemphill*.

W. Field.

3566. YOU are a freeman?—I am.
3567. Are you one of the Guild of Saint Loy?—I am not.
3568. Do you live in Little Strand-street?—I do.
3569. Did you vote for Sir Arthur Guinness and the Honourable David Plunket at the last election?—Yes, I did.
3570. Do you know Mr. Robinson of Swift's-row?—I do know him, perfectly well since the occurrence of the election.
3571. Do you recollect meeting Mr. Robinson by arrangement the evening before the election?—I do.
3572. At the General Post Office in Sackville-street?—Yes, at the hour of eight o'clock.
3573. Was a man of the name of Robert Smith with you upon that evening?—He was.
3574. Is he a freeman?—He is.
3575. Where does he live?—At 52, Great Strand-street.
3576. Was George MacDonnell, a freeman, with you there?—He was there.
3577. And a man of the name of Burgess?—He was.
3578. Was he also a freeman?—He was.
3579. Were there many more freemen there that evening?—There were to the amount of about 18.
3580. Altogether, including yourself?—Altogether.
3581. Will you tell us what Mr. Robinson said to you on that evening?—I will; Mr. Robinson said nothing unto to me, only "Will you rely upon my word?" said he; there was one unanimous voice "Yes," I waited until I heard the reliance, and the reliance was only this "Men, go down and vote at eight o'clock in the morning." I put my two hands in my pocket, and I walked over to the fire, and I stirred it up with the poker, and I sat down and made myself comfortable.
3582. Where was it that you poked the fire?—In the committee-rooms.
3583. Did he say anything to you at the post office?—Nothing whatever.
3584. Did he say anything about relying upon his word at the post office?—Not till he got me into the committee-room.
3585. Did he say anything, either at the post office or at the committee-room, that all would be right the day after the election?—I did not ask Mr. Robinson that question nor did Mr.

Robinson tell me; I did not hear Mr. Robinson say any such thing.
3586. Did you hear anyone say it in Mr. Robinson's presence that evening?—No, I heard the rumour of men through the committee-room of 10 days, but I knew not what it meant.
3587. Was Mr. Robinson present at the time?—I cannot say whether he was or not at that time.
3588. Was anything said about you and the other freemen calling at any time afterwards upon Mr. Robinson?—Not directly to me; I heard a rumour of it.
3589. Did you hear Mr. Robinson tell any of you to call at any time at his place in Swift's-row?—I did not hear him tell it; I did not hear Mr. Robinson tell it.
3590. Who did you hear tell it?—A rumour.
3591. What do you mean by a "rumour"?—Why the freemen about the committee-room.
3592. Did you hear any of the gentlemen in the committee talk about it?—I did not.
3593. Did you afterwards call on Mr. Robinson?—I did.
3594. When was that?—I was passing by one day.
3595. How soon after the election?—A few days.
3596. Was it about 10 days?—Not so long.
3597. Was it eight days?—About five days to the best of my opinion; I think it was about that.
3598. Did you call upon him at his office in Swift's-row?—I did, and went in to see him.
3599. Had you any talk with him?—When I went in I said unto him, "Now, sir, I have not called in to you to ask you any questions." By this time (I am coming to it now) the petition was entered against Sir Arthur, and the conversation we entered into was about the petition.
3600. Well?—That was all.
3601. But you know the petition was not entered in five days after the election?—Oh, but I gave it you on my opinion.
3602. You must answer me?—I will; I will answer you correctly.
3603. Did you not tell me two minutes ago, that about five days after the election you called in at Swift's-row with Robinson?—I did.
3604. Did you do so about five days after the election?—I see that I was wrong in my statement there, but now I am perfectly right.
3605. Now I ask you this; did Mr. Robinson, when

when you called in on him, tell you to call again in two or three days?—Wait; let me just think —.

3606. Oh! come?—Well, I cannot say whether he did or not. I cannot answer that question. I did not know. No, I did not hear him say any such thing; or if he said it, I did not comprehend it.

3607. Did he say anything to you?—We were talking about the petition, was not that the case, Mr. Robinson?

3608. Answer my questions; do not mind Mr. Robinson. Did he tell you to call in after two or three days, or after any number of days; a few days?—I did not comprehend his saying that, and I tell you I did not altogether hear him say it. If he said it, it was unknown to me. I did not hear him.

3609. Might he have said it?—I do not know.

3610. What did he say?—We were talking about the petition of Sir Arthur.

3611. What did he say about the petition of Sir Arthur?—We were just simply talking upon it. We thought that it would avail nothing. That was something similar to our conversation.

3612. Did he say anything to the effect, that it would be all right after the petition was over?—He did not say that word to me.

3613. Nor anything like that?—No.

3614. Will you swear that?—I would swear that, but I know how that word came very well.

3615. Very well; tell us how it came?—Well, I consider that this is an unlawful proceeding against me for to make either me or my words convict Sir Arthur by men coming up into my room. He said unto me, “Now, Mr. Field, you are a freeman, and you got no money for your vote,” I understand. Then I said that I had not. “Well,” said he, “come with me, and I will bring you up to a gentleman who will see that you are rightified,” and he brought me up to the “European” hotel, and there was a gentleman there of the name of Mr. Grant, otherwise Carthey —

3616. You were going to say how the words “all right” came to be mentioned?—I want to bring it back now.

Mr. Justice *Keogh*.] You had better be very cautious, and answer the questions that are put to you, and do not indulge in long speeches of that kind.

3617. Mr. *Hemphill*.] Was anything said about its being “all right” to you?—It was said in the Committee-room, but not directly, from Mr. Robinson to me.

3618. Subsequently, when you called upon

Mr. Robinson, was there anything said of its being all right?—When I called on him in Swift’s-row?

3619. Yes, when you called on him in Swift’s-row?—I cannot answer that question; I do not think he did.

3620. You will not swear he did not?—I would not swear that he did not, and I would not swear that he did.

3621. Do you know a man of the name of Beckett?—I do.

3622. Do you know of Beckett having got a 5 l. note in a cake shop?—I do not know anything at all about it.

3623. Did you ever hear it?—It was rumoured so.

3624. Do you know Robert Smith?—I do.

3625. Did Robert Smith tell you anything about Beckett?—

Mr. Justice *Keogh* ruled that this question could not be put.

3626. Mr. *Hemphill* (to the *Witness*).] Did Robert Smith go at any time with you to Mr. Robinson’s office?—He did once.

3627. Had Robert Smith any conversation with Robinson, in your hearing, about Beckett?—I do not know; I did not hear any conversation, but there was a little conversation between Mr. Robinson and him and I, but I did not hear anything about Mr. Beckett mentioned on that day in Mr. Robinson’s presence.

3628. Did Robert Smith say to Robinson anything about Beckett having got a 5 l. note?—I answered that before.

Mr. Justice *Keogh* ruled that the question was not admissible.

3629. Mr. *Hemphill* (to the *Witness*).] Had Robinson any conversation at all in your hearing about Beckett?—

Mr. *M'Donogh* objected to the question.

Mr. Justice *Keogh* allowed the objection.

3630. Mr. *Hemphill* (to the *Witness*).] Did Mr. Robinson say anything to you about having Beckett’s name on a list?—

Mr. *M'Donogh* objected to the question.

Mr. Justice *Keogh* allowed the objection.

3631. Mr. *Hemphill* (to the *Witness*).] Was there any list of the freemen mentioned by Mr. Robinson at the time you called?—

Mr. *Butt* renewed the objection.

Mr. *Hemphill* argued against the objection.

Mr. Justice *Keogh* allowed the objection.

[The *Witness* withdrew.

THOMAS FELL WHITE, ESQ., sworn; Examined by Mr. *Heron*.

3632. WERE you working at 47, Dame-street?—I was.

3633. And also in 24, Dame-street?—No; when you say 24, Dame-street, I was working in 24, Dame-street, but not in reference to the city of Dublin Election Petition; I was connected with the county election in 24, Dame-street.

3634. But at all events you were in 24, Dame-street?—I was.

3635. Do you know the little room above-stairs?—I do not.

29.

3636. They did not tell you about it?—Indeed they did not.

3637. And Mr. Alma never spoke to you about it?—Never.

3638. Until recently?—Until after I had been subpoenaed here.

3639. But while the election was going on did they conceal from you the existence of this room?—Certainly; I knew nothing about it, nor of any matters connected with it which have been detailed here.

L

3640. You

W. Field,

26 January
1869.

T. F. White,
Esq.

T. F. White,
Esq.

26 January
1869.

3640. You knew nothing about sending telegrams in false names?—I did not.

3641. Did you yourself assist in the room in 47, Dame-street, in which Mr. William Johnstone was?—No.

3642. Which was your department?—I have been in that room frequently, but Mr. Williamson more especially attended to matters of that kind, and scarcely ever left it; Mr. Sutton and myself, and I without Mr. Sutton, went round through the various wards selecting canvassers, and arranging for their payment.

3643. Then you had the principal share in selecting the canvassers and in arranging their payments?—I should say so.

3644. Do you know Campbell, the man with the red nose, whose name has been mentioned?—I do.

3645. Had you known Campbell before the last election?—I have known him four or five years prior to the year 1865, when I was in the habit of practising before Mr. Shaw at the city of Dublin Revisions.

3646. Was he then engaged as an inspector on the Conservative side?—He was, but not in the court in which I was.

3647. You know he was?—I have no reason to doubt that he was.

3648. Did you assist at the municipal election revisions?—Never at the municipal election revision. The only concern I ever had with the municipal elections was on an appeal.

3649. Did you know Campbell to be connected with them also on the Conservative side as an inspector?—Well, I cannot say of my own knowledge, but I had no reason to doubt it.

3650. Did you see him about the matter?—I never attended at the municipal election, so I cannot tell you.

3651. Did you know him to be connected with the poor law election of guardians?—No.

3652. Did you see him on the polling-day?—I did.

3653. Where?—Once or twice, I think, about Dame street.

3654. Were they freemen in your own department?—Very much in Mr. Williamson's and my department, more than any person else; that is in going through the wards we took especial care to have proper canvassers to canvass the freemen in the different wards, and to bring them up to the poll in Green-street.

3655. Then I may say that you and Mr. Williamson were at the head of that department?—Avowedly so.

3656. In what position did you employ Campbell?—I never employed Campbell directly, but when I went into Dame-street, in, I think the early part of the month of October (I have not the exact date), I found that no street canvassing lists had been made out, and that it was necessary to make out street canvassing lists, the result of which is in that book of the freemen and rated occupiers and lodgers. I applied then to Mr. Goodman on the subject, and as well as I recollect, he mentioned Campbell as a man who was thoroughly acquainted with the freemen, who would check over the street-lists of the freemen, which is a work of very enormous magnitude. Mr. Welsh, I think, as well as I recollect, was employed about the same matter of the rated occupiers, and then I having to leave town, Mr. John Byrne took the supervision of what I had set going.

3657. When did he take that?—Almost contemporaneously with my beginning the work.

3658. When did you leave town?—I was in and out of town. My sessions occur in the month of October, and I was away at my sessions; but whenever I had a spare month, the moment I had spare time, I went to work again as hard as I could.

3659. Had Campbell a sort of office in 47, Dame-street?—No; Campbell was there in the lower part of the house writing out the long freeman's list, and having about 10 or 12 clerks with copies of the different street-lists before them, trying to segregate them into separate street-lists; and it occupied them, I believe, nearly three weeks.

3660. Did you believe Campbell to be thoroughly well acquainted with the freemen?—I believe that he having been an inspector of the freemen, knew them very well.

3661. That is to say, knew them to speak to; knew the cut of a freeman?—Well, I have told you the only reason I had for believing that.

3662. You saw him on the polling day?—I did.

3663. Was he bringing up freemen to the poll, or was he only waiting at Green-street?—I saw him bustling about in Green-street, but not doing anything particular on the one or two occasions that I saw him.

3664. Were there not men employed during the day, to bring up freemen to the poll; that is to say, to go in a car for them and bring them up?—If you said "young men" you would be nearer the mark. There were a number of young men whom Mr. Sutton, Mr. Williamson, and myself appointed the morning before the election, for the purpose of meeting every man when he came up to Green-street, and showing him his booth. The booths were extremely complicated.

3665. Besides those young men, had you others, who were to go to the residences of the voters, and bring them up on cars?—No.

3666. I am not asking a word about car-hire, but had you persons to go to the residences of the voters, and bring them up?—There were canvassers named in different districts of the wards, who were to have seen after a certain number of men in each case.

3667. Campbell was not one of them?—Certainly not.

3668. Was he at Green-street every time you went there that day?—I cannot tell.

3669. Did you see him more than once?—I will swear I did not see him more than twice, and I can only swear positively to the fact of having seen him once.

3670. Were you speaking to him?—Not that I recollect; he may have said something to me; there might have been a passing word, but I cannot recollect.

3671. Your recollection would be, that you did not speak to him?—Certainly.

3672. Do you know a man named George Patrick Nugent?—No.

3673. You do not recollect him at all?—No.

3674. I suppose a number of voters may have spoken to you, and you do not remember their names and appearances?—An immense number of people spoke to me.

3675. Were they not pestering you for employment and for money?—Every person was pestering for employment.

3676. And money?—I do not think any free-
man

man actually asked me for money, but various hints were given to me which I indignantly repudiated; they had an old coat to sell, and all that stuff.

3677. Were not you known to be at the head of the freemens' department on the Conservative side?—Yes.

3678. Will you say that 200 or 300 men did not ask you for money directly?—Indeed, I will.

3679. Or indirectly?—I will.

3680. Did you understand, by what the freemen said to you, that the greater number of them wanted to sell their votes to you?—I think there were about 20 or 30 that did apply in person in Dame-street.

3681. For money?—What I understood to be an application for money.

3682. That is, they wanted to be bribed?—They did.

3683. Mr. Justice *Keogh*.] Where did they apply?—They applied in various parts; there were a great many people on the stairs, and some one or two men would, in the course of the day, say that they wanted to see Mr. White, and called me on one side; I will give you one instance; one man said: "I have an old coat to sell"; and somebody else said something of that kind; and I don't know but the general application was more inferential than direct.

3684. But at what place was this?—At the committee-rooms in 47, Dame-street.

3685. Mr. *Heron*.] Did you see any of those freemen signing the gratuitous letters?—I did see a good many sign, but not very many.

3686. May I ask was this your idea?—Well, I cannot say exactly that that was my idea; I could not exactly say at this moment whose idea it was.

3687. You are a legal man, was it your idea?—I do not think I could take to myself the credit of it.

3688. I do not mean the credit of carrying it into execution, but the credit of the originality of design, was not that yours?—Well, on my oath I could not tell exactly who originated it.

3689. Were you, at all events, consulted about this gratuitous declaration?—Certainly, it was a matter of conversation, that it was a very desirable thing that it should be done.

3690. How many hundred are there of those?—I cannot tell you; I suppose there are 60 or 70 signed by solicitors employed in the wards, and an immense number signed by poll clerks, check clerks, and others.

3691. Were they all paid?—Not to my knowledge.

3692. But they were signed by solicitors?—Yes.

3693. By all the poll clerks and check clerks?—Yes.

3694. By a great number of canvassers?—Yes.

3695. And all those persons were voters; did a single non-electors sign a single one of those documents?—Certainly not; there may have been, but as a general rule I imagine not.

3696. Were you present when the cabinet-makers undertook to canvass the provost of Trinity College for nothing; do you remember that?—I never heard of it before.

3697. You had enormous trouble in putting them into alphabetical order?—No.

3698. Who directed those gratuitous declarations to be put in alphabetical order?—They were

put in alphabetical order yesterday evening for your convenience.

3699. Mr. Justice *Keogh*.] Can you form any estimate as to the number that were so signed?—I should suppose there were about 300 or 400.

3700. Mr. *Heron*.] Do you know Mr. Robinson, of Swifts-row?—I know him now, since I have seen him in the Court out and he has been pointed out to me, but I never saw him before.

3701. Then you did not know him to be in any way canvassing the freemen?—No, there may have been a Mr. Robinson among the rest of the canvassers that I did not know of, but I did not identify him with that gentleman; I do not know that gentleman; I think I have seen him before, but if I did I forget his name.

3702. You said you did not remember a man of the name of Nugent, that I asked you about?—That is my answer.

3703. Who is Nugent?—Perhaps you could inform me in what ward he was employed.

3704. George Patrick Nugent, in Arran Quay Ward; did you employ him?—Yes, he was sent by me too; that was intended to be given to Mr. Saunders, (that was the other gentleman in Arran Quay Ward) to employ him to canvass about the 6th of November, and I found afterwards that his name was struck out, he not having acted.

3705. When was it struck out?—That I cannot tell you; but before the day of Election, I should say.

3706. Did he call on you immediately after the Election, on the 25th of November?—I should not know the man if I saw him at the present moment.

3707. Do you know in whose handwriting those two envelopes, directed to Mr. George P. Nugent are (*handing two envelopes to the Witness*)?—I do not.

3708. Have you any idea?—I have no idea at all.

3709. Did you believe them to be the same, or different?—Well, they are not the same character, so far as I can judge.

3710. You heard a circular mentioned during this trial; you were in court most of the time?—I was.

3711. You know the circular I mean; the mysterious circular?—Yes.

3712. Did you ever see any document like that, before?—No.

3713. Did you ever hear of it?—I never heard of it.

3714. Did any one ever come to you on the subject?—No.

3715. Did Nugent ever speak to you on the subject?—Somebody may have spoken to me on the subject after the election; I think there was some person came into Dame-street, and spoke to me in a somewhat similar way to that detailed by Mr. Meredith.

3716. Did the man speak to you about the circular?—I think some man did speak to me about a circular.

3717. That was soon after the election?—Some three or four days after; it was generally known in 47, Dame-street, that there were people who had gone to No. 3, Dame-street, with those circulars, and that they had found that there was nothing there. It was published in the newspapers, and I saw it in the "Freeman's Journal" the morning after.

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3718. Were you yourself at all connected with No. 3, Dame-street?—No.

3719. That was the Conservative Registration Society?—It was.

3720. Did you go there at all?—I must premise by telling you that I was connected with the conduct of the County Registration Revision, that is at 24, Dame-street, and in consequence of being requested by Mr. Goodman, I attended the first four days of the revision, when I was not occupied with the county business, and acted professionally before Mr. Purcell.

3721. Have you a list of the young men?—I shall get it for you to-morrow; I think it is in a green book.

Cross-examined by Mr. Butt.

3722. Do you know how Nugent voted at the election?—Not now, I do not.

3723. You were asked about this gratuitous declaration, and whether it was your idea or not; when, in point of fact, was that document thought of or prepared?—It was either in the early part of November, or the latter part of October.

3724. Were you present at any consultation about preparing it?—I did not say there was a consultation, but there was a conversation, and it was generally considered desirable.

3725. For what purpose did you think it desirable?—In the first place it was desirable to negative the idea that there was any hiring of any kind for a ward, under the Statute; and in the next place it was desirable that parties should not go all through the city, and then put forward claims afterwards against Sir Arthur Guinness.

3726. So far as you were concerned, was that the only motive you had in preparing that declaration?—That was the only motive, or those were the only motives.

3727. You know what instructions were sent out to secretaries and agents at the ward committee?—Yes.

3728. "You will reply to any person, being a voter, who applies for an appointment, that having regard to the Act of Parliament (a copy of which is posted in your committee-rooms) that such party cannot get employment for payment, without involving the loss of his vote; but if such voter be desirous of working and assisting the candidates, he must do so on the distinct understanding that he gives his services gratuitously, and without any promise of payment for same from the Candidates, or any one on their behalf; and you will not employ any person whatsoever without the authority of the conducting agents:" as far as you know, or as far as your influence could extend, were those instructions carried out?—To the letter, as far as I know.

3729. Do you know of any person who did sign that gratuitous declaration being paid?—I do not.

3730. Who appointed the canvassers?—I appointed the greater portion of the canvassers in the wards.

3731. But was the appointment of the canvassers done by some of the agents?—Yes; in company with Mr. Sutton on one occasion, I went round the wards, and formed a kind of basis for canvassers; they were afterwards added to according to the necessities of the ward and the number of voters to be brought up to poll; some from time to time were added.

3732. As stated here the printed clause of the

Act of Parliament was posted in every committee room?—It was.

3733. Before the day of the polling you also issued printed circulars?—Yes, those that are now before you were the first that were sent out.

3734. What agents did you engage on the day of the polling; you had inspectors in the booths of course?—There were inspectors of each district, and the statutable inspectors, at the booths.

3735. In addition to the statutable inspectors at the booths, what do you mean by inspectors of each district?—I mean two gentlemen appointed to each committee, who had charge of working up the matters from the commencement, before I had anything to do with the election.

3736. Had you tally agents?—Yes.

3737. What was their duty?—The tally agents would be the people like those that were at Green-street, that would meet the people and bring them up to vote.

3738. Was it not their duty "to conduct the voter to the proper booth in which he is to be polled, and as soon as the voter has polled the tally agent is to return to the tally rooms and report himself to the inspector for further duty"?—Just so.

3739. Was Campbell, on the day of the election, employed by you in any capacity, whatever, to your knowledge?—Certainly not.

3740. Who appointed those tally agents; whose duty was it to appoint them?—With regard to Green-street there were 40 or 50 appointed by Mr. Williams and by Mr. Sutton, and myself.

3741. Could a tally agent have been appointed at Green-street, according to the practice that you pursued, without your knowledge?—Certainly not. It was my son that made out the list of the agents, and they were mostly young men, students of the college and others.

3742. Had you students at the college who were tally agents?—Yes.

3743. Medical students?—Yes, they were mostly composed of them.

3744. Those were not voters?—Those were not voters.

3745. Those that were not voters did not sign the paper and were paid?—Some of them were paid.

3746. We have heard about 76 Capel-street; did you know at the time of the election anything on earth about 76 Capel-street?—Nothing in the world.

3747. Had you any reason to suspect or believe that anyone was paying money there for votes?—No, certainly not.

3748. Did you know, or had you reason to believe, at the time of the election, so far as your knowledge extended, of any money having been paid on behalf of Sir Arthur Guinness for any purpose of bribery?—None whatever.

3749. Have you any knowledge of those telegrams that you have heard of here being sent in the name of J. W. Johnstone?—No.

3750. I mean at the time of the election. Of course you have heard of them since?—Certainly.

3751. Do you know of any payments of expenses to outvoters?—No.

3752. At the time of the election?—Not at the time of the election.

3753. The business on which Campbell was employed was, as I think you said, in making out the lists?—Yes.

3754. Do

3754. Do you know why Campbell was selected for that?—Because he was the fittest man for the purpose.

3755. Why?—He had more knowledge of the freemen than any other person in the office at the time.

3756. How did he acquire that?—As I have said, he had been inspector of the freemen for some years at the registration.

3757. When were those lists on which he was employed completed?—The perfect register did not come out this year until the 1st of November. We had, in making out these street lists, to rely upon the books that had been used by the different gentlemen practising in the courts, and they were necessarily imperfect; and revised lists had to be made after the register came out, which was about the 5th or 6th, I think, when we first could get perfect copies of the register. It was very hard to get them; and that brought it down to within about the 12th or 13th, or thereabouts; and after that Campbell remained in the same room and received the reports, which he subsequently gave to me, of the results of the canvass of the freemen in the northern district of the county, and in the southern district of the county, which I managed without any committee, there being no com-

mittees for that place. He, in point of fact, checked the lists in that place and handed them to me, I not being there on all occasions.

3758. But when were the books completed?—I think about the 20th.

3759. Did he, then, continue doing that other business in the office?—He did up to the day before the election, or a day or two before the election.

3760. Had you ever employed him for anything except that?—No.

3761. To your knowledge, was he employed for any other purpose than what you have stated?—No.

Re-examined by Mr. *Heron*.

3762. When my learned friend Mr. Butt asked you about payments to out-voters, did you say, "Not at the time of the election"? Do you mean to say that you never heard of payments to the out-voters?—I never heard of payments to the out-voters since up to within—I do not know whether I am bound to say to what period, but I did hear of it since—I can shortly answer you; I heard within the last three or four days the evidence which Mr. Alma gave here to-day.

[The Witness withdrew.]

WILLIAM BOOTH, sworn; Examined by Mr. *Litton*.

3763. Did any person call upon you upon the morning of the election?—Yes.

3764. Who was that?—A young man that works on the "Express" that I know perfectly well, Mr. Tierney; but I never could see him since, though I have hunted for him.

3765. Do you mean the newspaper?—I mean the newspaper in Parliament-street.

3766. What did he say to you?—I was at work in my shirt sleeves at No. 12, Dame-street, Mr. Kavanagh's, when he came to me and said, "Will you come and vote?" "No, I will not," says I, "unless I am enumerated for my labour." I was stripped at the time. He went away, and he came back again, and all my shopmates said, "Do not go with him;" so I was determined not to go. There is no mistake about it. So he came back again, and then he ran round the back way the whole week after me up to the place where I lived.

3767. Did he bring you anywhere?—Yes; of course he brought me over into 79, Dame-street.

3768. Were you employed there?—Then I saw Mr. Manning, Alderman Manning, and a gentleman, a little man of the name, I think, of Hogan; and I seen a gentleman here to-day, I think that is him there (*pointing to a person in court*) that polled me, that has the wig on him.

3769. Is it Mr. Byrne?—I think that is the young gentleman who polled me.

3770. Did Alderman Manning say anything to you when you saw him upon that occasion, or did you say anything to him?—Yes; I told him I would not vote unless I got paid for it.

3771. What did he say?—He said that I would be enumerated, and then he ordered a car, and before I went on the car I had to sign a paper; I had not time to read it.

3772. Did you sign in the room?—Yes, of course I did, before Mr. Hogan and Alderman Manning.

3773. Was that before the day of the polling?—That was the day of the polling, before I went to poll, and then I was ordered to come back when I polled.

3774. Did you poll?—Certainly I did, of course—on a car to the door, and then I was employed for the day.

3775. Is that your handwriting (*handing a paper to the Witness*)?—That is my writing.

3776. When you came back, how were you employed for the rest of the day?—I was going about for voters during the whole day.

3777. When the work was over did you see Alderman Manning?—I asked Alderman Manning himself; I asked him would he be so kind as give me the price of refreshments, for I never done anything the whole day.

3778. You never got anything to eat?—Neither I did, and he said not; but he walked round about, and he put his hand in his pocket and he handed to a man at the door a two-shilling piece, at which the man at the door smiled, and handed it to me.

3779. Do you know who that man was?—I do not, indeed.

3780. Would you know him again if you saw him?—I would not.

3781. Did you call again on the Alderman?—I never called upon him; I went by Mr. Hogan's desire up to the Committee.

3782. Who is Mr. Hogan?—A man co-partner with Alderman Manning; and he told me I would be all right when I came out up in Dame-street.

3783. He told you to go where?—To Dame-street, to the head committee-room.

3784. To the same place were you saw Mr. Hogan?—No; not at all; down lower.

3785. What is the christian name of Mr. Hogan?—I do not know what his name is; I seen him going into the committee-rooms, and he said, "All right, call to-morrow"; and Tierney out of the

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 1869. the "Express" called me out of the shop three times after that, and I lost my time going up and down; and when I went up and produced a paper that I was to be paid for my day, I got nothing.

Cross-examined by Mr. *Exham*.

3786. Where did you first tell about this?—Well, I could not tell you, but I tell you the truth; I am upon my oath.

3787. Whom did you first tell about this?—The first man that I told about it was Mr. Gillies in Capel-street.

3788. That is the man that keeps a public-house at the corner?—That is the very man.

3789. Did he send for you?—I went voluntarily.

3790. Did you get anything to drink there?—Of course I did.

3791. Did you get anything else besides drink?—I did.

3792. How much?—Fifteen shillings.

3793. That was the first time?—That was the first time.

3794. Before that, did you tell anybody else; the agent?—No.

3795. Did any one offer you any money if you would tell?—No.

3796. Will you swear that?—People offered me money, but I would not speak about it.

3797. But I want to know who did offer you the money?—Why, I got a pound.

3798. Who gave you the pound?—A gentleman in Gardner-street.

3799. Who was he?—Indeed I do not know.

3800. What house is it?—It is in Gardner-street.

3801. What number?—I cannot tell you.

3802. Is it upper, lower, or middle?—It is just a few doors from the corner.

3803. Who took you to that gentleman?—George MacDonnell, the brass-founder.

3804. When did you go to that gentleman?—Last week, last Wednesday, I think.

3805. He gave you a pound?—Yes.

3806. Did anybody else offer you money?—No.

3807. Did you ever get a letter from anyone asking you to call on him?—No.

3808. Never?—Yes, I did, but that was over the way from Mr. —; I cannot tell you his name; he is conductor or head man of the Liberal office opposite to Kavanagh's in Dame-street, where I work.

3809. Do you know that gentleman's name?—I could not tell, upon my oath.

3810. Will you swear that you cannot tell the gentleman's name?—Really, I cannot tell the gentleman's name.

3811. Do you know him?—Yes, I know him as well as I know myself.

3812. Is that the letter you got from him (*handing a paper to the Witness*)?—That is it.

3813. Do you know now who he is?—I do; I know him perfectly well, if I seen him.

3814. "My dear Booth,—Give me a call here at your first convenience; it may be worth your while.—Yours, B. Connell,—73, Dame-street"; is that the gentleman?—Yes.

3815. That is the gentleman that you say is the manager for the Liberal side?—Yes.

3816. When did you get that letter from him? I could not really tell you the date; it was when I was looking to be paid for my time that I got the letter; after I voted and all.

3817. Was it after you had been at Gillies's or before it?—Oh, long after I had been at Gillies's.

3818. Did you give him a call after you got that letter?—I did not. I never called on him again.

3819. Did you call on Mr. Conwell?—No; I called on the man that came to see me in my shirt sleeves, and by the same token he told me I was a rascal for voting as I did.

3820. Did he offer you any money?—Yes; he said he would give me 50*l*.

3821. If you swore that you were promised to get money, or if you had got money for voting for Sir Arthur Guinness?—Yes, if I said that.

3822. You did not tell him you would not say that because you had not been offered it?—That is the truth.

[The Witness withdrew.]

Mrs. MARY ANN JESSON, sworn; Examined by Mr. *O'Shaughnessy*.

Mrs.
M. A. Jesson. 3823. ARE you the widow of Richard Jesson?—Yes.

3824. He is dead, I believe?—Yes.

3825. When did he die?—On the 16th of this month.

3826. Since the election?—Yes.

3827. Do you remember a man named Benjamin Warren calling at your husband's house?—Yes.

3828. Had you any conversation with him?—No; but I listened to what he said to my husband.

3829. What did he say to him?—He told him to vote for Guinness and Plunket, and that he would be decently dealt with. That was the first time he called, and then he came the day before the election and told him to rely upon that, that he would be handsomely rewarded if he went at 7 o'clock the next morning to Inns Quay.

3830. What did he say exactly, or the first time that he called there; did he say besides that he would be handsomely treated?—No;

that he might rely upon him that he would be handsomely treated.

3831. And the next time that he called what did he say?—It was the day before the election.

3832. Then he only called twice altogether?—That was all. Warren was brought by a person named James Hall, a freeman.

3833. What happened the second time?—He gave him a bit of a note to go to Inns Quay in the morning, and that he would be handsomely rewarded: to go to Inns quay, and be brought from there to the polling booth; and my husband did go, and my son along with him. My son has no vote, but he was with my husband all through.

Benjamin Warren was called forward.

3834. Mr. *O'Shaughnessy* (to the *Witness*).] Was this the man who called upon your husband?—Yes.

3835. And your husband went?—Yes, and voted for Messrs. Guinness and Plunket.

Cross-examined by Mr. *Purcell*.

3836. When did your husband die?—The 16th of this month. He got cold going out of Warren's house two days after, to see why he was not paid for his vote.

3837. When did you first mention about what you are after telling here to-day?—Not until last Friday.

3838. After your husband's death?—Yes.

3839. Who did you tell?—A man of the name of Walker, who came to my own place.

3840. When did he come?—On Friday last, and a man named Hagarty.

3841. Did they tell you they were getting up evidence about the petition?—No, they did not; they asked me did I hear any discourse between Mr. Warren and my husband, and I said I did about the election.

3842. About money?—About the election; so I told them what I heard, and they took it down on a bit of paper.

3843. And what were you to get?—I was not promised anything.

3844. Now will you swear that they did not say that if you gave evidence here it would be the better for you?—No, they said I would be paid for my time.

3845. Did they tell you what you were to get?—No, they brought me to Mr. Fitzgerald's office, and took my son out of his work.

3846. When you went to Mr. Fitzgerald's office did you get any money?—I got 5 s. for my boy's day and my own.

3847. And did he get anything?—I do not know; 2 s. for the two summonses, my son's and my own.

3848. Had you known Warren before?—I never seen him until he was brought in by James Hall.

3849. Did you ever see him since?—I did.

3850. When?—I saw him in court on Saturday.

3851. And you never saw him from the time

that he came to your husband's on that occasion till you saw him here?—No, I did not.

3852. Were you here when Hagarty and Walker were examined?—I was.

3853. Is it the same Walker and Hagarty that were on the table here?—Yes; I know Mr. Walker well.

3854. Had you a talk with them in court since this began?—No, not a word; they never spoke to me.

3855. Were you sitting in the gallery?—I was.

3856. Did you point out Mr. Warren to anybody?—No.

3857. Did anybody point him out where he was sitting, to you?—No, but my son knew him, and I knew him myself.

3858. Did your son point him out, or call your attention to him?—Before I saw him he said "There is Mr. Warren."

3859. He told you that was Mr. Warren?—Oh no, I knew him myself; says he "Mr. Warren is here," and then I looked round and saw him.

3860. And he said your husband would be decently treated?—Yes, and handsomely rewarded, when he left the note to tell him to go to Inns Quay at 7 o'clock on the morning of the polling.

3861. Did your husband get any money?—For his vote?

3862. Yes?—Not one farthing.

3863. Had he been long a freeman?—Yes; he is freeman a good many years; I believe 20 years.

3864. Had he always voted in one way?—No, he had not.

Re-examined by Mr. *O'Shaughnessy*.

3865. For whom had he voted?—He voted at the last election but one for Mr. Pim, and he always voted on the Liberal side until this election.

[The Witness withdrew.]

JOSEPH JESSON sworn; Examined by Mr. *Hemphill*.

3866. ARE you the son of Richard Jesson, the poor man that died lately?—Yes.

3867. And of that woman who was examined just now?—Yes.

3868. Do you know Mr. Benjamin Warren?—Yes.

3869. Did Benjamin Warren call at your shop the day before the last election for the city?—Yes.

3870. Were you present when he called?—I was.

3871. Did you hear any talk between him and your father about voting?—I did.

3872. What did he say to your father?—He said he would be rewarded if he would vote for Guinness and Plunket.

3873. Was there any one present besides yourself and your father; was Hogan there?—Yes, and my mother.

3874. Did your father promise to vote then?—Yes, he did.

3875. Did you go with your father the next day to vote?—Yes, I did.

3876. Did you go first to Dame-street, to any of the ward-rooms, to Inns Quay?—Yes.

3877. With your father?—Yes, I did.

29.

3878. Did you see the gentlemen that were in the room at Inns Quay?—Yes, I did.

3879. Do you know the names of any of the gentlemen that were there that morning?—No, I do not.

3880. After being at Inns Quay did you go up to Green-street with your father?—I did.

3881. Did you go on a car?—No; we walked up.

3882. Did anyone go with you?—Yes.

3883. Who?—That same man Benjamin Warren.

3884. Did they bring you up to the polling-place?—Yes.

3885. About what hour in the morning was it that your father got here?—At about a quarter to nine o'clock.

3886. Did you hear your father vote for Guinness and Plunket?—I did.

3887. When you were walking up from Inns Quay to Green-street did Benjamin Warren say anything to your father about what he would get for his vote?—I do not know.

3888. You did not hear any conversation of that sort?—No.

L 4

3889. Did

Mrs.
M. A. Jesson.
—
26 January
1869.

J. Jesson.

J. Jesson. 3889. Did you see your father get any money afterwards?—No.
 26 January 1869. 3890. Did you at any time go with your father to see Warren after the election?—I did.
 3891. At Donnybrook?—Yes.
 3892. About how soon after the election was that?—About two days.

3893. Did your father ask Warren for any thing?—No.
 3894. What was said between them?—He was not at home.
 3895. Did he see Warren at any time after that when you were with him?—No.

[The Witness withdrew.]

THOMAS HENRY PARKINSON, sworn; Examined by Mr. *Heron.*

T. H. Parkinson, Esq. 3896. Your offices are at 29, Dame-street?—Yes.
 3897. Are they the same offices with the Conservative Registration Society or are they different?—They are in the same house.
 3898. But have you different offices?—I have.
 3899. Who keeps the Conservative Registration Society's Office?—I took the apartments. I was then secretary of the Registration Society; and they continued to remain there, and they paid me so much, I being liable for the whole.
 3900. Then you have not the whole house?—No, I do not consider that I have; the premises were taken for the purpose I told you.
 3901. Mr. Justice *Keogh*.] A great number of gentlemen have separate offices there, have they not?—A great number are registered there.
 3902. Mr. *Heron*.] Do you know any of the arrangements about the car hire for Guinness and Plunket?—I do not know, because I did not interfere in the slightest degree whatever with the car hire. I had no interest whatever in the matter, nor was I ever an agent in the slightest degree for the election.
 3903. By whom was the car department managed from October 24th?—It was managed, not from my office but in the County Registration Office.
 3904. Who are the gentlemen that have the management of it there?—I consider that Mr. *Jerrard*—
 3905. Mr. *McDonogh*.] Do not tell us what you consider but what you know?—I mean only to tell what I know. Mr. *Jerrard* is the chief secretary of the Registration Society, and being the chief man of the office, I conclude that he is the man that had the management of the car department.
 3906. Mr. *Heron*.] Is that Mr. John *Jerrard* or Mr. Samuel *Jerrard*?—Mr. John *Jerrard*.
 3907. Who is now a barrister?—He is; Mr. Samuel *Jerrard* has nothing whatever to say to that establishment and never had.
 3908. Do you know anything about the little room upstairs where Mr. *Crossthwaite* was?—I do.
 3909. Do you know Mr. *Davenport Crossthwaite*?—I do.
 3910. Who is he?—He is a person I am acquainted with.
 3911. Where does he live?—I really do not know where he lives.
 3912. Is he a Dublin man?—He is a Dublin man. I have always believed him to be so.
 3913. Is he anything by profession?—I think not.
 3914. When did he come to take up the rooms in No. 24?—He came about the election time.
 3915. How long had you known him previously?—On and off for a length of time.
 3916. Did you know that he was sending telegrams and writing letters under the name of "J. Wilson Johnstone"?—I did not know di-

rectly, but I can only say that I believed he was doing so; but I did not see him doing anything, nor was I in the room.

3917. Did you know him to be acting under the name of J. Wilson Johnstone?—I think he must have been because letters came to the house directed to Wilson Johnstone.

3918. Who took the letters?—They got into his hands.

3919. I presume there was no letter-box with "J. Wilson Johnstone" on the front door of the house?—No.

3920. Into whose letter box were they put?—They were thrown into my box. They were sometimes thrown into the other boxes, promiscuously I may say, but whenever I met with them in my box—

3921. When you met with them in your box did you send them up stairs by your messenger to Mr. *Crossthwaite*?—Yes.

3922. Who told you to do so?—I cannot bear in my recollection, but I knew what it was for; they went to the proper place; they were not for my office.

3923. You yourself never entered that little room above?—I do not say that I never entered it, because the premises are convenient to everyone.

3924. Was that one of your suite of chambers?—It was an empty room, which was very little occupied; in fact, it was unoccupied by myself and the Registration Society.

3925. Did you give it for that purpose?—I think I did.

3926. Who asked you to give it?—I really cannot recollect.

3927. Do you know Mr. William Johnstone?—I do.

3928. Was he over there?—He was not.

3929. Did he ask you?—There might have been some conversation between him and me, but I really cannot recollect how it occurred.

3930. I must ask you to try and remember, and tell his Lordship who asked you to give this room to *Crossthwaite*?—I did not give it directly to *Crossthwaite*; I heard there was a necessity that—that there was a correspondence, and that 24, Dame-street, was an open place, and I thought I was serving the business by letting them have the room.

3931. Did you know that the correspondence was carried on in a false name?—I did not, because I never saw such a person as Wilson Johnstone; I do not know such a person.

3932. You never heard of there being such a man in Dublin?—No.

3933. Have you known William Johnstone for a long time?—Yes.

3934. You said you were not an agent for the city election?—No.

3935. You used to be over in No. 47 occasionally?—No; I give you the only instance that I can charge my memory with going; it was when

when I went to ascertain what would be a convenient time for the sheriff to fix the day of the election; I felt interested for both the city and for the county; I had the management of the county, and on that occasion I did go over to 47, Dame-street, to consult about the day to be fixed; and further than that I cannot charge my memory, for I had quite enough to do without interfering, nor did I take upon myself in the least degree to interfere.

3936. I presume you were not paid for the use of this little room?—Oh, certainly not.

3937. How was that little room situated as regards your own office?—At the very top of the house.

3938. And separated by the other chambers from your office?—The chambers immediately underneath are mine, and occupied by me.

3939. Immediately underneath that little room?—Yes.

3940. Your chambers must be on the third storey?—Yes.

3941. And this was on the fourth storey?—Yes.

3942. How many rooms had he?—There were two open there for him.

3943. Who were the young men he had with him?—I do not know; I never saw any.

3944. You did not know whom he employed?—I did not.

3945. Did he ask you for any of your own clerks, and did you refuse?—No, he never asked me for any of my own clerks.

3946. When did you last see Crossthwaite?—I have not seen Crossthwaite for, I suppose, a fortnight; I do not know really; you ask me when, but I cannot say that I miss him for more than a fortnight.

3947. Did you miss him?—I do not miss him because he is not a companion of mine; he is not connected with me in any way; but I have not seen him, I think, for about a fortnight.

3948. Do you know whether he lives in Dublin?—I do not.

3949. Have you never heard?—Possibly.

3950. Was it he that introduced himself to you in Dame-street, to tell you what was going on?—He did not tell me what was going on.

3951. Did Mr. Sutton speak to you upon the subject?—No.

3952. Or Mr. Williamson?—No.

3953. Or Mr. Johnstone?—Mr. Johnstone and I had some conversation.

3954. What was it?—About out-voters.

3955. Mr. Justice *Keogh*.] What was the conversation?—I heard that he was the person to have the looking after that department, and he thereupon suggested that it would be a convenient place for that business to be transacted, in 24, Dame-street.

3956. Mr. *Heron*.] Do you mean convenient

in locality, or convenient for another reason?—Convenient for the purpose that it was intended to carry out

3957. I presume that the rooms at the top of the house of No. 24, Dame-street are not as good as the drawing-room in 47, Dame-street?—I suppose not, garrets are very seldom good rooms.

3958. Do you mean convenient as you understood for the purpose of concealment, in order that it should not be known to Mr. Sutton?—I never had a thought about Mr. Sutton at all.

3959. Did you understand that it should not be known to Mr. Sutton?—I do not say that I never drew any conclusion of that kind.

3960. Was it to be concealed from every one as far as possible?—It was not to be a public thing.

3961. Was it to be concealed?—I considered that it was not to be a public thing; I thought it was better not.

3962. Why?—Because I was under the impression that some questions would be raised about it.

3963. Mr. Justice *Keogh*.] Mr. William Johnstone spoke to you upon this matter, and said that it would be desirable to have this room; did he mention who the person was that was to be in the room?—He did not.

3964. Then, in fact, why did you give it to Mr. Crossthwaite?—Because Mr. Crossthwaite, or any person who I had any reason to know was coming from the offices for the election on the opposite side of the street, I would have been quite willing to give it to him or anybody else.

3965. Had you reason to believe that Mr. Crossthwaite came from the opposite side of the street?—I drew my conclusion that he was the person; I considered that the moment that Mr. Crossthwaite came I knew that he was the person.

3966. Mr. *Heron*.] Will you describe Mr. Crossthwaite's appearance?—Rather under stature, round face, and wears spectacles.

3967. What complexion?—I would say darkish.

3968. What age is he?—Perhaps between 40 and 50.

Cross-examined by Mr. *McDonogh*.

3969. Did you say to my learned friend Mr. Heron that you did not know the arrangements about the cars?—Pardon me for a moment; I saw that there was business going on in the registration office near my own, but further than that I did not know.

3970. You know nothing about the arrangements as to cars?—I never interfered in the least.

[The Witness withdrew.]

WILLIAM JOHNSTONE, Esq., recalled; and further Examined by Mr. *Heron*.

3971. HAVE you recognised any more telegrams as being in your handwriting?—No.

3972. Do you know Mr. Davenport Crossthwaite?—I have seen him.

3973. When did you see him last?—Not since about the 10th of November; about a fortnight before the election.

3974. Did you believe him to be John Wilson

Johnstone?—From what I have heard since I came into court.

Mr. *McDonogh* objected to this evidence.

Mr. Justice *Keogh*.] If you wish now to explain anything frankly you have an opportunity of setting yourself right with the court, and I should be glad if you could or would

T. H.
Parkinson,
Esq.

26 January
1869.

W.
Johnstone,
Esq.

W.
Johnstone,
Esq.

26 January
1869.

would do so; pray attend to the questions, and speak with the same frankness as you have seen other witnesses do.

3975. Mr. Heron (to the Witness).] Was it arranged between you and Mr. Crossthwaite that he was to go to 24, Dame-street?—I think not.

3976. You never spoke on the subject?—I think not.

3977. You have already told us what you said to Mr. Henry Foster; was it since that that you saw Crossthwaite last?—I think not.

3978. You saw Foster about a fortnight before the election?—About a fortnight before the election.

3979. And you saw Crossthwaite on the 10th of November?—Do not fix me to the exact day; it is as near as I can recollect.

3980. Why did you mention the date of the 10th of November?—Because I thought it was about a fortnight before the election.

3981. Where was the last interview that you had with Crossthwaite?—I think the last time I saw Crossthwaite was in Eustace-street.

3982. In whose house?—In a house belonging to Mr. White.

3983. Do you mean Mr. White, the tea merchant?—And Mr. Cottell.

3984. What is Mr. Cottell?—He is a merchant.

3985. At what hour of the day?—I should say it would be about 12 o'clock, to the best of my recollection.

3986. By appointment?—No.

3987. By accident?—By accident.

3988. Who else were there?—No one else.

3989. Were you looking then for a man to be in the position of J. Wilson Johnstone?—I was not.

3990. Did you hesitate that time; did you ever look for a man to be in the position of J. Wilson Johnstone?—No.

3991. Who is Mr. Crossthwaite?—I cannot tell.

3992. Had you known him before that time?—No.

3993. Did you ever see him before you saw him at Mr. Cottell's?—I had.

3994. Where?—In my own office.

3995. Did he call upon you?—He did.

3996. And introduce himself to you?—He did.

3997. On whose introduction?—Mr. Foster's.

3998. What name did this man give you as his own name?—I think it was Mr. Davenport Crossthwaite.

3999. Are you sure?—I think he handed me an envelope, as well as I can recollect, with the name of Davenport Crossthwaite upon it, from Mr. Henry Forster.

4000. Now, Mr. William Johnstone, tell his Lordship all that occurred between you and Crossthwaite in that first interview, or will you put me to ask questions in the way that I shall be obliged to do?—I think it was arranged on that occasion that communication was to be had with the out-voters; and what arrangements were made about it I did not know at the time, but it was to be arranged; at that time there was not any arrangement.

4001. Did he then tell you that he was to be

the man that was to communicate with the out-voters; those communications that could not come from Mr. Sutton?—No, I was to have had, as I mentioned before, a communication with the out-voters, and Mr. Crossthwaite was to assist me. Afterwards that arrangement was broken off, and I did not see Mr. Crossthwaite from that day to this.

4002. Was that the only time that you ever saw him?—I think that was the last time that I ever saw him; not in my office, but in Eustace-street.

4003. But on that occasion, in your own office, was it arranged that he was to assist you in the out-voters' department?—Yes.

4004. And to be paid?—I could not tell about that.

4005. Do you believe that he was to work for nothing?—I really do think he was.

4006. How soon after that was it that you saw him in Mr. Cottell's?—I think it was three or four days afterwards.

4007. What is the earliest telegram in the name of "Wilson Johnstone"?—I could not say.

4008. On your oath, is it not a fortnight before the election?—I could not say from my recollection.

4009. At the time of the interview in Mr. Cottell's, did you not know that telegrams were going in the name of "J. Wilson Johnstone"?—No, I did not; because I believed there were not any at that time. I did not think there were any at the time I saw him in Mr. Cottell's.

4010. When first did letters come?—Oh, I could not tell that, for the letters had been received in the committee-rooms which were handed over to me.

4011. To J. Wilson Johnstone?—No, I do not know as to that.

4012. Is that all the explanation that you have to give?—That is all the explanation that I have to give.

4013. Have you told the whole truth?—I have told the whole truth.

4014. Did you speak to Mr. Parkinson about taking 24, Dame-street?—There was a conversation between Mr. Parkinson and me, about taking it, and getting the use of one of the rooms in that establishment, but whether it was a suggestion of Mr. Parkinson's or came from myself, I really cannot tell.

4015. Do you mean to suggest for a moment, that Mr. Parkinson suggested the plan?—Well, I do not know; I was at a loss for an apartment which would be convenient and separate from the one where I was working in 47; it was given gratuitously, that is all I know; there was nothing paid for it that I am aware of.

4016. Did you speak to Mr. Parkinson before you saw Crossthwaite, about taking a room in 24, Dame-street?—I did not see Crossthwaite after speaking to Mr. Parkinson.

4017. Had you had an interview with Crossthwaite before you spoke to Mr. Parkinson?—The interview I allude to was before I spoke to Parkinson.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

Wednesday, 27th January 1869.

WOODLOCK and FOLEY	-	-	-	-	-	-	Petitioners.
GUINNESS	-	-	-	-	-	-	Respondent.

Mr. *Hemphill* applied to have the bill of particulars amended by inserting the names of Michael Richard Stead and Thomas Coucher. 27 January 1869.

Mr. *McDonogh* was heard against the application.

Mr. Justice *Keogh* stated that he should allow the bill of particulars to be amended as requested.

MR. RUDOLPHUS MORTIMER re-called, and further Examined by Mr. *Heron*.

4018. HAD you any money in your possession for the business of the election?—Not a penny.

4019. And you did not give any money for the business of the election?—Not a penny, nor did I ever receive a penny of Sir Arthur Guinness's money in my life.

4020. Do you know 76, Capel-street?—No, I never was there, and I do not know where it is.

Mr. *R. Mortimer*.

[The Witness withdrew.

PETER LENAHA, PETER MONAHAN, and ANDREW MONAHAN, sworn; Examined by Mr. *Heron*.

4021. HAVE the three of you gone over this bundle of papers (*handing some telegrams to the Witnesses*)?—(*Lenahan*.) Yes.

4022. Can you trace that bundle to any particular message?—No.

4023. Which of you can identify the receipted docket for those three telegrams (*handing some papers to the Witnesses*); are those the telegrams to which the receipt docket refers?—(*Andrew Monahan*.) The receipt might refer to either of those three, or to another which was sent on the same day.

4024. Is that receipt here?—No, it is at Liverpool.

4025. Where is that telegram sent?—There is one of them sent to Shrewsbury; another to Edinburgh; and a third to Bristol.

4026. In whose handwriting is the receipt docket?—(*Lenahan*.) In mine.

4027. Does that refer to either of those three or to a fourth?—I do not know.

4028. Which of you identified it?—(*Andrew Monahan*.) I say it may refer to either of them or to a fourth.

4029. Mr. Justice *Keogh*.] Are all those three sent to the same person?—No; one of them is sent to Shrewsbury.

4030. Were they to different persons?—Yes.

4031. It may refer to any one of those three or to a fourth?—Yes.

4032. Mr. *Heron*.] This one is to "Jamieson, Belgrave Terrace, Brighton;" which of you identifies the receipt docket as corresponding to the telegram (*handing a paper to the Witnesses*)?—(*Lenahan*.) That is mine.

4033. How do you identify the receipt docket with the telegram?—There was no other message sent to Brighton that day but this one.

4034. This is a telegram to "Pickie, Dundalk;" which of you can identify it (*handing a* 29.

paper to the Witnesses)?—(*Lenahan*.) I took that message; it may refer to this message, but I could not say; there were two or three sent to Dundalk in the day.

P. Lenahan, P. Monahan, and A. Monahan.

4035. Which of you took this one; this is to Campbell, at Birmingham (*handing a paper to the Witnesses*)?—(*Andrew Monahan*.) I took that.

4036. Does that receipt docket refer to the telegram?—This receipt has apparently been changed from 3 s. to 6 s. after it was signed.

4037. When you gave the receipt, did you give the receipt for the 3 s., the true amount?—Yes.

4038. In your own handwriting?—Yes.

4039. Is your handwriting there still visible?—It is.

4040. Has it been changed to 6 s.?—Yes, and another station added on; the message was only for Birmingham, but the receipt has been changed to Birmingham and London; there was no message sent to London.

4041. This (*handing a paper to the Witnesses*) is one in Mr. Johnstone's handwriting; it is the one to "Enniscorthy." Which of you identifies that?—(*Lenahan*.) This is mine.

4042. Is that the receipt corresponding to the telegram?—Yes.

4043. This is to "William Thom, Inverness," (*handing a paper to the Witnesses*); which of you identifies that receipt docket as corresponding with the telegram?—(*Lenahan*.) That is mine.

4044. Do you identify that as corresponding with the telegram?—Yes.

4045. The next is to "Richard Seymour, Bath;" which of you identifies this receipt docket as corresponding with the telegram (*handing a paper to the Witnesses*)?—That is mine, too.

4046. That

P. Lenahan, 4046. That is a receipt for that telegram?—
P. Monahan, Yes.
 and 4047. Is there any charge on the docket itself?
A. Monahan.—No.

27 January 1869. 4048. This (*handing a paper to the Witnesses*) is to "B. H. Danagher, Plaistow, Essex;" which of you identifies this one?—(*Lenahan*.) That is mine.

4049. Was that the only one sent to Plaistow that day?—That is the only one I saw.

4050. Are there any other charges that you saw on the receipt dockets, except the charges that you mentioned, in your handwriting?—(*Andrew Monahan*.) Not in the one that I passed; there are several documents that have not been signed by me at all, although my initials are on them.

4051. Can you find them out yourself (*handing a bundle of papers to the Witness*)?—Those first three receipts (*handing back some papers*) are not in my handwriting at all.

4052. Will you tell his Lordship what they purport to be?—The first receipt purports to be for a message on the 16th of November to Haddington, 3s. I did not sign it, although my initials are on it.

4053. In whose handwriting is the body of it?—I do not know.

4054. Mr. Justice *Keogh*.] Do you mean to say that it purports to be your writing, and that it is not?—Yes.

4055. And that you did not receive that message in the office?—No; I cannot say that I did not receive the message, because I have not searched the book, but I did not sign the receipt.

4056. Do you know in whose handwriting the signature is?—I do not.

4057. It is not yours?—It is not. The next is a message on the same day to Chatham, and I have not signed it. The price is 3s. The next is a message to Liverpool on the same day, and I have not signed it. The other one is not mine.

4058. Are there any more in the same position as regards your handwriting?—There are not.

4059. Mr. *Heron*.] I presume you send a great many messages to Liverpool and to London, do you not?—Yes.

4060. Which of you received this one to Manchester (*handing a paper to the Witness*)?—(*Lenahan*.) I received that one.

4061. Does that receipt docket apply to one out of the three telegrams?—I could not say; there were several messages sent to Manchester that day.

Mr. Justice *Keogh* inquired for what purpose these documents were being identified.

Mr. *Heron* replied that he wished to prove that the receipts produced by the sheriffs as returned to him by the election expense agent, were the receipts for the telegrams sent in the false names.

4062. Mr. *Heron* (to the *Witness*).] Is there any receipt and telegram that you can positively identify, or are the others all sent to places to which such a number of telegrams are sent that you cannot identify them?—(*Lenahan*.) This was the only message to Carrickfergus.

4062*. That is not one of Mr. William Johnstone's?—This is one "from Norman to Stewart, Carrickfergus," (*handing a paper to the learned Counsel*).

Mr. *Sanger* stated that he had the book in which the messages were recorded with the

names, and that if his Lordship or the learned counsel wished to see it he would produce it.

Mr. *Heron* handed in certain telegrams numbered consecutively.

Cross-examined by Mr. *McDonogh*.

4063. Who is the young gentleman who gave evidence about this telegram to Brighton?—(*Lenahan*.) I did.

4064. Was it you that wrote the red ink here?—No.

4065. Who did that?—Mr. Delaney.

4066. Who is Mr. Delaney?—Mr. Sanger's clerk.

4067. And this was written after the result of the examination?—Yes.

4068. The words are, "May refer to enclosed, but other messages forwarded to which it would equally apply." Look at that attentively now, (*handing a paper to the Witness*). Did you not see the clerk of Mr. Sanger write that?—I did.

4069. Was not it true what he wrote?—There was a couple of messages sent to Brighton that day.

4070. Mr. Justice *Keogh*.] But did you not say that there was no other message sent to Brighton that day to which that could apply?—I do not remember.

4071. Mr. *McDonogh*.] As to the message to Plaistow, which was the gentleman that sent that?—(*Lenahan*.) I did.

4072. And you saw Mr. Delaney write that?—Yes.

4073. Upon that also are these words, "Must I think refer to attached, for this message is entered in a book,—London—If there be other message to place on the same day, Lenahan took message." What is the meaning of that?—I took the message.

4074. Then you say that the gentleman said, "There may be other messages to Plaistow that day"?—It is entered in the book as "London."

4075. Mr. *Heron*.] What is the date of that?—(*Lenahan*.) The 17th of November.

4076. Mr. *McDonogh*.] Who is the gentleman who spoke of his letter or figure 3 having been altered?—(*Andrew Monahan*.) I did.

4077. This obviously is one of the office dockets?—Yes.

4078. And I think I understood you to say that you would not tell his Lordship that you had not taken the message?—I told his Lordship that I would not say I did not take the message.

4079. Suppose there is a great hurry in the office, might not one amongst you sign the initials of others for the quicker despatch of business?—Yes; but this was taken at half-past nine at night, when there would be nobody else but me there. I beg your pardon—this is not the message that I said I was not sure that I did not take, the receipts which are forged or which I did not sign, I said I was not sure that I did not take the messages for them, but that I was positive that I did not give the receipts.

4080. Mr. Justice *Keogh*.] Is that in your handwriting?—The receipt is in my handwriting, except that the "three shillings" is made "six shillings."

4081. Can you account for any alteration in the telegram that caused the difference of charge?—This is the message to which this receipt refers.

4082. And about that you entertain no doubt?—It

—It is the only message to Birmingham, at least taken by me.

4083. Mr. *McDonogh*.] If there were other messages taken to Birmingham then by other clerks, that inference would not follow?—If the messages were taken by the other clerks my initials would not be on the receipt.

4084. But if there were other messages to Birmingham that day, your argument would not stand?—Yes; because this is the only receipt for Birmingham signed by me that day, and this is the only message taken by me for Birmingham; and if anybody else took the message I would not sign the receipt.

4085. Are you positive you took this message?—I know my own figures.

4086. How?—I know the money, and I know the date and time.

4087. Can you form any idea as to whose handwriting that “6” is in?—I could not.

4088. “Attached was apparently 3s. If so it will be numbered 253 to Birmingham, taken by Monahan”; that is you?—Yes.

HENRY OLIVER BARKER, Esq., LL.D., sworn; Examined by Mr. *Heron*.

4095. ARE you one of the Registrars in the office of the Registry of Deeds?—I am.

4096. Is there a gentleman in your office of the name of Foster?—There is.

4097. What is his Christian name?—Henry.

4098. Where is he at present?—I have not the slightest idea.

4099. Has he been attending at his office for the last few days?—This morning, seeing what was in the papers, I went up to the office, although it was not my day to attend, and I understand that he has been ill for some days.

4100. Who told you that?—Mr. Watson, the chief clerk.

4101. Have you any book in the office showing the attendance of the gentlemen who are bound to attend there?—There is such a book.

4102. Did you look to that book and see when Mr. Foster last attended?—I saw it on Wednesday, but not in the attendance-book, for I do not look at it when Mr. O’Connell is there.

4103. Has he had leave of absence from the office?—If he sends a sick certificate he, without I believe getting leave, is marked “ill.”

4104. Did he send a sick certificate?—Mr. Watson told me he did this morning.

4105. Did you ask to see that certificate?—I did not.

4106. When was that certificate given?—He told me a couple of days ago, or whenever he went away.

4107. Was that a medical certificate?—It was a medical certificate.

4108. Who was the doctor that signed that certificate?—I have no idea.

4109. Do you know where Mr. Foster resides?—Let me explain that I only got the subpoena a

Re-examined by Mr. *Heron*.

4089. Which of you took this one to Plaistow? Is London the telegraph station for Plaistow?—(*Lenahan*.) It is handed over in London.

4090. Therefore, this is the one “No. 92, Johnstone, Danagher, London, 4 s.”—(*Lenahan*.) Yes.

4091. There is no doubt about that?—No.

4092. Mr. *McDonogh*.] The observation which the clerk of Mr. Sanger makes is, “This, I think, refers to attached—but this message is entered in book ‘London,’ and there may be other Plaistow messages in the same way.” That ought to have been “thesame day.”—(*Andrew Monahan*.) That means that if there were other messages to Plaistow they may be entered in London also.

4093. How far is Plaistow from London?—I do not know.

4094. Mr. *Heron*.] Is it the station where the change takes place?—Messages for Plaistow are handed over at London to another company.

[The Witness withdrew.

P. Lenahan,
P. Monahan,
and
A. Monahan.

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quarter of an hour ago as I was going out to ride, and I rushed down here at once. I have not been to my office even, or I would have taken care to have brought down the certificate here with me.

4110. Do you know where Mr. Foster resides?—I believe in Mountjoy-street.

4111. Have you ever been to Mountjoy-street at his house?—Never in my life.

4112. Do you know that he got leave of absence for the purpose of attending the election?—I do not.

4113. Or for being absent during the time of the trial of this election petition?—I do not. The Head Registrar is at present in Dublin, and these letters when he is there are taken to him.

4114. Did you hear he had left town?—This morning Mr. Matson told me that he believed he was away.

4115. Out of town?—Out of town.

4116. Was that for the benefit of his health?—I have not the slightest idea.

4117. Did he say where he was out of town?—I asked Mr. Watson “Do you know where he is?” and he replied, “No, I do not, but I believe him to be away.” I wondered at his not appearing when he was called on a subpoena. I thought that even if he was ill he should come up.

[The Witness withdrew.

Mr. Justice *Keogh* stated that every facility should be given to have this matter proved, and that he would postpone the trial, if necessary, to secure Mr. Foster’s attendance.

Mr. RICHARD O’BRIEN, sworn; Examined by Mr. *O’Shaughnessy*.

4118. Did you call at the residence of Mr. Foster yesterday?—Yes.

4119. Where is that?—54, Mountjoy-street.

4120. Did you ask for him there?—Yes.

4121. What did you hear?—The servant said he had been out of town since yesterday morning, and she did not know where he was, or when he would be back.

29.

4022. Did she say anything about his being ill?—No.

4123. Had you that subpoena with you when you went to him there?—No.

[The Witness withdrew.

Mr.
R. O’Brien.

Mr. EDWARD BYRNE, sworn; Examined by Mr. *Hemphill*.

- Mr. *E. Byrne*. 4124. ARE you in the employment of Mr. David Fitzgerald?—Yes.
- 27 January 1869. 4125. Did you go last night with a subpoena to Mr. Davenport Crosthwaite's?—I did.
4126. Where does he live?—No. 2, Mander's-terrace, Ranelagh.
4127. Did you find it open or closed?—I knocked at the door, I believe, twice, and it was not answered.
4128. Were there any lights?—There were no lights in the house.
4129. Did you inquire next door?—I did.
4130. Did you ascertain anything about him?—I went next door, and the servant there told me that they were in the house, and that I was to knock.
4131. About what hour was it that you went there last night?—About 20 minutes past eight; that was the first time.
4132. Did you go again last night?—I went again at about 20 minutes to 10.
4133. And at neither time could you get in?—At neither time.
4134. Are you sure it was his house?—It was.
4135. How often did you knock the second time?—The second time I knocked once.
4136. Was it on the first or the second occasion that you ascertained from the next house that the family were inside?—On the second occasion.
4137. Did you go this morning again?—I did.
4138. At about what hour?—At about a quarter before 10.
4139. Did you knock?—I did; and when I was going to the door, I saw a few children

going into an inside parlour, and I was kept for some time; finally a servant opened the door.

4140. A female servant?—A female servant. When she opened the door, I asked was Mr. Crosthwaite in the house; and the servant looked astonished and said, "He is not, sir; he is gone away." I asked were any of the family in the house, and she said there was; and I said could I see Mrs. Crosthwaite, thinking Mr. Crosthwaite was married. I was shown into the drawing-room, and the servant came in and said, "Sit down; I will go and tell Mr. Crosthwaite." She came back in a few minutes and said, "There is no Mrs. Crosthwaite, but here is Mr. Crosthwaite's sister." "Well," I said, "his sister will do." She came in, and I asked for Mr. Crosthwaite, and she said, "Mr. Crosthwaite is gone away to London these last few days;" and I handed her a note with a subpoena, mentioning that there was a subpoena, and showing the writing of it. She said, "What am I to do with this?" And I said, "Let him have it as quickly as possible."

4141. When did she say he went to London?—Two or three days ago. I asked did she know what was his direction in London, and she said not; she didn't know where he was going to in London.

4142. Did you hear when, in fact, he did go to London?—Nothing more than that I heard from the servant in the next house that she thought Mr. Crosthwaite was gone.

[The Witness withdrew.]

HENRY CREMER, sworn; Examined by Mr. *Heron*.

- H. Cremer*. 4143. YOU voted for Guinness and Plunket?—Yes.
4144. Do you remember, about three weeks before the election, being canvassed on behalf of Guinness and Plunket?—I do.
4145. Were you canvassed by a man in the employment of Todd, Burns & Company?—I was.
4146. What is he there?—He is what I call an overseer over the workers in the tailoring department.
4147. You do not know his name?—I do.
4148. What is his name?—His name is Mr. Stafford.
4149. Did he canvass you for Guinness and Plunket?—He called on me the night before the election, and he brought me down to the tally-room in Sackville-street.
4150. Was that at No. 48 or No. 79?—The tally-room in Sackville-street.
4151. Whom did you see there?—I saw Mr. Bonghey.
4152. Mr. Bonghey, the attorney?—Yes, and also Mr. Robinson.
4153. Is he the gentleman that has the loan office?—Yes.
4154. Did Mr. Robinson tell you anything?—Mr. Robinson gave me his card, and told me I would be all right after the election.
4155. How much were you to be all right for?—He did not mention any amount.

4156. What did you understand by what he said?—Well, I thought at least I was to get a 5 l. note.

4157. I believe you have a son a voter?—Yes.

4158. That is William Cremer?—Yes.

4159. Was it mentioned in the room there, that evening, about your son's vote?—Mr. Bonghey had told me to bring as many as I possibly could. I told him I had not much influence in the city of Dublin; that I was a foreigner, that I had a son who was a voter, and I would endeavour to make him vote for the same party.

4160. Mr. Justice *Keogh*.] Of what country are you?—I am a Prussian by birth.

4161. Mr. *Heron*.] When you told Mr. Bonghey you had not much influence, what did he say?—Mr. Bonghey told me to be early in the morning at the poll, to do whatever I could. I told him I would be there early in the morning, and my son also.

4162. Did Mr. Bonghey then say anything to you as to what you would get?—Yes.

4163. What did he say?—There was nothing further passed.

4164. Your son afterwards voted?—He did.

4165. Were there other voters in the room at the time when this went on?—No, there was nobody present; it was rather late at night; it was between 9 and 10 o'clock, I should say.

4166. Did you afterwards see Robinson?—I did;

did; I saw Mr. Robinson the day after the election in Jervis-street.

4167. What did you say to him?—Mr. Robinson told me that morning he was very busy, but that I was to call the next morning at his office; I did call at his office according to appointment, and he called me behind the counter, and he told me to keep myself quiet for 21 days; he took down my address, and also the address of my son.

4168. Was this in the pawn-office, or behind it?—In the loan office.

4169. Did you see Mr. Robinson after that?—In a couple of days after I wrote a letter to Mr. Robinson, stating that I would rather have a few pounds at once than wait for 21 days, according to promise; he made no answer to the letter. I wrote to him again with a friend of mine, a Mr. Carpenter. I sent a letter by Mr. Carpenter stating that it was almost time that he should perform his promise; Mr. Robinson made answer to Mr. Carpenter, stating—

4170. Were you present at that?—No.

4171. Then do not say a word about it; did you afterwards see Mr. Robinson at all?—No, I did not.

4172. Did you call upon him?—I called at his own private residence.

4173. Was he denied to you?—No; I asked him if there was any chance; he said, "There is some movement making about money," and he would remember me.

4174. Mr. *Heron*.] Is this the card (*producing it*) that Robinson gave you?—Yes, this is the card.

4175. Who wrote the words upon the back?—I wrote them myself, but I was afraid when I went to Robinson's he would not let me in, so I wrote my name upon the back of the card.

4176. Before your son voted had you any conversation with him about being paid?—No; not the least.

4177. Did you afterwards call upon Bowey?—Yes; and I brought Carpenter with me to know what was the use of promising money to me. It was near Christmas, and I required a few pounds, and he said, "I have not had anything paid for the last few months, but your name is upon the list, and if I am paid you shall be paid." He said that upon a Saturday night before Christmas.

4178. Did you ask about your son's money?—He said that both should be all right; he said that my son was also upon the list.

4179. Did you vote for Guinness and Plunket in consequence of that promise?—I do really believe I was disposed to vote for Pim, because he was a good employer to me, but I was induced by parties to vote.

4180. You are a cap maker by trade?—Yes.

4181. Is your sister in Glasgow?—Yes.

Cross-examined by Mr. *Butt*, Q.C.

4182. Had you ever promised any one to vote for Sir A. Guinness?—Parties came the month previous to the election.

4183. Had you ever promised?—Not particularly?—I might when the parties came up to me, and seemed to press me so hard; I told them to let me alone for a while till I made up my mind.

4184. Did you ever tell any one you would vote for Sir A. Guinness?—No, I did not.

4185. Are you sure?—Confident.

29.

4186. Do you know a man of the name of *H. Cremer*. Stewart?—Yes.

4187. What is his Christian name?—I cannot tell. 27 January 1869.

4188. Did you ever tell him you were going to vote for him?—I cannot say; I told him my mind was not made up; I cannot swear I told him I would vote for Guinness.

4189. Do you remember telling him you would not vote for any one that disestablished the Church?—I might.

4190. Did you not say it?—I might.

4191. Did you not arrange to go to the poll with him?—He had arranged; I was going about my business; Stewart came up, and said, "You may as well come along with him." I said, "I don't like to lose my time," and I went with him. He did not promise me anything; all I told him was about the card from Robinson the same morning.

4192. Who is your landlord?—Mr. Maloney.

4193. Had you received any money for giving evidence?—£.3, and I got a receipt for rent I owed him; I was hard up during the week for a pound, and I gave my I O U; he did not tell me he would not ask it from me if I gave evidence; he knows me about 25 years.

4194. He has forgiven you the rent?—He has. I cannot pay him.

4195. Did he not ask you to give evidence here?—Not a word.

4196. Did he never speak about it?—Never. I did not see Mr. Maloney till the morning he brought me the receipt. I never spoke to him about the election. The morning of the election he came to ask me to vote for Pim; I was out at the time.

4197. Did you say to anyone he had offered you 5*l.* to vote for Guinness and Pim?—No.

4198. Did you tell Stewart that two men had come to your house after you had voted and told you you had lost 5*l.* by not voting?—Yes.

4199. Was one of these men Maloney?—No.

4200. Who was he?—Walker met me the morning of the election in Capel-street, and said to me, "Do not be in a hurry to vote till I see you." In the course of the day Walker asked my Missus whether I had voted. "He has voted," said she. "Why did he vote?" said he, "I have 5*l.* I could give him."

4201. Did two men come to your house?—Yes.

4202. Were they the two men, Walker and Hopkins?—Yes.

4203. And you never said that one was Maloney, your landlord?—Certainly not; they were Walker and Hopkins.

4204. How did you come to give evidence?—A person came to me by name of Molloy. He told me that 5*l.* were waiting for me in the office of Guinness. He came three times a day, and late at night, and said, "I have 5*l.* for you; I am Guinness's agent; all I have is a card; that is Robinson's card."

4205. Where did he take you to?—He told me to wait a bit. He took me to Mr. Fitzgerald's office the week after, but not the same time.

4206. When you went there, did you expect to get anything; did you expect to get 5*l.*?—I did not expect to get anything. I thought I was in Guinness's office. I did not know where I was. They put me into a cart and dragged me away, and I did not know in the world where I was brought. They put me into a cab and dragged

H. Cremer. dragged me away, and I did not know where I was brought. It was the first time I had a vote, and I did not know what I was about.

27 January 1869. 4207. Did you see Tanty there?—Yes; I know him for several years.

4208. Was it not next morning that Maloney called upon you and gave you a receipt?—Precisely so.

4209. Were you told in Mr. Fitzgerald's office that you would get any money?—Not a word, nor a promise.

4210. That man, Molloy, did not give you the 5*l.*?—Not a penny.

4211. Have you the receipt for the rent?—I have it at home.

4212. What is the date?—I forgot to put it in my pocket.

4213. Do you say positively Maloney said nothing about giving evidence?—Not a word, upon my oath.

4214. Did you ever tell anyone he did?—I cannot say I did. Tanty did not give me any-

thing; he is an old acquaintance, and I called in on business.

4215. Did you ever tell Tanty a different story from this?—Not a word.

4216. (To Mr. Heron.) Where was it you met Walker and Hopkins?—In Capel-street.

4217. What did Hopkins say?—He came with Walker, and he seemed to be very cautious; he shut the door for fear he might be heard, and he seemed to deplore I had been in such a hurry, stating that I had lost my chance. He said I will see to bring your case forward, and have a reward, and have you rewarded; both promised that. They wanted to send for drink, but I told them I would not take anything.

4218. When Molloy brought you to the office, you said you thought they were taking you astray, to Guinness's agent; did you tell the whole story you have told now?—I did.

[The Witness withdrew.]

JOHN JAMES MATSON, sworn; Examined by Mr. Litton, Q.C.

J.J. Matson. 4219. YOU have a situation in the Registry Office?—Yes.

4220. Do you know the Register?—Yes.

4221. Who is Henry Stewart?—He is a first-class clerk.

4222. When was he first absent from his duties?—(Refers to book). Upon the 15th January, the present month.

4223. What was the cause of his absence?—Illness.

4224. What book is that you have?—The attendance book. There are three attendance books. He has not attended since the 15th.

4225. In whose entry is the word "ill"?—In mine. I must have received a letter stating that he was ill, and upon the 17th I got the certificate.

4226. From whom?—From Dr. Nolan.

4227. Is it usual to bring all applications of this kind before the head of the department?—Yes; all medical certificates are brought under the consideration of the Register.

4228. In this case, was it brought?—It was put in with the daily returns, and the Register must have approved of it.

4229. Did he make any order?—I am authorised to mark one ill, if the certificate be right.

4230. How long does that extend; have you made inquiries about him since?—I had no doubt about the *bona fides* of the certificate, knowing that he was suffering from a chronic ailment; he was absent before, and I reported to the Register that I thought the certificate was *bonâ fide*; I observed some days before that he was looking exceedingly ill.

4231. Do you know whether he is in town at present?—I cannot say.

4232. Have you ever called at his house?—Never. One of the gentlemen said he had a conversation with Dr. Nolan, and he said he thought he was very delicate and should leave the country.

4233. Was that after the petition was filed?—About a week ago.

4234. Had he leave of absence to attend the election?—All the clerks had leave to register their votes, pursuant to the Treasury Minute.

4235. Had he leave before that; had he been in daily attendance before the 18th November?—He was in attendance upon the 14th November; upon the 16th, 17th, and 18th November he was in attendance and left at 11 o'clock, and returned about five minutes past 12.

4236. That is in Foster's own handwriting?—I told the gentlemen in the office that they all might leave to register their votes, and it would not be marked as "leave" against them.

4237. Is there any mark upon the 17th?—No.

4238. There is no evidence of his having left the office that day or before?—That was Monday. No, he signed at four o'clock as having left; there is his signature (referring to book).

4239. Look to the earlier part of November; was he in his office upon the 13th November?—Yes; he was in attendance upon the 12th and 11th November; he was in attendance upon the 10th.

4240. At what hour does the office close?—Four.

4241. Mr. Justice Keogh.] Do you think it is necessary to ascertain the address of a gentleman in the event of requiring to make inquiry?—Yes; there is an address-book. If they leave their residence they are bound to furnish some clue to where they are.

4242. But if they get leave of absence?—If upon leave, all communications are addressed to their registered place: if the party is absent more than a month we make inquiries as to his state of health, and require a further certificate.

[The Witness withdrew.]

Mr. Heron put in a list of the Royal Exchange Ward, with Crosthwaite (Devonport), one of the committee.

CHAS. WM. GODWIN, sworn; Examined by Mr. *Hemphill*.

4243. WHERE do you live?—Madras-place.

4244. Are you a freeman?—No, I am a householder.

4245. For whom did you vote?—I voted for Guinness and Plunket.

4246. Were you canvassed by anyone before the election?—I was canvassed by the Liberals and Conservatives.

4247. Who canvassed you for the Conservatives?—I cannot tell his name; I do not think I would know him.

4248. Do you know a person named Cole?—Yes. We had been talking about voting for Guinness and Pim nearly three months before.

4249. Had you any conversation with Cole on the day of the election?—Yes; we had words together.

4250. Did you go in a cab with Cole and Kelly?—I did not.

4251. Did you go in a cab to the committee-room in Dame-street, No. 79?—Yes.

4252. With whom?—Kelly; I do not know the other.

4253. Was that the man who was examined?—Yes.

4254. Was there another man in the cab with you?—There was.

4255. Did you go into the committee-room?—I did.

4256. Do you know Alderman Manning?—I never saw him before that day. I saw him there with Kelly; that was before I voted.

4257. Did he ask you to sign anything?—He did.

4258. What was it?—A document to give his services gratuitously.

4259. When he got the paper what did he say?—He asked me, was I willing to work for them that day. I told him I was, but would expect to be paid.

4260. Did he say anything about the law?—I cannot say he did; but Mr. Vance said this was only a thing to evade the law. I cannot give the exact words, but they were tantamount to that.

4261. Was it young Mr. Vance, or old Mr. Vance, that said this?—Young Mr. Vance.

4262. Was that in a committee-room?—Before we went I saw him in Mr. Cole's place. Mr. Vance came to the place where I do business and told me Mr. Cole wished to see me, I went round to some men in the establishment I'm doing business for; I told him I did not feel inclined to vote; but when Mr. Cole came I said I would go; we went. I saw Mr. Vance at Cole's, we got into a cab and went to Dame-street. The persons in the cab were myself and Mr. Kelly.

4263. Was it at Cole's that Mr. Vance spoke about evading the law?—Yes; and I said they cannot expect me to lose my time for nothing. I understood that I was to be paid for my day.

4264. Do you recollect when you went into the committee-room, and saw Alderman Manning, he said anything to the same effect?—No.

4265. Did you after that go on to Green-street?—No.

4266. When did you vote?—About half-past eleven.

29.

4267. Who was with you?—The young man that went with me in the cab.

4268. Did you see Campbell when you were voting?—No.

4269. Did you, after voting, go to the committee-rooms in Dame-street?—About half an hour after I voted I returned in the cab to Dame-street; I was asked by Alderman Manning, would I go and see persons to bring them up to vote.

4270. Did you go?—I did.

4271. Did he give you any list?—No; he simply said, "If you can bring up voters do so." I returned about half-past five. I did not get any money nor ask for it. I went back in expectation that I would get money as a canvasser for the day, but I did not go into the committee-room.

4272. Were you turned out of the committee-room?—I could not get up, there was a great crowd; I did not see any money given; I have not received anything, nor do I expect it.

Cross-examined by Mr. *Exham*.

4273. Do you recollect anyone coming about the business?—Yes.

4274. Who?—One of Mr. Fitzgerald's agents.

4275. His name?—I do not know; he did not tell me his name.

4276. Would you know him; look around?—He was examined a few moments ago about the subpoena.

4277. Did he tell you he heard you had got money for your vote?—Yes.

4278. Did you tell him you had not?—I did.

4279. He said he would make you swear you did?—Yes.

4280. And Mr. O'Shaughnessy, the attorney; you saw him at your own residence?—Yes.

4281. And the other person, Byrne?—Yes.

4282. Did he tell you he knew you had been paid money?—He said he had information lodged against me that I had promised money; he said he knew that I had not received, but had only been promised money. I told him I merely got payment for the day, and he said he would give me two years' imprisonment if I did not come forward and say I had been promised; I recollect a person of the name of Christy Eustace, a dyer in Weaver's-square, also speaking to me.

4283. Did he threaten you?—No, he asked me was I promised; he said he would give me money if I would give information.

4284. Did you tell him you could not do any such thing?—I did.

4285. That, in fact, it would be untrue?—Yes, it would be untrue.

4286. Do you recollect when Mr. Vance called upon you?—I saw him two nights previously.

4287. But upon the day of the election, when Kelly and you were together, you saw Mr. Vance?—Yes.

4288. When did you first hear about the signing of the document?—When I was in Cole's place he said he would put me upon the list of voters if I signed my name upon the list to give my services.

4289. Upon a list, a printed form; did you sign that document?—I did.

N

4290. Was

C. W.
Godwin.

27 January
1869.

C. W.
Godwin.
27 January
1869.

4290. Was anything said about money in your presence?—There was not.

4291. Was Kelly within hearing while you were there?—He was in the front parlour and I was in Cole's workshop; Mr. Vance and Kelly were talking to each other in the first place; what the conversation was about I cannot tell.

4292. Mr. *Hemphill*.] After you had the con-

versation in Mr. Fitzgerald's office, did you go to Mr. Sutton?—I never went to Mr. Fitzgerald's office; I went to Mr. Sutton after a conversation I had with Mr. O'Shaughnessy, and I think I told you what I said to-day, as near as possible; and I then told Mr. Byrne I would not give any information.

[The Witness withdrew.

THOMAS NOBLETT, sworn; Examined by Mr. *Heron*.

T. Noblett.

4293. WHERE do you live?—In Finglas.

4294. Are you a coachman to Dr. Duncan?—No, I work in the garden.

4295. Do you know Henry Foster?—Yes.

4296. How long?—Seven or eight years.

4297. Did you know him about the time of the election?—Yes.

4298. Did you see him about that time?—I did.

4299. Did he employ you?—Yes.

4300. Did he give you 3 l.?—Yes.

Mr. *Heron*.] I now ask Mr. Merydith to tell me is that amount down in the election expenses?

Mr. *Meredith*.] I must get some further information before I am able to answer.

4301. (To the *Witness*.) When did he give you the 3 l.?—Shortly after the election.

4302. After the polling?—Yes.

4303. Where?—In his own house.

4304. That is in Mountjoy-street?—I don't know.

4305. Was any other man with you at that time?—There was another.

4306. His name?—William Kemp.

4307. Did he get 3 l. also?—Yes.

4308. Judge *Keogh*.] From Foster?—Yes, my lord.

4309. Who else?—I saw no one else; no one but Kemp went with me.

4310. I believe you are not a voter?—No.

4311. When did Foster employ you?—The night before the Dublin election; I happened to meet him, he employed me for the county.

4312. Did you see Foster in Green-street upon the day of voting?—I did, in Capel-street.

4313. 76?—76 or 66, I cannot tell which; I was there from seven in the morning till four in the evening; Foster was not there all the time, he was not there over five minutes.

4314. Were you upon the back door?—No.

4315. Upon the front door?—No.

4316. In the parlour?—Yes.

4317. Were you one of the three in the parlour?—I was.

4318. Who were the other two?—Mr. Kemp and Mr. Watkins.

4319-20. Mr. Justice *Keogh*.] Who was he; was he a policeman?—He was.

4321. He got 3 l., too?—I do not know what he got.

4322. Don't you know that Foster paid him?—I don't know.

4323. Did Watkins tell you he paid him?—No.

4324. Were you sitting in that room the entire day?—Yes.

4325. Where did Watkins live?—In Finglas.

4326. Is his name John?—To the best of my knowledge it is William.

4327. Who told you to go to No. 76?—Foster.

4328. When did he tell you?—The night before the Dublin election.

4329. Where?—In Dorset-street, I think.

4330. In the committee-rooms?—Yes.

4331. Who were present?—I know no one but Watkins.

4332. Was he with you in committee-rooms?—He was.

4333. Was Kemp?—He was.

4334. Did the three of you speak to Foster?—He asked us how we were.

4335. Did he not tell the three of you to go to No. 76?—He did.

4336. Had you ever been there before?—Not to my knowledge.

4337. Nor Kemp?—I do not know.

4338. Who was upon the front door?—There was a boy, and we went in through the hall.

4339. Can you read or write?—I can read my Bible.

4340. But you are not a handy man at the pen?—No.

4341. Can Kemp read or write?—I do not know.

4342. Did you write anything that day?—I did not.

Mr. *Heron* read an extract in a book from the committee-room, Inns Quay, Henry Foster, Mountjoy-street, General Committee.

4343. Did you see any people coming into the room?—Which room?

4344. Where ye three were sitting; how many?—I cannot tell; between 10 and 20; I sat at the table the whole day; I had no disguise upon me; I was looking into what I was employed for, to regulate the county affairs belonging to Watkins; I did not, to my knowledge, know any of those who came in and out; I never saw any of them before; I was not at all that day in the back parlour.

4345. Was there a screen before the back parlour door?—I saw a screen.

4345*. What was the colour of it?—I don't know.

4346. Was it before the door?—Yes, between the door and where I sat.

4346*. What was the size of the screen?—I cannot tell.

4347. Do you know Fraser?—No; I heard talk of him, but I don't know who he is.

4348. Turn round and see if you can recognise this man—

Campbell, then stood up, and Witness looked at him.

4349. Do you know him?—I do not.

4350. You

4350. You were not in Green-street all day; were you paid 3 l. for that day's work?—Yes.

4351. Did you write a line that day?—No.

4352. Did you see people going behind the screen?—I heard people, when they would come in, go into the next door that was behind the screen, that is to go to the door between the two rooms; yes.

4353. Did you see what they were doing?—No.

4354. You saw a man go behind the screen?—Yes.

4355. How long was he behind it?—Seven or eight minutes.

4356. Did you not hear in the house that the man went out by the back door?—I do not mind what way he went, but from the front window I saw people go into the street.

4357. You already said you did not know what people were doing behind the screen?—No.

4358. Do you know Forest?—I don't know him, but I heard of the name.

4359. Is he the owner of the house?—No.

4360. Did you see him?—Not to my knowledge.

4361. Did you see anyone else, whose name you know?—No; none but the person with me in the room.

4362. Had you any drink there that day?—No.

4363. When the people came from behind the screen did you not see what they had in their hands?—No, I never saw a ha'porth.

4364. You saw nothing of what was behind the screen?—No.

4365. The whole day?—No.

4366. Never went behind the screen yourself?—No.

Cross-examined by Mr. *McDonogh*.

4367. I think I heard you say Foster was there for a few minutes?—Yes.

4368. About what hour of the day?—He came in something before nine o'clock upon the Sunday morning.

4369. About how many men came into the room that day?—From seven to four, between 10 and 20, I think.

EDWARD GREER, sworn; Examined by Mr. *Litton*, Q.C.

4380. Do you know Joseph Leech?—Yes.

4381. Had you any conversation with him before the election?—I had.

4382. What did he say to you?—He told me that himself and his uncle were two freemen, and they had 24 others; they were, he said, the two head parties, and if he and his uncle went one way, the rest would follow. He asked me, "Was I engaged in the election?" I said, "Not at that time." He said, "If you are, you know where to come, we'll go with you." "What side are you going to vote for?" said I. "For them that will give us the best and most money," said he. "Are you all of the same religion?" said I. "No," said he; "but that is no matter." I knew that his uncle was a Roman Catholic, and he was a Protestant. "I don't care," said he; "we have made up our minds to vote for those who give us the best pay."

4283. Mr. Justice *Keogh*.] Is Joseph Leech a voter?—He is a voter, and a freeman.

4384. Mr. *Litton*.] Had you a meeting after that?—Yes.

29.

4370. What were you doing that day?—I was listening to Watkins describing all the places he had been at; he was looking over the registry of the county, and showing the districts to which he had gone. I was generally employed upon the county election; my business was that, and I minded nothing else.

4371. And you had nothing to say to the City election?—Not a ha'porth.

4372. Mr. Justice *Keogh*.] You said that when persons came into the room, one of the people told another to go to the other door?—Yes.

4373. Whom did you mean when you said the other people?—One of the people with me.

4374. Did you tell anyone to go to the door?—Never.

4375. Then it was one of the other two persons?—I cannot tell rightly.

4376. It was either Watkins or Kemp that told the people to go to the other door?—I never told anyone, but Watkins and Kemp did.

4377. Did you ever see the door?—I never looked where the door was; the screen was between me.

4378-9. Then you did not see the door at all?—I did not.

Mr. Justice *Keogh*.] This is not a matter in which directly either of the clients in the case is concerned, but the name of Mr. Foster having been mentioned as having been absent on a medical certificate, which, I presume is quite correct, holding the important office which he does in the Registry of Deeds, I think it only fair to him that he should have an opportunity of meeting this case, which involves serious consequences to him, and I think it advisable that he should be, by telegram, or otherwise, brought here; this is necessary for his own interest. It is very important as regards himself, and if his state of health at all admits of it (whether in this country or away, does not appear), he may though in bad health, be within a short distance of this court. It is important, taking into account the evidence that has been given, that he should be here.

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4385. What took place?—Leech was there. He said he heard there was a good deal of money going." I said, "I could not say how much money was going; but I heard there was money."

4386. Do you know Mr. Birch, of Molesworth-street?—Yes.

4387. You had an interview with him before the election?—Yes. I went upon the occasion of that conversation with Leech to Mr. Fitzgerald. I told him what he said. I said, "There are 24 voters, but they won't go without money." "I have no money," said he. "Then they won't go," said I. "Can't you do your best with them?" said he. "They won't come forward," said I. "I cannot give it," said he. "I can do nothing," said I. I saw Mr. Birch, and told him about it. "Do you know these people, Greer?" said he. "I do," said I. "Well," said he, "We cannot afford to lose 24, so if you meet me this evening, or rather" he said, "to-morrow evening, below at the office of my brother-in-law, 13, Suffolk-street, I will see you there." I went down

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down to that office, and Mr. Birch was gone. His brother-in-law told me he had gone out to Bray; "but if," said he, "you call in the morning to the committee-rooms, in Anne-street, you will see him." I went. I saw Mr. Birch in the committee-rooms, and I told him. "What is to be done?" said I. "I do not know," said he. "How much do they want?" said he. I cannot say," said I; "I think 3*l.* each would do."

4388. Mr. Justice *Keogh*.] These were Guinness and Plunkett's committee-rooms?—Yes.

4389. *Counsel*.] What more?—"The best thing you can do," said I, "is to let Leech and his uncle come to you." "Well," said he, "we can't afford to lose them; but will you go for his uncle?" He called a clerk, and asked me if I would have any objection to go with him to a car. "I have no objection," said I, "to go;" so I went to the uncle of Leech.

4390. What is his name?—*Carolan*.

4391. Where did *Carolan* live?—In 22, Cumberland-street. The young man told me the uncle was in bed, so I waited for him. "I have to go to Dominick-street," said he, "to look for a couple more voters." During the time, *Carolan* came down, "Have you got the money?" said he. He was a freeman. I said I had not the money, but we would go over to Mr. Birch, and I told him what Mr. Birch said to me. "I will not go to Mr. Birch," said he; "if he does not think it worth his while to come to me I will not go; I was tricked before." I saw Mr. Birch, and I told him. "I cannot help it at present," said he. "What is to be done now?" said he. "I do not know," said I. "You must get Leech," said he. "Well," said I, "he is out in the country." "You must get him," said he. "He will not go without the money," said I. "Well," said he, "with any concessions you make I'll be satisfied, but I can do nothing at present unless we put our hands in our pockets." "This," said he, "is to be kept as if it was in a nutshell. You know me, I know you, and as a gentleman you will believe my word, no matter what expense, time, or trouble, I will pay you, but upon one consideration, bring in Leech. Get a car," said he. "I am not going to walk so far for a car," said I. There was a man with a grey pony; he was going to come with me; they had a conversation. "Go to Dame-street," said he. So I went down there. I saw Mr. Gerrard, and I told him. He called a young man, and sent me along with him up to an office where Alderman Manning was. I told him what was done. "Oh, certainly," said he, "we cannot expect you." He called a young man, a clerk, and he sent him with me to Leech, to Upper Rathmines. When I went into the place there, Leech was at work. He said to me, "Have you got the money?" "No," said I. "Well, I won't go," said he, "without the money." I told him that Mr. Birch had given him a guarantee, and, "as a gentleman, go to him, he'll regulate it; there is the clerk of Alderman Manning." Both went into the room. The clerk spoke to him. He was put on the car. Alderman Manning had said, "When you get Leech on the car, let him remain on it; till you make him vote." He did come and vote. I went back. I did not see Leech for a couple of days. I saw Alderman Manning, and he said, "I'll wash my hands out of it." "You have a right to pay me," said I. He also said, "I have no call out of my own ward, and if Mr. Birch engaged to pay you, he should do so, for he has means enough." I called

back on Mr. Birch; he ordered me out. I summoned him before the Lord Mayor. He (Lord Mayor) asked me, had I a written agreement or a witness, and when I said I had not, he dismissed the case.

4392. For whom were you to vote?—For Sir Arthur E. Guinness.

4393. Mr. Birch, you said, observed that nothing could be done?—Nothing done till after the election, but that we should put our hands into our pockets and meet whatever the expenses was; that he knew me and I knew him, and he would pay me; that they could not get any money now because they might be sworn, but if I made any concession, whatever that was, he was willing to pay.

Cross-examined by Mr. *McDonogh*, Q.C.

4394. As I understand you, you first made an offer of the voters to Mr. Fitzgerald?—Yes; I told him what Leech told me.

4395. You were a Liberal?—Yes.

4396. What day was it you were with Mr. Fitzgerald?—I was there this day week.

4397. How soon after that did you go to Mr. Birch?—I did not go to him since.

4398. You are a Liberal; you had a discussion with Mr. Leech, and then you went to Mr. Fitzgerald's, upon what day before the election were you with Mr. Fitzgerald?—It was about a fortnight.

4399. How often were you there?—I was there myself; I only spoke to him on that occasion about Leech.

4400. How often were you there before the election?—Four or five times.

4401. Were you at the office of Mr. Fitzgerald at the time you say you were in treaty with Mr. Birch for buying the votes?—No; I called upon Mr. Fitzgerald on other business, I wanted to get work.

4402. For yourself?—Yes.

4403. And a little money?—The money was not going.

4404. What brought you the second time to Mr. Fitzgerald's office?—I had a note from Mr. Pim, Sir Dominick Corrigan, and the Rev. Dr. Spratt, to get work.

4405. And you gave the three letters to Mr. Fitzgerald?—Yes.

4406. Were you at the same time in treaty with Mr. Birch?—No.

4407. About a fortnight before the election you were at Mr. Fitzgerald's office when you offered the votes; how soon after that did you get the recommendations from the three gentlemen?—I had the recommendation from Mr. Pim before the election, because he wrote to those gentlemen in Eustace-street, Mr. Watson and Mr. Molloy, to give me employment as soon as the election commenced, and they wrote back to say the first opportunity I should have it.

4408.—Where is that letter?—I do not know what became of it. Now I recollect, I sent it to the committee-rooms to Mr. Molloy.

4409. You sent the letter you received in reply to Mr. Molloy?—Yes; I went to the committee-rooms, I would not be let upstairs, and I had to show my authority; I was not employed.

4410. What brought you to Mr. Fitzgerald's office the third time?—I thought I would get employment; for Mr. Dwyer told me if anything was going at all upon that day I should be employed.

4411. You

4411. You sought employment from Mr. Pim and Sir Dominick Corrigan, though you had agreed to sell the votes?—I did not sell the votes. Mr. Birch the night before the polling bid me meet him in the office.

4412. Was it that night you were to make arrangements?—No; the morning of the polling.

4413. Was that before you went to Mr. Fitzgerald's office?—No, I went there long before that.

4414. Upon the morning of the polling you were there seeking employment; you called to Mr. Birch the morning of the polling. When where you at Mr. Fitzgerald's last, before the election?—About two days before; Mr. Dwyer told me there were too many hands and no money to pay.

4415. Did you let him know you were in treaty with Sir Arthur Guinness and Mr. Plunkett?—No; I did not, I was not treating in Sir Arthur Guinness's committee-room.

4416. Not at that time; upon your oath, when you asked money from Mr. Birch did he not tell you he had nothing to say to you, that he had no money, and that if the price of one glass of whisky would buy the 24 votes, he would not give it?—No; he said the contrary, he said I should put my hand in my pocket as well as himself, and keep it like a nut-shell.

4417. Then you understood that he would pay you?—Yes, and the 24 others.

4418. Did you go to Mr. Fitzgerald and tell him that?—No.

4419. They did not send you to Mr. Birch?—No; certainly not.

4420. You went yourself?—No; I met Mr. Birch after my coming out of Mr. Fitzgerald's office, by accident.

4421. How near to the office is it?—Suffolk-street and Mr. Fitzgerald's office are near.

4422. Walking out of Mr. Fitzgerald's office, the office of the solicitor for Mr. Pim and Sir Dominick Corrigan, you met Mr. Birch by accident?—Yes.

4423. And meeting him by accident, of course you introduced the subject of selling the votes of these men?—I had no occasion to sell them.

4424. Did you vote yourself?—At the last election I did, but not for 30 years before.

4425. Did you not summon Mr. Birch before the Lord Mayor?—Yes.

4426. And did you not swear that he employed you to bring up 24 voters?—I told the Lord Mayor that Mr. Birch told me to bring up the 24 voters.

4427. Did you hear Mr. Birch swear before the Lord Mayor?—Yes.

4428. And did not the Lord Mayor say, when you had no written agreement, and depended only upon the word of Mr. Birch, there was not any evidence, and that he should dismiss the case?—I did.

4429. Did not Mr. Birch swear that every word you spoke was a lie?—He denied it, certainly.

4430. Did you not swear before the Lord Mayor, that Mr. Birch agreed to pay each of the 24 voters, 3 l. each?—No, I told the Lord Mayor what I have sworn here; he asked me would 3 l. do; I said that I could not tell, that I would bring them to him; and he said that whatever I did upon my own concession, to do so, but upon no account to lose them.

4431. Do you know what "plant," means?—Yes, and there is a Birch plant to whip a fellow.

4432. You are playing upon the word Birch?—Yes, and he whipped me, because as a gentleman I took his word, and when he got all the value out of me, he walked away.

[Witness withdrew.]

Mr. Meredith was then recalled, and in reply to Mr. Heron said, reverting to the question put to him at a previous stage of the proceedings, that he had looked over the payments made in the three wards, and no such name as that of the witness Noblett appeared in the books.

GEORGE BOOTH, sworn; Examined by Mr. O'Shaughnessy.

4433. WHO canvassed you previous to the last election?—Mr. Warren.

4434. Do you know what his christain name is?—Benjamin Warren.

4435. Did he call at your residence?—He did.

4436. Did you see him the first time he called?—No.

4437. Did you see him the second time he called?—I see him in another person's place.

4438. Where was it that you saw him?—In Mr. Jesson's; the man that is dead.

4439. What did he say to you when you saw him there?—There was very little conversation then; he desired us to meet him at 7 o'clock in the morning.

4440. On what day did you see Warren at Jesson's?—To the best of my opinion it was Tuesday, the day before the election.

4441. Mr. Justice Keogh.] Are you a free-man?—I am.

4442. Mr. O'Shaughnessy.] What did Warren say to you when you saw him on the Tuesday at Jesson's?—He only desired us to call at Inns Quay in the morning.

4443. In the morning you called at Inns Quay?—Yes.

4444. Is that the Ward committee-room?—Yes.

4445. At what hour did you call there?—At about 7 in the morning.

4446. Did you go with anyone there?—Yes, there were four of us went together.

4447. Who were the other three?—A man of the name of Hill, and Bailey, and Jesson, the man that is dead.

4448. You all went up to the Ward committee-rooms?—Yes.

4449. Whom did you see when you went on there; did you see Benjamin Warren there?—Yes.

4450. Were there many others there?—There were; there was another man named Mr. Moore.

4451. Was he a solicitor?—Yes.

4452. What occurred then; did Warren or Moore say anything to you?—Yes.

4453. What did they say?—They desired us to go up to Green-street.

4454. Did they say anything else?—He brought

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brought the four of us to the Scotch-house, Findlaters, and we had some drink.

4455. Who paid for the drink there?—Warren.

4456. What did he say?—He told us we would be all well satisfied.

4457. Where did you go then?—We came back again and went into the tally-rooms.

4458. Where?—In Halston-street.

4459. Whom did you see there?—Mr. Warren.

4460. Warren was with you all the time?—Yes.

4461. He went up on a car with you, did he? No, we walked up.

4462. What did Warren say to you there?—He told us to go over to Green-street to poll.

4463. Did you all go to poll together?—We did.

4464. For whom did you vote?—For Guinness and Plunket.

4465. What did you do after having voted?—We came out, and we met Mr. Warren again, and we were asking him for some money, and he said he had no money at present; but he gave us some drink, and he told us not to be afraid, we would be well rewarded.

4466. When he said he had no money at present, did he say you would have it at any future time?—Oh, yes.

Cross-examined by Mr. McDonogh.

4467. When you were canvassed on the part of Guinness and Plunket, did you promise to vote for them?—Before?

4468. Yes?—No.

4469. Were your principles the same?—No; I never voted.

4470. You never voted before?—I did often.

4471. Were you a Liberal or a Conservative?—Always on the Liberal side.

4472. Had you been at Mr. Fitzgerald's office?—I was, but not till I was brought there.

4473. When were you at Mr. Fitzgerald's?—A fortnight yesterday.

MICHAEL STEED, sworn; Examined by Mr. Heron.

M. Steed.

4493. ARE you a Freeman?—Yes.

4494. Did you vote for Guinness and Plunket?—I did.

4495. Before the last election did you go to the committee-rooms, 48, Dame-street?—I did.

4496. Did you apply for employment there?—Gratuitous employment I applied for.

4497. Did you sign a paper that you were to be employed gratuitously?—Yes.

4498. Who asked you to sign that paper; was it Mr. White, the attorney?—I really could not tell exactly. It was the attorney that bade me to go down and sign the paper.

4499. You saw Mr. White there?—I did.

4500. Was it after you saw Mr. White that you signed the paper that you were to work for

4474. Who called upon you?—A man of the name of M'Quire.

4475. What did he say to you?—He asked me would I go down, and I said I would.

4476. Would you go to Mr. Fitzgerald's?—Yes.

4477. Did he promise you money to go?—He said I would be paid for my time.

4478. Did he threaten you if you did not come?—No, he did not.

4479. Did he say you would be punished if you did not come and give your evidence?—No.

4480. He promised you money, and you went?—I did.

4481. Did you get any money?—A pound.

4482. Were you promised more?—I was promised to be paid for my time.

4483. You got a pound as earnest, you know. How much were you promised for your time?—I was not promised anything.

4484. Except for your time?—Yes.

4485. Except by Mr. Fitzgerald?—Yes.

4486. Had you ever been at that office before the election?—Never in my life.

4487. Were you there a second time?—No.

4488. Then you gave any information that you had to give?—I did.

4489. You did not get any money from Mr. Warren?—No.

4490. Where is Findlater's, the Scotch house?—At the corner of King-street.

Re-examined by Mr. O'Shaughnessy.

4491. For whom did you vote in 1865?—I voted always on the Liberal side.

Mr. Heron stated, that from the minutes of proceedings in Arran Quay Ward it appeared that Benjamin Warren was in the committee.

4492. Mr. O'Shaughnessy (to the Witness).] Where do you live?—In Foster-street, Church-street.

[The Witness withdrew.

nothing whatever?—I believe I signed a paper before, that I would work for nothing.

4501. How many times did you sign a paper that you were to work for nothing?—I signed one in Sackville-street.

4502. And another where?—Another in Dame-street.

4503. On the day of the election did you go to Green-street?—Yes, I did; Halston-street and Green-street first.

4504. At what hour did you go there?—I was there about five minutes before eight.

4505. Did you meet a young gentleman there?—I did.

4506. Would you know him again?—I would not.

MR. THOMAS ORMSBY, was called on his subpoena, and was directed to stand forward.

Mr.
T. Ormsby.

4507. Mr. Heron (to the Witness).] Did you see that young gentleman there that day?—I did not to my knowledge; I seen a great many, but I do not recollect seeing that man's face at all.

4508. Did you get any list from any young gentlemen?—I got a list list of the books.

4509. And did you work about bringing the freemen to the booths?—I did, from my own mind.

4510. Of course. Did you see a freeman named John Wilson in the middle of the day?—I did; I seen him voting.

4411. Did

Mr.
T. Ormsby.
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4511. Did he tell you he had got any money?
—About half-past two o'clock in the day he showed me money he had got.

4512. Did he get it for his vote?—He voted at about half-past 11 or 11 o'clock.

4513. Mr. Justice *Keogh*.] He showed you money, and said he had got it for his vote?—No, he said no such thing; he did not tell me that; he showed me money, and he said "Come on, I'll treat you," said he, "on what I've got."

4514. Mr. *Heron*.] That was after he voted?—After he voted; about half-past 11 o'clock.

4515. Did you see Campbell there?—I see him in the course of the day.

4517. Did you see him after you saw Wilson;—I did.

4517. Did Wilson point Campbell out to you, and you out to him?—I asked Wilson where he got it, and he pointed to a man; he said his name was Molloy, and he pointed out this gentleman to me, Mr. Molloy (*pointing to a person in court*).

4518. Was that the man he called Molloy?—It was.

4519. Did Wilson then treat you in a public-house in Bolton-street?—He did.

4520. Did he give you the tip to go over to Campbell?—He did not; I did not want the tip.

4521. You knew it?—He told me to go to Mr. Molloy before that.

4522. Did you then go over to Molloy?—I did.

4523. Although you called him Mr. Molloy, did you know him before in another name?—I did not know what his name was.

4524. Did you know him before?—I did not.

4525. Had you seen him before?—I had seen him before.

4526. Had you seen him before at the registration of the freemen at the Four Courts?—I might, but I did not know his name.

4527. But you do remember having seen him down at the Four Courts?—Yes.

4528. And you recognised him by his appearance?—Wilson showed him to me.

4529. Did you go up to Campbell?—Yes.

4530. Had you voted at this time?—I polled at half-past eight in the morning.

4531. Did you ask Campbell for anything?—What I said was, "Will you do the same with me as you have done with Wilson."

4532. Now stand up and describe to his Lordship what Campbell did?—Campbell bid me go to the devil, I think, or something like that.

4533. What did he do next?—He bade me wait awhile; Campbell told me first to go to the devil, and I stood there, and then he bade me wait a while, and about ten minutes after he came up and he pointed out a gentleman, and I went with the gentleman, and I got a bit of a ticket in my hand, and Wilson was after telling me where to go; and I did not wait many minutes.

4534. Of what sort of appearance was the young gentleman that gave you the ticket?—He was a slender young man in a tight jacket.

4535. Do you mean that he was a boy with a short jacket?—What you term a boy man.

4536. About how old was he?—He might be, as well as I could recollect, from 20 to 25.

4537. What did he tell you to do with the ticket?—Not a word; I didn't wait.

4538. Did you know where to go to?—I did.

4539. How did you know where to go to?—Wilson showed me the house.

450. Did you go to 76, Capel-street?—I did.

4541. When you went to 76 Capel-street was the hall-door open?—It was.

4542. Who was there?—No one that I seen.

4543. Did Wilson tell you before you went in anything about his having got the money at Capel-street?—He did.

4544. That he got it behind a screen?—Yes.

4545. Did you then knock at the front parlour?—I did, and opened the door.

4546. Did you see any men in there?—I see a couple of men, but I didn't take time to look at any one.

4547. You knew where to go to?—Yes.

4548. I suppose you have voted at every election since you were 21 years of age?—Since I got my freedom.

4549. Did you go behind the screen; did you go up to the door of the room?—I went to the door.

4550. Did you get a 5*l.* note?—I got an envelope with a 5*l.* note in it.

4551. In the envelope?—Yes.

4552. Did you look at the envelope before you left the house?—Nay, I could not tell you whether there was a direction on it or not; I held my hand this way (*describing the same*), holding the ticket, and I got the envelope and put it in my pocket, and I went out the back way, and I took and opened the envelope, and I found there was a 5*l.* note in the envelope, and I put it in my pocket.

4553. Now, come back to Green-street for a moment; after you got your ticket, and before you went for the money to Capel-street, did you see George Hagarty?—I did, indeed.

4554. A freeman?—I believe he is a freeman.

4555. Do you belong to any guild among the freemen?—The freemen's guilds are broken up now; there is no guilds at all now.

4556. You saw George Hagarty?—I saw George Hagarty.

4557. You had your ticket then?—I did.

4558. And you knew what it meant?—I did, perfectly.

4559. Did you know how much you were to get?—I did; I knew that there was a 5*l.* note in the envelope.

4560. How did you know how much you were to get?—How did I know; whatever was going.

4561. Did more people tell you what was going besides Wilson?—Nobody told me except Wilson.

4562. And you knew, as a freeman, you were were entitled to it?—Nay, I didn't think I was entitled to it at all.

4563. While you had your ticket, and before you went to Capel-street, you said you saw George Hagarty?—Yes.

4564. Did you point out to him the young man?—He was following me down the street.

4565. Hagarty?—Yes.

4566. To get his tip?—Yes, as much as to say, "There is the man."

4567. Whom did you point to?—The chap that was after giving me the ticket.

4568. Did you see him give George Hagarty a ticket?—Indeed I did not; I did not wait.

4569. Then, you went down and got your 5*l.*, and went home with your 5*l.*?—I did.

4570. And you kept your 5*l.*, and gave none of it to Campbell or Molloy?—Not a farthing.

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Cross-examined by Mr. McDonogh.

4571. When were you found out?—I was found out by Wilson.

4572. How long ago?—Do you mean after the election or before?

4573. I mean after the election?—Wilson told me that Hagarty had sworn information against me, and that I would certainly get a subpoena, but I tried to avoid the subpoena, and I went from one house to another, and we went over to Abbey-street, and I spoke to a young gentleman there, and he told me not to avoid any such thing, but to take it.

4574. That was very proper advice. Did you go to Mr. Fitzgerald's office?—I went to Mr. Fitzgerald's office, when I got the subpoena to go to the Four Courts last Thursday; and I read in the "Times" newspaper that it was elections, and I went to see who was to pay me for my day for being in the Four Courts last Thursday.

4575. I hope they paid you?—I met Wilson on the road, and he said I might just as well say the evidence I had to give here, and that I would get 2*l.*, and that he would get 1*l.* for going with me here.

4576. Did Wilson then suggest to you what you should say when you came here?—No one suggested to me what to say when I came here.

4577. Were you promised any more money?—I was promised to be paid liberally; Mr. Fitzgerald told me so, or something of that sort.

4578. How much did Mr. Fitzgerald give you?—He gave me the 2*l.*

4579. What day was it when he told you that?—On Thursday night last.

4580. He had some hesitation about you at first, I believe?—I do not know; they brought down Hagarty's informations and showed them to me.

4581. Then Hagarty had sworn informations?—He had.

4382. And not only did they give you the money, but they brought down Hagarty's informations?—Before they gave me the money.

4583. Did anybody in that office tell you that you would be imprisoned for two years?—No; but I heard through the City that I would.

4584. With respect to the money that you say you got upon the day of the polling, you did not think you were entitled to it at all?—I did not have a halfpenny at two o'clock.

4585. You voted in the early morning, at half-post seven or eight o'clock?—About 20 minutes past seven; I had my mind made up to vote for Guinness and Plunkett a fortnight before that.

4586. That was in accordance with your principles?—Certainly; no one asked me to vote on either side.

4587. And you went and voted?—Yes; to try what I could do for the cause.

4588. Up to two o'clock in the day you had no expectation of getting anything?—No; not a halfpenny, until I met Wilson.

4589. Until you met that person who is said to be Mr. Molloy?—Yes; Wilson told me his name was Molloy.

4590. When he told you to go to the devil, what did you say?—I said nothing.

4591. And it was entirely from what Wilson told you that you knew where to go, was it not?—Entirely from what Wilson told me.

4592. Had you up to that moment the slightest idea that you would have gotten anything for having voted?—No, I had not, until I seen the money in his hand.

[The Witness withdrew.]

JAMES DOYLE, sworn; Examined by Mr. Litton.

J. Doyle.

4593. WHERE do you reside?—No. 5, Lovelance.

4594. Are you a freeman of the city of Dublin?—I am.

4595. Were you canvassed by any one before the last election?—Two gentlemen called to my house, but I was not at home.

4596. On behalf of whom were you canvassed?—Both sides.

4597. Did they call upon you more than once?—They did.

4598. What answer did you give?—I told them I had not my mind made up.

4599. And you refused to go unless you were paid?—I asked them what was going.

4600. What did they say?—They called to me where my horse was, and I met them.

4601. Whom did you meet?—Both parties.

4602. Which party was it that asked you where was your horse?—No party asked me where my horse was; my horse and myself was on the stand the time they come to me.

4603. You asked some of those gentlemen, was there anything going?—Yes.

4604. Which party was that?—Well, I asked both parties.

4605. What answer did you get?—They said they could not say.

4606. On the morning of the election, did anybody call upon you?—They did.

4607. Who?—I didn't know his name.

4608. From what side did he come?—He came from Sir Arthur Guinness's.

4609. Did he ask you to go to vote?—He did.

4610. Did you go with him?—I did.

4611. Did he say anything to you before you went?—I asked them, would I get anything for my time, and they said they could not say.

4612. Do you know a Mr. Erson?—I do.

4613. Is that Mr. Erson, of Henry-street?—Yes.

4614. Were you introduced to him?—I was.

4615. What did you say to Mr. Erson?—I asked Mr. Erson what was going for a vote, and he said he couldn't do anything; it was not in his power for to do anything.

4616. Did you say to Mr. Erson that you should be paid for your time?—I did.

4617. What did he say in reply to that?—He said it was not in his power to do anything, but he would see after the election being over; if there was anything going he would see me right about it.

4618. Did he say when the election would be over?—Yes.

4619. Did he say you would be all right?—He said if there was anything going he would make me all right.

4620. After that, where did you go to?—I went to Green-street.

4621. Who

4621. Who went with you?—Two young men.

4622. Were those the same two young men who had canvassed you before in the morning on behalf of Sir Arthur Guinness?—Yes.

4623. Did any of those gentlemen hand you a card?—No.

4624. Neither of them?—I voted with my own card. I had a card of my own that I got in an envelope, by post.

4625. Are you able to read?—A little.

4626. Did they state to you that Mr. Erson would see you paid?—No, they gave me no answer to that effect; but they said, "Come up to Mr. Erson;" and he would let me have an interview with him, and when I had an interview with Mr. Erson, Mr. Erson told me what I am after telling you.

4627. But after you had seen Mr. Erson, did they state that Mr. Erson would see you paid?—I had no conversation with him of the sort afterwards.

4628. Did you vote?—I did.

4629. For whom did you vote?—For Guinness and Plunkett.

4630. Did you vote for Guinness and Plunkett, in consequence of what Mr. Erson had said to you?—Well, I cannot say altogether; it was an introduction. I voted for Guinness on the former election.

4631. Was what Mr. Erson said to you an in-

ducement to you to make you vote for Guinness and Plunkett?—Well, it was not.

4632. After the election, did you call to see Mr. Erson?—I did.

4633. What did you call to see Mr. Erson for?—I called on him to see if I was going to get anything.

4634. Was it not to be paid for your vote?—Certainly, I expected so.

4635. Did you not expect to be paid for your vote?—I did.

4636. Did you not go to Mr. Erson for that purpose?—I did.

4637. Did Mr. Erson give it to you?—He did not.

4638. What did he say to you?—He said he could not do anything; it was not in his power.

4639. Did he tell you to call upon him again?—He did.

4640. Did you call upon him again?—I did.

4641. Did he say anything more to you?—He gave me the same reply, to call again.

4642. Did he give you any reason for asking you to call again?—He said there was a petition against us and there could be nothing done.

[The Witness withdrew.

Mr. *Heron* stated, that in the minutes of the Rotunda Ward, the name of William Henry Erson, appeared on the list of the General Committee.

MICHAEL KELLY, sworn; Examined by Mr. *O'Shaughnessy*.

4643. ARE you a House Painter?—I am.

4644. What ward are you in?—Arran Quay Ward.

4645. Are you a lodger?—I am a lodger.

4646. Were you canvassed by Benjamin Warren before the last election?—I was.

4647. Was that at your own house?—We met accidentally on the quay.

4648. What did he say to you then?—He shook hands with me, and he said, "Well, how are things going on now?" "Relative to what?" said I. "About the election;" he says, "Are you engaged in it?" "No, I am not engaged," said I, "for I have a vote, and I would not be employed on the Liberal side; Mr. White told me that he would not employ me." "You were very busy at the last election," he said; "Yes, I was," says I, "and I canvassed you at the last election, and you did not vote for me;" "Never mind that," said he, "Will you vote for Guinness and Plunkett this time? I am their agent." "Well, I don't know," said I, "I may do." "Well, make up your mind," says he, "I will call again."

4649. How long was this before the election?—About six or eight days; the next day but one I met him on Ormond Quay, and he said, "You are the very man I was looking for." "Well," says I, "I am here now;" "Well," says he, "have you made up your mind to vote for me; the fact of it is," he says, "I know by hearsay that you are one of the oldest inhabitants in the Arran Quay Ward, and your influence could do a good deal in our behalf; now do you give us your interest, and you would not only be paid largely for your own vote, but you will be paid for every vote that you bring up besides." "Well then," said I, "I think I will."

4650. Was there anyone by while this was going on?—None. The next day but one he came to my own door, where I was standing, and he said, "Well, did you do anything for me since?" "I was speaking," said I, "with one or two parties but they did not promise, because they said that there was no surety of getting anything." "Well now," said he, "stick to them and get them;" and, said he, "Are you idle?" "I am," said I. "Do you get voters," said he, "and you shall not be standing at your shopdoor with your hands in your pocket, you will soon get into good Conservative work, that I promise you, and I will make a written statement," said he, "of your position; and to-night, between 10 and 11 o'clock I am to meet Mr. Guinness and Plunkett in the central committee-rooms in Dame-street, and I will lay your case before them; and," said he, "I am empowered for to tell you you will be well paid; and the two young men," said he, "that are up for the election are very nice young fellows, and as sure as there is a brewery in James's-street, so sure will you be paid." The next day I met him in Queen-street, this Benjamin Warren, and he told me was in a great hurry at that time, but that he had made things right with me so far. He says, "a few plates of glass would be of service to you; how much would half a score come to?" "About 25*l*," said I. "Oh," said he, "that is a mere nothing. Now said he "I am in a great hurry, I have a number of notes in my pocket." He said, "Do you know a man of the name of John Welch of Bow-street, a carpenter by trade?" "I do, well," said I, "many years." "Do you know a man of the name of Stoker, a freeman, living in No. 7, Barrack-street," said he. "I do," said I, "well." "Will you serve those notes on them?" said he.

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M. Kelly.

M. Kelly.
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In the evening of that day I and my brother went and served Stoker with one of the notes, and the other note we gave to Mr. White, the agent for Mr. Pim and Corrigan. The next morning, the 18th, I was as busy as I could be looking about voters for Pim and Corrigan (for I never intended nor would not under any circumstances vote for the other party), when two men came from the committee-rooms in Dame-street, as they said they were, came to my house; my brother was in the shop, and he said, "What do you want?" They said, "We want Mr. Kelly to come and register his vote for Guinness and Plunket."

4651. *Mr. McDonogh.*] Were you present?—No, I was not.

4652. *Mr. Justice Keogh.*] Do not tell us what you were not present at!—However, I was coming across the street and I seen them, and they turned short round the corner and I seen them no more; but I did not vote for them any way.

4653. *Mr. O'Shaughnessy.*] Did you see the letter that you gave over to Mr. White?—I did.

4654. Was it in a form similar to that, do you know (*showing a letter to the Witness*)?

Mr. McDonogh objected to the question.

Witness.] I know what was in it.

Mr. Justice Keogh ruled that the letter must be produced.

4655. *Mr. O'Shaughnessy* (to the *Witness*).] Where did you leave it?—I gave it to Mr. White, standing at his own door on the quay.

4656. Did you see Warren on the day of the polling?—Oh no, I did not go down near their polling at all.

Cross-examined by *Mr. McDonogh*.

4657. You told his Lordship that you are a lodger?—Yes.

4658. Who canvassed you first; was it Pim and Corrigan's party?—I never was visited by either party personally, but I got circulars from them until I met Warren.

4659. And you intended to vote from the beginning for Pim and Corrigan?—Unquestionably.

4660. And you carried out that intention?—I did.

4661. Well, you had that intention all through?—All through.

4662. And it was false when you told Mr. Warren, when he asked you would you vote for Guinness and Plunket, that you said you did not know, and that you had not made up your mind?—To a certain degree.

4663. Was it not to every degree false?—It was; it was in order to get any secrets he had.

4664. To communicate those secrets, whatever they were, to the opposite party, of Pim and Corrigan?—No doubt.

4665. And then Mr. Warren spoke in a most unreserved manner to you upon another occasion; he thought 25*l.* a mere trifle?—A trifle.

4666. No amount of money could tempt you,

I suppose, to vote against Pim and Corrigan?—I certainly do believe conscientiously that no promises of either pay, pension, or reward would induce me to vote for Guinness and Plunket.

4667. I suppose 500*l.* would not tempt you in crisp Bank of Ireland notes?—Now such questions as that, you know, is quite irrelevant; there is no such thing, neither can it be said whether there would or no. Consequently there is no use in giving an answer to a thing that I know nothing about.

4668. But I want to see, you know?—But you cannot see.

4669. Conscientiously, suppose a bag of 500 sovereigns were offered to you, would you take it?—There is no such thing, and I cannot answer such questions as that.

4670. Would you take it?—My Lord, am I to answer such questions as that?

Mr. Justice Keogh thought that this question need not be pressed.

4671. *Mr. McDonogh.*] Now, as you are a conscientious man, it appears that Mr. Warren gave you two letters to deliver?—He did.

4672. May I beg leave, then, to ask you whether those letters were sealed?—No.

4673. And you promised to deliver them to those two persons?—I did.

4674. And you did not mean to keep your promise?—Well, at the time that he handed me the letters I did not decide upon anything. I said to myself, "Now I will give one of these letters; the other will answer the purpose of our committee."

4675. Was it a gummed envelope?—There was no envelope at all; it was such a bit of paper —

4676. And you were on the committee?—I was not indeed.

4677. Why do you call it "our committee"?—Because I belong to the party.

4678. And you thought it conscientious, having promised to deliver a letter to Mr. Stoker, to go and deliver it to Mr. White?—I would not believe myself bound by any promises to the opposite party.

4679. That is your view of what is conscientious?—Yes; exactly; because by referring to the other principles, I was then acting conscientiously.

4680. And you thought it perfectly conscientious to delude and to cheat?—

Mr. Justice Keogh ruled that this question could not be put.

4681. *Mr. McDonogh* (to the *Witness*).] How much money had you gotten?—About me?

4682. No; your own private affairs I would not touch; but from Mr. Fitzgerald?—I never got a farthing.

4683. But you expect some?—I expect to be paid for my loss of time; and why not?

[The *Witness* withdrew.]

GEORGE BOOTH, recalled; and further Examined by *Mr. Heron*.

G. Booth.

4684. Did you get that document from Mr. Benjamin Warren (*showing a document to the Witness*)?—I did.

Mr. Heron read the following document:—

"George Booth, 9, Henrietta-lane.—Please be at the committee-rooms on Wednesday morning, at seven o'clock, 3, Inn's Quay, Benjamin Warren."

[The *Witness* withdrew.]

WILLIAM WATKINS, sworn; Examined by Mr. *Heron*.

4685. WERE you in the Police?—I was in the old constabulary.

4686. Now, you are a stout fellow, speak up; have you a pension?—I have.

4687. Where do you live?—I live in Fin-glass.

4688. Do you know Mr. Henry Foster?—I do.

4689. Did he ever give you 3 *l.*, on your oath?—He did.

4690. That is Mr. Henry Foster, of 34, Lower Mountjoy-street?—Yes.

4691. Did he give it to you along with Kemp and the other man Noblett?—He did not.

4692. When did he pay you the 3 *l.*?—It was after the county election.

4693. How long was it after the city election?—Of course the city election was before the county.

4694. The city election was on the 18th November; how long was it after that?—The Saturday following was the county election.

4695. When did he pay you the 3 *l.*?—Why, it might be a fortnight after; I am not positive.

4696. Have you known Mr. Henry Foster long?—Yes.

4697. Had he ever employed you before?—No.

4698. Where was it that ye paid you the 3 *l.*?—In his own house.

4699. At what hour of the night?—It was not at night at all.

4700. At what hour of the day?—It was in the evening.

4701. At what hour of the evening?—Well, I cannot say the hour.

4702. Was there any one by?—No, there was not.

4703. The night before the city election did you see Mr. Foster at the committee-rooms?—No; I saw him the night before the election in a room upstairs in a house where the committee-rooms was in, but not in the committee-rooms.

4704. Up in a garret?—No, not in the garret, but in the gentleman that owns the house's own drawing room.

4705. What is his name?—Well, I could not tell you.

4706. Oh, you will, sir?—Well, I am not able to tell you.

4707. Where were the committee-rooms?—They were in Dorset-street.

4708. Who told you to go there?—I met Mr. Foster in Dorset-street, and I went with him into that house and upstairs into the drawing-room.

4709. Were the committee-rooms on the ground floor?—They were.

4710. And the room you were in was the private drawing-room of the house?—Over them.

4711. I mean a gentleman's drawing-room furnished as a private drawing-room?—Certainly.

4712. Who were with you there?—Noblett and Kemp.

4713. Noblett, Kemp, you and Foster, and the gentleman?—I do not say that a gentleman was there at all.

4714. Did you see the gentleman?—No; nor I would not know him if I saw him.

Ward Book, for the purpose of finding out the address. *W. Watkins.*

4715. Mr. *Heron* (to the *Witness*).] Would you know the gentleman if you saw him again?—I would not.

4716. Did Foster tell you to go to No. 76, Capel-street, the following day?—He told me —

4717. Answer me first; did he tell you to go to 76, Capel-street?—He did, but I want to tell you the cause of it.

4718. Mr. Justice *Keogh*.] Answer the question; did he tell you to go to 76, Capel-street?—He did.

Mr. *Heron* stated that the Inn's Quay Ward committee-rooms were at 107, Upper Dorset-street.

4719. Mr. *Heron* (to the *Witness*).] Had you ever been in 76, Capel-street, before?—Well, it was about 12 or 13 years before that I was there; when Mr. Espie that died lived there.

4720. But you had not been there for 12 or 13 years?—No.

4721. At what hour were you to go there?—At eight o'clock in the morning.

4722. Did the three of you go there at eight o'clock in the morning?—Yes.

4723. Did you know you were to get 3 *l.*?—I did not.

4724. You did not know what you were to get?—No.

4725. You thought you would be liberally dealt with; of course, I mean paid for your work?—I do not know that I thought anything on the subject.

4726. Had you a table there?—Yes.

4727. And were you sitting at it?—We were.

4728. Did people come in and out during the day?—There did.

4729. Were you the only three people that remained permanently in that room during the whole of the day?—Yes.

4730. At what hour did Foster come there?—He came there at about half-past eight o'clock in the morning.

4731. Just to see that you were there; how long did you remain there?—We remained to —

4732. How long did Forster remain?—He did not remain many minutes; he went away again.

4733. Did you see Foster again there that day?—Yes.

4734. Was he in and out?—No, I think he came in the middle of the day and walked in to us, and asked us how we were getting on, and then walked out again.

4735. About what hour of the day was it that he asked you that?—I think it might be about 12 o'clock.

4736. Did you see him backwards and forwards again?—No, not until we were leaving at four o'clock in the evening.

4737. He came back at four o'clock in the evening?—Yes.

4738. How long was he there with you, then?—Not many minutes.

4739. Did he say it was all right?—He did not say so.

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4740. What

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4740. What did he say, then?—He said we might go home.

4741. Did you remain sitting at the table the whole of the day?—Well, I did most of the day.

4742. Had you any refreshments there all day?—Not a bit, except a crust of bread and butter that we brought in our pockets.

4743. Do you know Mr. James Forest?—I do not.

4744. Will you swear you have never seen him?—I might have seen him, but I do not know him.

4745. During that day, in the room that you were in, there was no person like the owner of the house, or the master of the establishment?—No.

4746. Then were the three men alone in that room all day?—Yes, except the people that were coming in, and in the other direction, through the door that was leading between the two parlours. There was some people coming in and out there.

4747. Did people come in?—They did.

4748. Strangers?—Strangers to me; I did not know them.

4749. When they came in, did they knock at the parlour door from the hall?—Sometimes they did, and it was generally open on the jar.

4750. And men came in?—Yes.

4751. Did you know any of the men that came in that day?—Not one of them; nor did I see many that came in, for I was sitting at the table with my back towards that.

4752. Did you sit at the table with your back towards "that," as you call it?—Yes, towards the parlour door, coming in from the hall.

4753. When the men came in, did they go over to the screen?—Well, I could not say; some of them did, that I saw, but I cannot say except what I saw.

4754. Say nothing except what you saw with your own two eyes?—Well, that is what I am saying.

4755. Did you see many men go over towards the screen?—I did.

4756. Was the screen before the door that led between the two rooms?—It was.

4757. What size was the screen?—It might be four or five feet wide.

4758. Was the screen so wide that you could not see what was going on between it and the door?—Certainly.

4759. Then you the whole day saw nothing of what went on between the screen and the door?—No.

4760. How long did the men remain behind the screen before they came out again?—Well, I cannot say, but I judged by the sound of their feet going out, that some of them might be five minutes, and perhaps some of them three minutes; but I could not distinctly say.

4761. And they went out by the back door?—I could not say that.

4762. You did not see them?—No.

4763. But did you not hear the "hard word" given to go out by the back door?—I did not.

4764. Do you mean to tell his Lordship you did not know they were going out by the back door?—I did not.

4765. Who let you in in the morning at eight o'clock?—The door was open, and there was a man standing at it.

4766. Would you know him again?—I would not.

4767. You have been in the constabulary and accustomed to know people?—I was, but I am 22 years out, and I have given up the practice; but I tell you candidly that I do not think I would know him.

4768. Would you know him if you went down to Espie's to try and see the boy that keeps the door now?—The boy was not on the door when I went in.

4769. Do you know the boy I mean?—I have heard of a boy being on the door.—

4770. Who told you of the boy on the door?—I have heard it given in evidence, and I say he was not on the door when I went in.

4771. Do you know the boy?—I do not.

4772. Did you see him there that day?—I saw him coming out. I saw him at the house as I was coming out and leaving the place.

4773. Was he on the door then?—He was between the door and the parlour-door in the hall.

4774. Did you know what was going on?—I did not.

4775. Where is Kemp?—I suppose he is at home.

4776. Where does Kemp live?—He lives at Finglass.

4777. Whereabouts in Finglass?—Anyone would show him. He is an under-gardener of Dr. Duncan's.

4778. That is an under-gardener of the same Dr. Duncan whose servant Thomas Noblett is. I thank you for the information?—I tell you the truth, on my oath.

4779. Begin and tell it now?—I have done it all through.

4780. Do you mean to tell his Lordship that you did not know of voters being bribed behind the screen by the 5*l.* notes?—I do positively. I knew nothing whatever about it.

4781. Do you know Campbell?—I do.

4782. Is his name Molloy or Campbell?—Campbell I always knew him by.

4783. How long did you know him?—I knew him many years.

4784. What did you know him as?—I knew him to be engaged in the Conservative Registration Office in Dame-street.

4785. Were you ever engaged on the same department?—I was, relative to the Poor Law Guardians.

4786. You were inspector for the Poor Law Elections?—Yes.

4787. In the same office with Campbell?—Yes.

4788. How much were you paid, and how much was he paid?

Mr. *McDonogh* objected to the question.

Mr. Justice *Keogh* allowed the objection.

Witness.] I really could not tell you that.

4789. Mr. *Heron.*] Before you went down to 76 Capel-street, did you see Campbell in Queen-street?—I did not see him that day, good or bad.

4790.] Did you come out of the front door in the evening?—I did.

4791. Did you hear the name of Henry Stephenson at 107, Dorset-street?—I did not.

Cross-examined by Mr. *McDonogh*.

4792. About how many people came in and out that day?—Why, I think there might be between something about 10 or 15, as far as I can remember.

[The Witness withdrew.]

THOMAS WALLER, sworn; Examined by Mr. *Hemphill*.

4793. ARE you a voter?—Yes.

4794. Are you a freeman?—No, a lodger.

4795. What are you by trade?—A French polisher.

4796. Were you canvassed before the late election by anyone?—I was.

4797. By whom were you canvassed?—By Mr. Ballard and another. I think his name was Wilson. I heard the name, but I did not pay any attention to him—Mr. Ballard, 50, Aungier-street.

4798. Did Mr. Ballard canvass you for Sir Arthur Guinness and Mr. Plunket?—Yes.

4799. When was it that Mr. Ballard first canvassed you?—About three weeks previous to the election.

4800. What did he say to you?—He asked me would I give my vote to Guinness and Plunket.

4801. And what did you say?—I told him I did not think I would. "At all events," says I, "I will see what money is going."

Mr. *Hemphill* stated that in the list of the general committee of the Mansion-house ward was the name of Richard Ballard, of 50, Aungier-street.

4802. Mr. *Hemphill* (to the *Witness*).] What did Ballard say to you, and you to him, that first time that he canvassed you?—He said we ought to send Guinness and Plunket to Parliament, and all that sort of thing; and we had five or ten minutes conversation; and he took down my name, and so we went; and they came a second or third time, I think, but I cannot exactly say; and then they came again.

4803. What did you say?—I said I would not vote unless I see what money was going.

4804. What did he say to that?—He said, "I think there will be no bribery going, but, at all events, you will be treated decently."

4805. Did he tell you to go to any place then?—He did not.

4806. Did you see him afterwards?—He called up to my room after.

4807. The same Mr. Ballard?—The same Mr. Ballard, and the man that was with him before.

4808. Do you know the name of that man?—I heard it, but I do not remember; I think it was Wilson.

4809. About how long before the election was it that Ballard came to you the second time?—It was afterwards; a week.

4810. What did he say to you this time?—He asked me was I inclined to vote for Guinness and Plunkett still; and I told him I could not say; I did not know whether I would or I would not; I wanted to see on either side what they were about.

4811. When you said that, what did he say?—He told me that a few pounds would be a great lift to a poor man, and I said of course it would, and he told me, going away, that I would be dealt fair with.

4812. Did he tell you to go to any place?—Oh, no, he never told me to go to any place.

4813. After that, did you go to the committee-rooms?—I never went to the committee-rooms at all till the morning of the election, and Ballard came up to me about half-past eight o'clock with another —

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4814. Do you know who it was?—No, I do not. I told him I was going to breakfast, and he said he would wait till I was done, and he waited at the hall door for a bit, and he came up again, and I had not done again, so he came a third time, and he said, "Will you come over to my own house." "I will," said I. So I went over to his residence in Aungier-street, and I saw Mrs. Ballard (*as I considered it was*), the lady in the shop. Says I, "Is Mr. Ballard here?" "He is over in the committee-room." She said, "Will you go over." "No," said I; "I would rather see him here." So she sent a boy (*I suppose it was his son*), and he came over. She said, "Are you the man from Dean-street that he expected." "Yes, Maam," said I. So he came over and I crossed to the committee-rooms, and Mr. Johnstone was on the step of the door.

4815. That is the committee-room in Aungier-street?—Yes; that was my place; I live in Dean-street.

4816. Then, you crossed over with Mr. Ballard?—I crossed over with Mr. Ballard, and I saw Mr. Johnstone on the step of the door.

4817. Which Mr. Johnstone?—He is sexton of Peter's church; he keeps a servant's registry there.

4818. Do you happen to know his Christian name?—I think it is "Joseph," but I am not sure; I know the man on account of being a neighbour.

4819. Do you know where he lives?—I do, perfectly well.

4820. Where?—In Aungier-street, nearly opposite the church there; he keeps a servant's registry.

4821. Had you any talk with Mr. Johnstone then?—Mr. Ballard called Mr. Johnstone, and I told Mr. Ballard, says I, "Let me hear how it will be." Mr. Ballard called Mr. Johnstone, and Mr. Johnstone came in off the step, and brought me into the back parlour of the committee-room, and there was a man at the head of the table, a gentlemanlike man, and he said, "Have you got a card." I had two cards, one for Price and Corrigan, and the other for Guinness and Plunkett; that came by letter to me. I showed Guinness and Plunkett's card, and he looked at me and handed me to a young man, and said, "Go over and bring this gentleman over to vote." When I got to the hall I was time enough, and a man of the name of Leybourne, of Redmond's-hill, was standing in the hall, and we were glad to see each other. We are all neighbours. So I was waiting there when the big young man came out with me, and told me he was bringing me over to vote. "Wait a moment," said I, "I am time enough." So he lost himself like that I was not going over straight. So Mr. Johnstone came out in a few minutes and said, "Come inside to sit down in the committee-room. I went in, but I returned in the hall again, and then the second time he brings me in the committee-room, and we waited in the hall again. I went down then afterwards to the back door, and Mr. Johnstone says, says he, "Are you going to vote." "I am time enough," says I; "I am waiting to see a man that is named Steel." So Mr. Johnstone told me, "Why do you not go over and vote?" I said, "I am time enough." He told me he would guarantee me 10*l*. if I would vote.

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4822. Mr.

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4822. Mr. Johnstone said that?—Mr. Johnstone said that; I said that was very good. So with that he brought me in the committee-room again, but I did not sit down again, but I waited in the hall again for it, for it was not my intention to vote for Guinness and Plunkett, for I wanted to vote for Pim and Corrigan, which I did; and he then stands at the parlour door, and says, "Warren go over and vote;" I says "Time enough;" he said, "Warren go over and vote;" I says "Time enough;" he said "Warren, go over and vote, you are all right;" "I am time enough," says I. "I want to see a man named Steel," for I wanted Steel, for Steel told me about the money that was being out, for he said that Guinness's agent told him that he wanted a few thousands to seat the candidates, and they would not give it him; and he said he had but a few thousand pounds to seat the candidates, and "What is that to any one, if I pay freemen for looking at me and smoking." Steel told me this; for "Mr. Guinness," said he to me, "will sacrifice 50,000 *l.* or 60,000 *l.* on this new election, for the new voters, he knows, will put him out." Within the last couple of hours of the polling he said there would be 50 who would vote on Guinness's side. So I told

Mr. Leybourne I was going to Dame-street to see Mr. Steel. I did not go to Dame-street, but I turned into my own street and went home, for I was doing two chairs that belonged to a party that was in a hurry; a most respectable man.

4823. Did you afterwards vote?—I voted.

4824. For Pim and Corrigan?—For Pim and Corrigan, about two o'clock. This was about ten o'clock in the morning.

4825. Did you ever get any money from the other side?—Not so much as a drink of water.

4826. Did you afterwards have any conversation with Mr. Johnstone, the sexton, about this matter? Did Mr. Johnstone talk to you about it lately?—He did.

4827. What did he say to you?—He told me not to reveal what passed or he would be punished.

4828. Did he give you any money?—He did.

4829. How much?—Five shillings one night at his own hall-door, when I think he was half screwed.

Mr. *Hemphill* stated that the name of William Johnstone appeared on the list of the committee in Mansion house Ward.

[The Witness withdrew.]

AUGUSTUS MCCALL, sworn; Examined by Mr. *Litton*.

A. McCall.

4830. ARE you a freeman?—Yes.

4831. Did you vote at the last election?—I did.

4832. For whom?—For Guinness and Plunkett.

4833. Do you know a man of the name of Campbell?—I know his name; I know his appearance.

4834. Is that the gentleman behind you (*pointing to a person in Court*)?—It is.

4835. Had you any conversation with him?—Never.

4836. Do you swear that?—I do.

4837. Did he ever promise you any money for voting?—Never.

4838. Since you voted?—No.

4839. Did you sign a paper?—No; I did not want to go about it at all.

4840. Did you ever go to the Conservative rooms at all?—No.

4841. Who brought you up to vote?—I brought myself.

4842. Did you vote by yourself?—I did.

4843. Had you seen Campbell that day before you voted?—Never; I never spoke to the man in my life.

4844. How do you know his name is Campbell?—I heard it in the court since I have been here.

4845. Will you swear that Campbell did not

take you and bring you up to vote by the shoulder?—Never; I did not know the man in my life till I saw him in court now.

4846. At what time did you vote?—At about half-past ten o'clock.

4847. Did you ever state to anybody that Campbell had promised 4 *l.* a vote?—Never.

4848. Will you swear that?—I will; if there was any money offered, it was offered on the other side.

Cross-examined by Mr. *McDonagh*.

4849. Who offered the money on the other side?—A man of the name of Molloy met me in Green-street that day.

4850. What did he offer you?—He offered me 3 *l.* to vote for Pim, and 5 *l.* to vote for Pim and Corrigan.

4851. And you refused him?—Well, I did.

4852. Would you know Molloy now, if you saw him?—We are acquainted together in business.

4853. Do you know where Molloy is?—I saw him in court.

4854. Did you see him with the other side?—I know he worked for the other side.

[The Witness withdrew.]

GEORGE PATRICK NUGENT, sworn; Examined by Mr. *O'Shaughnessy*.

G. P. Nugent.

4855. ARE you a freeman or a rated occupier?—A rated occupier.

4856. Do you remember the time of the last election?—Yes.

4857. Did any one call upon you with reference to it?—Mr. Robinson called upon me.

4858. And canvassed you for Guinness and Plunkett?—He canvassed me for Guinness and Plunkett.

4859. How long was this before the election?—About a week.

4860. Did you see him?—No; he was out when I called.

4861. Did you call upon him?—I called upon him; he wanted to see me.

4862. What passed between you?—He asked me, would I give my vote for Guinness and Plunkett, and I said, I did not know. He commenced to speak to me about Guinness and Plunkett of the different meetings they had, and that they were very influential gentlemen, and that if I gave my vote to them I could not give it

it to better parties. So, I told him, I had not made up my mind then, and I would see him again; he told me to call at the committee-rooms on Inn's Quay; and I did not call at the committee-rooms on Inn's Quay. I went to the central committee-rooms, in Dame-street. Trade was very bad, and I thought I might get some employment during the election from my own party, and I applied a couple of times, and I got no satisfactory answer. So, then, I went to the Conservative committee-rooms in Dame-street, and I asked for to see the conducting agent, Mr. Sutton; and I was told for to send up my name and address on a bit of paper; so I did so, and after a few moments I was told to go up stairs, and when I was going up stairs I met a gentleman on the stairs, and he asked me my business. So I told him I was going up to Mr. Sutton; he said, "What do you want?" So I told him I wanted to know if anybody would give me any employment in reference to the election. He asked me was I a voter, and I said, "Yes." "Well," says he, "if you can get a letter from any of the gentlemen; what ward do you belong to?" "The Arran Quay Ward," says I. "If you get a letter from any of the gentlemen," says he, "I will get you employment as a canvasser or check-clerk on the day of the election."

4863. Who was this gentleman?—That was Mr. White. So I then went over to the Inn's Quay committee-room, and I asked to see Mr. Robinson, and I was told he was out. So I was told to sit down and might be he would come in. So I sat down, and I was there for about 10 or 12 minutes, and there was a gentleman came in of the name of Mr. Saunders, and he asked me my business, and I told him that I was over in Dame-street inquiring after employment for the elections, and I was told if I got a letter from some gentlemen of the ward that I would be appointed. "Well," says he, "I can appoint you here," says he, "on the books. Are you a voter?" "Yes," says I. "Well," says he, "Are you a Liberal?" I said that I was; but of course, that I applied for employment from them, but I was refused it, and got no satisfaction, and that as I was not doing much work at present, that I would, of course, take up employment from them if they gave it to me. "Well," says he, "I suppose I can depend upon your being a person that will do your work. Do you know the neighbourhood of the ward well?" And I said, "I did." So he put my name down in a book, and said he would send it over to Dame-street to see me appointed, and that he was almost sure I should be appointed; but that I should act gratuitously. "Well," said I, "I should like to know whether I should be paid for my time"; and he said, that he and everybody here were acting under the form of gratuitously; but he assured me that I would be paid, and that he would be paid also; that I might rely confidently upon that; that I would be paid for my time. "And," says he, "I cannot employ you now, here," says he, "we have very many hands waiting about; but," says he, "you will be appointed as a poll-clerk somewhere on the day of the election." I then said, "Well, I am doing nothing at present, and, perhaps, I might get something to do in Dame-street. I was told that if I got a letter I might get employment over in Dame-street." So I got a letter then from Mr. Saunders over to Mr. Sutton in Dame-street. I went then with the letter to Dame-

street, and I wrote my name on a bit of paper and sent it up the same as I did before, and I was directed up to the office to Mr. Sutton; and when I went in with this letter I handed it to Mr. Sutton. Mr. Sutton opened the letter and handed it to Mr. White, and Mr. White read the letter; and when he read the letter, he commenced to complain of the way in which they were transacting their business in Arran Quay Ward. So after reading the letter, he said, "You are a voter?" "Yes," said I, "you told me to bring this letter over." So I handed the letter to him, and he looked over it, and says, "Were you appointed?" "Well," says I, "my name was put down in Inns' Quay." So he said, "There is your name down; you are appointed already;" and he wrote on a slip of paper, which I got—

4864. Is that it?—That is it. I went over to Arran's Quay Ward to present that to Mr. Saunders: "Set the bearer George Patrick Nugent, to work at once." So it was Mr. Saunders and Mr. Moore, their two agents at Arran's Quay Ward, and I gave it to Mr. Saunders, and he said, "Well, if Mr. White wishes to pay you for doing nothing," says he, "I do not care, so you can stop here; if Mr. White likes to pay you, so much the better for yourself." So I stopped there, and he told me, after stopping there half an hour or so with other canvassers, to call the next morning; but before I called, in the evening I got the letter.

Mr. Justice *Keogh* requested that questions might be put to the Witness which would elicit more pointed evidence.

4865. Mr. *O'Shaughnessy* (to the *Witness*).] Did you get a circular shortly before the election?—I got a circular to go to the office the next morning from Mr. Moore and Mr. Saunders.

4866. At all events you received his letter?—I did, and got a sheet the next morning.

Mr. Justice *Keogh*.] Do not speak until you are asked a question.

4867. Mr. *O'Shaughnessy* (to the *Witness*).] Did you receive this letter by post?—I did.

4868. And a card enclosed in it?—I did.

4869. What did you do with it?—I kept it.

4870. "Private. No. B 130. Referring to a communication, you are requested to write your name and address legibly on the enclosed card, and present the same to a person who will be appointed to receive it, at 3, Dame-street, two days after the election." When did you get that letter with this card in it?—The day before the election.

4871. What did you do with it?—Two days after the election I went to No. 3, Dame-street, and I presented this card to some gentleman that was in the back office, and he told me to go over to 47, Dame-street. So I went over there to 47, Dame-street, and I could get no satisfaction, but I was told to call back on the Wednesday after. So the next day—

4872. On what day did you call back at 47, Dame-street about the letter?—I went to 3, Dame-street, and I saw Mr. Hodson.

4873. Mr. Robert Hodson?—I think that is his name.

4874. What did he say to you?—He told me I would not be settled with until the Wednesday after. He told me that I might leave the cir-

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cular and take the card; that the card would do.

4875. Did you agree to that?—I did.

4876. Do you see Mr. Hodgson here in court?—That is the gentleman (*pointing to a person in court*).

4877. What did he say to you about the card?—He told me to wait till the next Wednesday, and it would be settled.

4878. Did he ask you to leave any of those documents?—He asked me to leave the letter, and the card would do.

4879. Did you leave either with him?—I did not. “I had best,” says I, “take both of them; one would not be of much use without the other.”

Cross examined by Mr. *Exham*.

4880. You were employed by Mr. Saunders after you took the letter?—Yes.

4881. Do you recollect when you brought him the letter, his showing you anything that was printed on the wall of the office?—He was pointing to something that was printed on the wall of the office, which was called the people’s Act, and he said, “That is not it.”

4882. Did he not tell you to read that?—He did not.

4883. You swear that?—I do.

4884. Did he ask you whether you required any payment for your services?—I told him I did.

4885. Did he ask you whether you required any payment for your services?—He did.

4886. What did you say?—I said, I did.

4887. That you swear?—Yes, I told him that at the first.

4888. Did you do any work after that for two or three days?—I canvassed.

4889. Do you recollect coming back to him two or three days before the election, and asking if you were going to be paid then?—I came back after canvassing and losing my time two days after the election, and the day before the election.

4890. The day before the election?—Yes, the day before the election. I came back to him the day before that. The day before that there were some parties appointed at the committee-rooms in Sackville-street as check clerks and poll clerks, and I did not hear my name mentioned, so I wanted to know when I was not appointed, would he give me any money like, before hand.

4891. Did you, two days before the election, ask Mr. Saunders if he was going to pay you for the work you had done?—I did not; not in that way. I asked him would he not give me some writing assuring me that I would be paid, and he said nothing more than what he did before. He said I would be paid as well as he would.

4892. Did he ask you whether you ever had expected payment?—He did not.

4893. Did he turn you out of the office and tell you he would have nothing further to say to you?—No; but there was a Mr. Moore who said, “Go, now! We do not want your vote. I see what you are at. Go and give your vote to Pain and Corrigan, and I wish you may get 50*l.* for it.”

4894. Was that the day before the election?—That was the day before the election.

4895. Did you come into the committee-room where Mr. Saunders was, and see him on the morning of the election?—I saw him in the tally-rooms.

4896. Did you tell him you had come up to vote for Guinness and Plunket?—I did not.

4897. Did you tell him that you had come to vote?—I did not. He asked me had I voted, and I said, “No;” and he said, “Go and vote for Guinness and Plunket.”

4898. Did you come back in the evening and tell him that you had voted for Guinness and Plunket, and ask him then to pay you?—No, I did not.

4899. Nor the next day?—No, I did not. I went to him and asked him would he pay me for my time.

4900. Did you come after the election at all and tell him you had voted for Guinness and Plunket, and ask him to pay you for your time?—No, I did not.

4901. Did you tell him that you had voted?—I asked him to pay me for my time, and I went over to him to ask him why had he my name scratched off the book, because I went up to the office in Dame-street to Mr. White to get paid for my time. Then I went over to Mr. Saunders that you spoke of, for to ask him for payment for my time, and he said he got my name scratched off the book because I voted against them.

4902. You heard my learned friend ask you the question, Did you get this letter from Mr. White, or from Mr. Moore, or from Mr. Saunders?—I got that letter from Mr. Saunders to bring to Mr. Sutton.

4903. But the letter with the envelope in it: where did you get that?—By post.

4904. When did you get that?—It came on the morning like before the election.

4905. Did you show it to any of them the morning that you came down asking them about your vote; did you show it to Mr. Saunders?—I did.

4906. You went over to Mr. Hodgson afterwards.

4907. Two days after the election?—And you swear that he told you to go over to the committee-rooms and that you would be paid?—He did.

4908. Mr. Justice *Keogh*.] For whom did you vote?—For Pim and Corrigan.

[The Witness withdrew.

SAMUEL TUDOR BRADBURN, Esq., sworn; Examined by Mr. *Heron*.

S. T.
Bradburn,
Esq.

4909. I BELIEVE you hold some position in reference to Sir Arthur Guinness?—I do.

4910. What is it?—Private secretary.

4911. Was it you who, as we have already heard, brought the cheques to the expense agents?—Some of them.

4912. Had you yourself any authority in the establishment to sign cheques?—No.

4913. Did you only bring those cheques as a

messenger. I do not mean by saying “as a messenger” that it was in a manner derogatory to your position, but did you bring them by instructions of your principal?—I did.

4914. Did you bring any other cheques to any other person besides Doctor Beatty and Mr. Meredith?—No.

4915. Do you know Mr. Henry Foster?—I do know him.

4915. How

4916. How long have you known him?—I daresay five or six years.

4917. Have you known him as an intimate friend?—Well, no; he never was in my house.

4918. Nor you in his?—Yes I was. I was in his house.

4919. When were you in his house?—I daresay some six months ago.

4920. Was it on the business of the registration?—It was not.

4921. If it was private business I will say no more about it?—It was. I beg your pardon, when I say it was private business, it was in reference to a party that was put up for a club that I belonged to.

4922. I call that private business; did you bring the cheques from Sir Arthur to the Conservative Registration Society, No. 3, Dame-street?—No.

4923. Who did that?—They may have been sent, but I don't know who they went through.

4924. Do you mean to say that you knew nothing about that part of the business?—I do, most decidedly.

4925. How much was supplied to the Conservative Registration Society?—For what?

4926. For the Conservative Registration Society?—Do you mean the revision?

4927. Yes?—Well, I cannot exactly state the sum, but to the best of my knowledge I should say now from memory it was over 3,000 l.

4928. During last summer?—Yes.

4929. As far as you know?—Yes; I beg your pardon, nothing could come to the Conservative Registration Society without coming through my hands.

4930. So I was instructed; when did your cheques in favour of the Conservative Registration Society cease?—I cannot tell without looking through my books.

4931. Have you your memoranda here?—I have not.

4932. To whom did you give those cheques?—I did not handle them all, but to my knowledge they all came —

4933. In the course of business to whom did they go?—Well, they principally went through Mr. Goodman, who is the secretary of the Conservative Registration Society.

4934. Who was the paymaster at No. 3, Dame-street; was Mr. Hodgson?—I never saw him paying money, but he is the assistant secretary to the Conservative Registration Society at No. 3, Dame-street.

4935. The young gentleman in court?—There he is (*pointing to a person in court*).

4936. Was Mr. Foster supplied with any money?—No; I can distinctly say that he was not to my knowledge.

4937. You say that you are Sir Arthur Guinness's private secretary; do the money transactions (I do not mean the business transactions of the firm) of Sir Arthur Guinness, pass through your hands in the course of business?—All.

4938. Is there any one else for the business transactions of the firm?—Decidedly.

4939. Who is that gentleman who is the manager as regards the trade?—Well, there is a cashier.

4940. Does any one hold the same position as yourself as regards the firm, if I may so call it?—Yes, Mr. Beer; Mr. Beer has nothing whatever to do with the finance; he is the cashier. Mr. Beer has the same appointment with the firm

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as I hold as Sir Arthur Guinness's private secretary.

4941. So I understand you to say; do you know Mr. William Johnstone?—Yes; I do know him.

4942. Did you yourself take any part in the business of the election?—I did; I canvassed for Sir Arthur Guinness and Mr. Plunket on my own account.

4943. Did you know that Mr. William Johnstone was engaged in the committee-rooms?—No, I am not aware of it.

4944. Were you at the committee-rooms?—I was.

4945. But you never saw him there?—I have seen him once there.

4946. In what room did you see him?—In 48, Dame-street.

4947. Do you know the room that he had?—No.

4948. Did you see him in his own room or in the general public committee-room?—I am not aware that he had a room there.

4949. You did not see him in any room which appeared to be his own?—I did not.

4950. Do you know Mr. Parkinson also?—Yes.

4951. Were you at 48, Dame-street?—I was during the county election two or three times.

4952. Were you there before the county election?—No.

4953. You know Mr. Parkinson very well, I presume?—I do.

4954. Were you ever up-stairs in 48, Dame-street?—Certainly.

4955. Were you ever up-stairs in 24, Dame-street?—I was.

4956. Do you know this Mr. Davenport Crosthwaite?—I do.

4957. When did you see him last?—I do not think I have seen him for certainly two months.

4958. Did you see him about the time of the election?—I did not.

4959. Did you see him immediately before the election?—Well, I did not; it is more than two months ago.

4960. Did you see him a little more than two months ago; where did you see him?—I think I met Mr. Crosthwaite at the "Amicable" club, the last evening I saw him. On thinking over it, it is more than two months ago, a good deal.

4961. Have you known Mr. Crosthwaite long?—Yes, some time.

4962. Have you any reason to know where he is now?—I have not the slightest.

4963. You heard the evidence given to-day in court about him?—I did.

4964. You have no reason to know where Mr. Foster is?—Not the slightest.

4965. When did you last see Mr. Foster?—It is certainly four months ago.

4966. Then, you did not see him at all about the time of the election?—No.

4967. You know Mr. Crosthwaite socially as a gentleman?—I do.

4968. Were you ever up in his room in 24, Dame-street?—Never.

4969. Do you know that room?—No.

4970. Did you ever hear of it until the evidence was given here?—I did not.

4971. Then whatever payments were made by that gentleman, Mr. Crosthwaite, in that room, were not made by any money that you supplied directly or indirectly?—Most distinctly not.

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4972. Did

S. T.
Bradburn,
Esq.

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S. T. Bradburn, Esq.
27 January 1869.

4972. Did you give any money to any other person except the person that you have named for the election?—I never gave any money for this election except through Dr. Beatty and Mr. James Creed Meredith.

4973. Do you know Mr. John Gifford?—I do.

4974. What is Mr. John Gifford?—He is a clerk in the Great Southern and Western Railway.

4975. He voted for Guinness and Plunket?—I do not think he did; I am certain he did not, because he had no vote at all.

4976. You are quite certain he has no vote at all?—I am quite certain he has no vote at all.

4977. Was he employed at the election?—He was, I believe.

4978. Was it you recommended him to that employment?—I did.

4979. In what capacity was he employed?—Either as tally clerk or poll agent, or something of that kind.

4980. Did you recommend other persons also?—I may have done so, if you will mention the names.

4981. Did you recommend other people?—I answered the question that I daresay I may have done. The fact is, that I have had so many applications from people for poll agents that I really cannot recollect. I wish to say that the reason I asked for Mr. Gifford to be appointed was because I had known him for 20 or 30 years.

[The Witness withdrew.]

JOHN NETTERVILLE GERRARD, Esq., sworn; Examined by Mr. Hemphill.

J. N. Gerrard, Esq.

4982. WERE you engaged in the last election for Sir Arthur Guinness and Mr. Plunket?—I was, but not by anybody.

4983. Were you acting in their behalf?—I was assisting in the cause.

4984. Where were you stationed?—I was in my own office.

4985. I mean on the polling day?—In my own office.

4986. Where is that?—In 24, Dame-street.

4987. Had you anything to say to paying for cars?—Yes.

4988. How much did you pay for cars on the polling-day?—Well, I think it was somewhere about 250 l.

4989. Did you keep any account of it?—I did.

4990. Did you return that account to the expense agents?—No.

4991. Have you returned any account to the expense agents?—No.

4992. Were you paid that yet?—I was.

4993-4. By whom?—Through Mr. Richard Boyle. If his Lordship wishes, I will explain the transaction.

Mr. Justice Keogh.] I would rather you would answer the questions put to you.

4995. Mr. Hemphill (to the Witness).] Do you mean Boyle, Low, Murray & Co.?—Yes.

4996. You were paid that?—I was.

4997. When were you paid that?—Two or three days after the election; it was, I think, about four days after the election.

4998. How many cars were employed altogether?—I do not remember. We paid 1 l. 2 s. 6 d. to each car, and I think it was somewhere about 250 l. I do not remember the exact figures.

4999. Were all those cars used on the day of the polling?—They were.

5000. Did you yourself continue in your office all that day?—I did, except during the time I was away voting, and then the intelligence came from Kilmainham that the county of Dublin election was to take place, and I went upstairs to my own office, to my other rooms above, and commenced work for the county.

5001. Have you an office in 24, Dame-street?—Yes, the county room.

5002. Did the cars then collect in Dame-street?—No.

5003. Was there any particular place?—No; a few had collected in Dame-street.

5004. Did Mr. Boyle pay you by cheque, or how?—He paid me in cash.

Cross-examined by Mr. Purcell.

5005. I believe that at that time you filled the office of secretary to the County Registration Society?—Yes.

5006. Were you engaged either as agent or otherwise in the city election?—No.

5007. Your assistance was altogether voluntary?—Quite so.

5008. You managed, I believe, the entire of the car department on that occasion?—Yes.

5009. Do you know where the money to pay for the cars came from?—

Mr. Justice Keogh said that these questions had already been asked and answered.

Witness.] I myself collected about 50 l. for this fund, and I saw —

5010. I believe you received subscriptions?—I received subscriptions; I received myself to the amount of 50 l., and I saw, I think, upwards of 300 l. handed in evening after evening. Several gentlemen met, and their names were given in and the amounts handed in to Mr. Boyle, and then Mr. Boyle gave it to me.

5011. Were you present when the arrangement was first made as to the supply of those cars?—I was; in fact it was I made the arrangement myself.

5012. Were you present at any meeting when it was agreed that subscriptions should be collected for the purpose of paying this?—I was; I attended a meeting at Mr. Tisdale's, in Sackville-street; a number of gentlemen were present, and several of them handed in their subscriptions, and it was agreed that a fund should be raised, and that each gentleman should go among his friends and get subscriptions for the purpose of defraying the expenses of the cars, as the candidates were not allowed to do so.

5013. At that meeting were agents or any persons employed on behalf of Sir Arthur Guinness and Mr. Plunket present?—Not that I knew of.

5014. Were any committee-men present to your knowledge?—No, not that I know of.

5015. Do you recollect that it was expressly stipulated that nobody should contribute to that fund who was in any way connected with the Dublin election?—Quite so; the greatest care was

was taken to have no one connected with the fund who was connected with the canvass.

5016. Was the supply of cars carried out on the day of the election?—I had the names of all the carmen and their addresses, and each carman knew beforehand that he was to call at the residence of the agent, and the car was to be entirely under the agent, and each of our agents was paid, at least most of them were paid, and the car was to be entirely at their disposal and nobody else's.

5017. And the agents were to be paid out of that fund?—Yes; and they were to get the car and bring the voters to the poll, and the carman was to act under them, and be dismissed in the evening.

5018. Were any of the agents employed by you, also employed as agents under Sir Arthur Guinness and Mr. Plunket?—None that I knew of.

[The Witness withdrew.

Mr. THOMAS ORMSBY, sworn; Examined by Mr. *Heron*.

5019. WERE you at Green-street on the polling day?—No, I was not.

5020. Do you know this man Campbell?—I only know him just by appearance; I did not know his name until I saw it in the paper.

5021. But you knew him by appearance before?—I did.

5022. Did you ever speak to him?—I think he came up to the office a couple of times to ask me to take out my freedom.

5023. Before you became a freeman?—I am not a freeman.

5024. How long ago was this?—Well, the first time that he came up was about a year-and-a-half ago.

Mr. Justice *Keogh* said that he did not want to know about what happened a year-and-a-half ago.

5025. Mr. *Heron* (to the *Witness*).] You were not at Green-street?—No.

[The Witness withdrew.

Mr. *Heron* stated that in the lists of solicitors and general agents appeared the names of William Erson, George Tickell, C. H. Bohy, Robert Steel, Hugh McDonnell, Edward Purdon, R. L. Hodgson, Anthony Robinson, William M. Moore, H. G. Saunders, J. Norwood, S. D. Bradburn, Edward Lawler, Frederick Barlow, Peirce Creagh, John Byrne, W. J. Campbell, Arthur Bloxam, J. Flint, J. D. Fraser, William Vance, James Warren, John Ferguson, and

Benjamin Warren. He also stated that in the case of the witnesses who had not appeared, he proposed to have the service of the subpoenas deposed to by affidavit; and that he would to-morrow make an application to the Court with regard to Thomas Gilligan, Henry Foster, James B. Fraser, and Davenport Crosthwaite.

Mr. Justice *Keogh* stated that if the service of the subpoenas was proved, every process of the Court should be granted to compel the attendance of the witnesses.

Mr. *Heron* stated that that was the case for the Petitioners.

Mr. *Butt* applied to the Court to direct that the witnesses Bailey, Hagarty, Ferguson, and Johnstone should remain in attendance to be further examined.

Mr. Justice *Keogh* gave orders accordingly.

Mr. *Heron* applied to the Court for permission to examine other witnesses in case of any fresh discovery of evidence being made.

Mr. Justice *Keogh* said that any such application made by the learned Counsel would be duly considered by the Court.

[Adjourned to To-morrow,
at Eleven o'clock.

*J. N.
Gerrard,
Esq.*

27 January
1869.

Mr.
T. Ormsby.

Thursday, 28th January 1869.

WOODLOCK and FOLEY - - - - - Petitioners.
GUINNESS - - - - - Respondent.

28 January
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Thomas Gilligan was called, but did not appear.

EDWARD DUNNE, sworn; Examined by Mr. *Heron*.

E. Dunne.

5026. Do you produce the original subpoena, dated the 18th of January, in the 32nd Victoria?—Yes.

5027. Turn to the endorsement on the back of it; do you know *Thomas Gilligan*, of 10 Malpas-street?—I do.

5028. When did you serve him with that subpoena?—On the 19th of January.

5029. Did you give him a copy, and show him the original?—I did.

[The Witness withdrew.]

Mr. Heron applied for an attachment for contempt against *Thomas Gilligan*, who had been called in court repeatedly every day of the sitting.

Mr. Justice Keogh directed the order to be signed accordingly, and directed the sheriff to take the necessary steps to make *Gilligan* amenable.

Henry Forster was called, but did not appear.

Davenport Crosthwaite was called, but did not appear.

Mr. Heron stated that it had been found

impossible to serve these witnesses personally with a subpoena, and he asked *Mr. McDonogh* if he undertook to produce and examine *Henry Forster* and *Davenport Crosthwaite*.

Mr. McDonogh stated that he had nothing to do with either of these persons, and had no dominion over them.

Mr. Justice Keogh stated that he was of opinion that *Mr. Heron* was justified in making the application, and that he should require *Mr. Heron* to prove whatever service had been made upon these persons.

Mr. Heron stated that both last night and this morning every step had been taken to secure the attendance of *Foster* and *Crosthwaite*, but without success.

James B. Fraser was called, but did not answer to his name.

Mr. Heron inquired whether *Mr. McDonogh* intended to produce and examine *Fraser*.

Mr. McDonogh declined to answer any questions on the subject.

WILLIAM KEMP, sworn; Examined by Mr. *Heron*.

W. Kemp.

5030. In whose employment are you?—*Mr. Duncan's*.

5031. That is *Dr. Duncan*, of Finglass?—Yes.

5032. Do you know *Mr. Henry Foster*?—Yes, I do know him.

5033. Did he ever give you 3*l.*?—Yes.

5034. Are you still in the employment of *Dr. Duncan*?—Yes.

5035. What are your wages in that employment?—I have 10*s.* 6*d.* a week.

5036. As a gardener?—Yes.

5037. Can you write?—I am not a good writer.

5038. Can you write?—No.

5039. I suppose you can read a little?—A very little.

5040. How long have you known *Mr. Henry Foster*?—I have known him these last two or three years.

5041. When did he come to you about any

employment for which you were to get 3*l.*?—Well, he did not come to me at all.

5042. Did you see him in the committee-rooms in Dorset-street?—He was there before; I had seen him the evening before.

5043. Where did you see him the evening before?—In Dorset-street.

5044. Is that the committee-rooms?—No; I do not know where the committee-rooms are.

5045. Were you never in the committee-rooms?—No.

5046. What did he tell you?—He told me that there was going to be a contest for the county, and he asked me for to come in and assist, and I done so.

5047. Can you read at all?—No.

5048. Or write at all?—No.

5049. Was there any other gentleman that told you where to go to except *Mr. Foster*?—Well, there was not. I got a letter then to go at

at eight o'clock the next morning, and he took me into the room, and we went in.

5050. Did he take the three of you into a room?—Yes.

5051. Did he put you to sit down on chairs?—Well, he did not put us to sit down on chairs, but we took our seats ourselves.

5052. Had you ever been employed by Mr. Foster before?—No.

5053. How long have you been gardener at Dr. Duncan's?—I have been there these last two years now.

5054. Had you known Watkins a long time before this?—Oh, yes.

5055. And Noblett, your fellow-servant?—Well, he is working in the place along with me.

5056. Did you ask leave of your master to go away?—Well, I did not.

5057. Nor your fellow-servant?—No!

5058. Did Mr. Henry Forster put you down sitting at the table?—He did not, I sat down myself.

5059. Did the other two men sit down?—Yes, they did.

5060. Was a screen up when you went into the room?—It was up.

5061. Of what size was the screen?—I could not describe what size it was, for I did not look at it.

5062. What colour was it?—I am not able to say.

5063. Was that screen hiding a door?—I do not know.

5064. Do you know what was behind that screen at all?—No, I do not.

5065. Were you told not to go behind the screen?—I was not.

5066. Might you have gone there if you liked?—I don't know whether I might or might not, but I didn't go there.

5067. Do you know any of the men who are employed in Mr. James Forrest's printing office?—Yes.

5068. Did you see any of them there that day?—I did not; there was no person in the room, only the two men that were along with us.

5069. And none of the people of the house came into that room?—No.

5070. Who let you in at the door?—Mr. Foster came in along with us.

5071. Where did Foster meet you that morning?—He met us in the street, in Dorset-street.

5072. Outside the committee-room. Did he tell you to be there in the morning to meet him?—He told us to meet him in the street.

5073. In what street?—Dorset-street.

5074. What part of Dorset-street?—Upper Dorset-street.

5075. Near whose public-house?—There was no public-house.

5076. Near whose shop?—It was convenient to Mr. Gilligan's, the dairyman's, that we met him.

5077. Did he tell you to be in Upper Dorset-street?—No, he did not; he did not mention any street to us.

5078. How did the three of you know where to meet him?—We three came in together.

5079. From Finglass?—Yes.

5080. At what hour of the morning did you meet first?—About eight o'clock.

5081. But about what hour did you meet at Finglass?—I think about seven o'clock.

5082. Did you know that morning where you were to meet Mr. Foster?—I did not.

5083. Did Watkins?—He did not.

5084. Do you mean to say that you thought you were to meet him in Merrion-square?—He did not mention any street; he said he would meet us as we came down there.

5085. Did he meet the three of you, and walk with you from Dorset-street to Capel-street?—He met us, and came into the room with us, and regulated us in the house.

5086. How did he regulate you?—There was a table in the floor and we took it over to the window and sat down beside it, and Mr. Watkins was looking over his book.

5087. You were not looking over any book?—I was not.

5088. Nor the other man?—There was papers on the table.

5089. After you went in there, did a few people come in occasionally?—There came persons backwards and forwards through the place.

5090. When a man came in, would he go in behind the screen?—I am not able to tell you, for I did not look.

5091. Come now, how big was the room?—It was a large room; a large sitting-room.

5092. How many windows were there in it?—There was only one; a front window.

5093. When any man came in, did he not get the word to go behind the screen?—Yes; he was told to go behind the screen, but I did not see him.

5094. Hold your tongue for a moment?—

Mr. *McDonogh* applied that the witness might be allowed to continue his answer.

5095. Mr. Justice *Keogh* (to the *Witness*).] Say what you intended to say?—When the men came into the house they passed backwards and forwards through the house, and went in, but I could not tell their business or what they were about. I did not know their business, nor I could not tell the men coming backwards and forwards through the house.

5096. Mr. *Heron*.] All day?—From the time I went in till the time I came out, passing in and out through the room but I could not tell their business.

5097. Were there plenty of men going backwards and forwards?—Men were going backwards and forwards.

5098. All day?—Yes, but I could not tell their business.

5099. Who gave them the word to go behind the screen; was it you?—No.

5100. Who?—I could not say.

5101. Was it Noblett?—I do not know.

5102. Who else was there?—Mr. Watkins was there, and Mr. Noblett was there, and some other man, I do not know who he was; they passed through backwards and forwards.

5103. Do you know a young lad of the name of Waller?—I do not.

5104. Was there a fourth person in the room with you occasionally?—There was not.

5105. Did you not say this moment there was?—There was three of us employed in it.

5106. Who was the fourth?—Mr. Watkins was there; he was the fourth man; he was there with his book.

W. Kemp.

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5107. Name the other three?—I was one, and Mr. Noblett was another, and I do not know who the other man was.

5108. Then there was a fourth man?—Mr. Watkins was there with his book, regulating.

5109. Name the four people?—I could not name the fourth; I did not know the other man's name.

5110. Did you not say this moment that Watkins was the fourth man?—I said there was another man along with us; Mr. Noblett and Mr. Watkins, and another man.

5111. Was it Fraser?—I do not know.

5112. Did you hear Fraser's name that day, on your oath?—On my oath I did not.

5113. How long did the men remain behind the screen?—I cannot say how long they remained behind. They passed backwards and forwards, and in and out, and I could not tell how long they remained there.

5114. You went in at about eight o'clock?—I daresay about eight o'clock or nine o'clock.

5115. Had you any breakfast?—Yes, I took my breakfast at home.

5116. From eight o'clock until about nine o'clock, how many people came in?—There did not come in many.

5117. How many?—I could not say how many.

5118. From eight o'clock until about breakfast time, nine or ten o'clock, how many people came into the room?—I am not able to say; I did not count them.

5119. Did ten?—I do not think there did, to the best of my opinion.

5120. Did one?—Of course there came in more than one.

5121. Two?—I cannot say there did.

5122. Did three?—I could not say; I did not count, and I did not lift my head to count.

5123. At what time of the day were most coming in?—Well, there had not been a good many coming in at any time of the day, at any hour.

5124. At what time of the day were there most men coming up?—I could not say; I could not tell at what hour on that day most men came in.

5125. Was there a clock in the room?—Neither a clock nor a watch.

5126. Do you remember hearing 12 o'clock strike?—I do not know; I did not remark it.

5127. Do you remember Mr. Foster coming in, in the middle of the day?—Well, he did come in once and walked out again.

5128. At what hour?—I do not remember what hour.

5129. What did he say to Watkins?—I do not know what he said to Watkins.

5130. Was Watkins in command of you?—He was not in command of any one in the room; he was minding his business; looking at his business, regulating.

5131. On your oath, did you not know that money was behind that door?—On my oath I did not.

5132. On your oath, did you not suspect it?—I did not.

5133. On your oath, did you not know why the three of you were there?—I was there, of course, but I did not know there was any money behind the door.

5134. For what purpose were you there?—For to help to regulate matters.

5135. What matters did you regulate?—About the election.

5136. On your oath, do you not know that three of you were put there to prevent any attempt on the money behind the door?—I did not know of any money to be taken.

5137. You did nothing at all that day, on your oath?—I done nothing, only sat in the room there.

5138. Do you remember Mr. Foster coming in in the middle of the day?—Of course I do.

5139. On your oath, had there not been 200 people there before he came in?—I could not say whether there were or not.

5140. Why did you not go behind the screen?—I sat where I was left.

5141. Did you not stir from your chair the entire day?—I did not stir, only I had occasionally to go into the back yard, and I walked out and walked in again.

5142. Did you, when going out into the back yard, see any people going out?—Not one; I only saw a boy standing there, and I suppose he belonged to the house.

5143. Standing at the back door?—Standing on the stairs as I went down.

5144. At the back door, going out of the house?—No, he was not at the back door.

5145. Where was he?—On the stairs.

5146. Was it towards the back way where the boy was standing?—It was as I went out upon the back door, just upon the stairs, and I suppose he belonged to the house.

5147. Would you know that boy if you saw him again?—I do not know that I would.

William Waller was called on to the table.

5148. Mr. *Heron* (to the *Witness*).] On your oath, did you not see that boy (*pointing to Waller*) on that day?—I do not remember; this is not the boy, I think; I do not think this is him; he seemed to be somewhat fuller in the face than this boy.

George Hawkins was called on to the table.

5149. Mr. *Heron* (to the *Witness*).] On your oath, was not that the boy (*pointing to Hawkins*)?—Yes, this is he.

5150. Where was he?—He was standing where I told you.

5151. That is, towards the back door?—He was standing at the foot of the stairs as I went down, but he was not near the door.

5152. How close was he to the door?—Perhaps he was about five or six yards from the door.

5153. Did he speak to you?—Well, he did not, nor I to him.

5154. Had he seen you coming into the room?—No, he had not.

5155. Did you ever tell your master that you were there?—I did not.

5156. Were you paid for your day's wages the same as usual by your master, Dr. Duncan?—I was.

5157. And you never were asked where you spent the day?—No.

5158. Are you and the other man the only two gardeners there?—He is not the gardener; the other is another man.

5159. What is his name?—Mr. Jones.

5160. What

5160. What is the other man, Noblett?—He is a labouring man.

5161. At what hour did Mr. Henry Foster come again?—I had not seen him until leaving the house for to go home.

5162. At what hour was it?—At about 4 o'clock.

5163. What did he tell you?—He told us nothing at all; he told us for to go home.

5164. When did he give you the 3*l*.?—Not for a week after.

5165. Where did he give it to you?—He gave it to us in his own place.

5166. In Mountjoy Street?—Yes.

5167. At what hour of the evening?—I dare say it was about 8 o'clock in the evening.

5168. Was Watkins by?—No.

5169. Who was by?—There was only Mr. Noblett and I.

5170. Who brought you word to go there?—He sent out word to me for to go.

5171. Who brought the message?—No person, only he sent out word for me to go in.

5172. Who told you to go in?—I got a bit of a note for to go in.

5173. In writing?—Yes.

5174. What was in it?—To go in; he wanted to see me.

5175. Did the other man get a bit of a note in writing too?—I could not see what he got.

5176. By whom was the note signed?—There was no name, only my name in it for to go in; he wanted to see me.

5177. Who wanted to see you?—Mr. Foster.

5178. Did it come by post?—Of course it did, I suppose.

5179. Do you know what a postage stamp is?—I do.

5180. On your oath was there a postage stamp on it?—There was not.

5181. Who gave the note?—It was left in the house for me.

5182. In Dr. Duncan's?—No, in my own house. W. Kemp.
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5183. Do you swear that you do not know who brought it to you?—I do not, for I was not there; I was out at my work and I could not tell who brought it.

5184. Would you know the boy that was on the front door?—No, I would not.

5185. Did you see any boy on the front door?—I did not.

5186. Was that the only person connected with the establishment that you saw there that day?—That is all.

5187. Did you see Mr. Henry Foster since?—I did not; I have not seen him since.

Cross-examined by Mr. *McDonogh*.

5188. From the time you went there in the morning until four o'clock, about how many men came in?—Well, I am not able to say how many came in.

5189. Did you at first say about 10?—No, I said nothing about it; I could not venture for to say how many came in; I did not look at them, and I did not count them. I did not take any notice as to how many came in. They came in backwards and forwards to the house, and I could not tell how many came in.

5190. Mr. Justice *Keogh*.] Can you tell, Witness, how many persons came in that day?—I cannot, my Lord.

5191. What are your wages?—10*s*. 6*d*. a week.

5192. And you received as that day's pay 3*l*.?—Yes, my Lord.

GEORGE HAWKINS, sworn; Examined by Mr. *Hemphill*.

5193. YOU know the house No. 76, Capel Street?—Yes.

5194. To whom does it belong?—To Mr. Forest.

5195. Are you in his employment?—Yes.

5196. Were you in his employment upon the day of the City of Dublin election?—Yes.

5197. Is he living there still?—Yes.

5198. Upon that day was any business going on in the house, any printing?—Yes.

5199. Where?—At the back printing office.

5200. Is that detached from the house?—Yes.

5201. Do you know Henry Foster?—Yes, by seeing him.

5202. Did you see him in Capel Street upon that day?—I did.

5203. At what hour?—In the evening.

5204. You did not see him in the morning?—No.

5205. Were you standing at any time at the foot of the staircase?—I was.

5206. When did you open the door?—At eight o'clock.

5207. Who directed you to do so?—Mr. Forest.

5208. Did you see Kemp and Noblett there?—I did.

5209. Where?—In the front parlour.

5210. Was any one else there?—There were three in the front parlour. G. Hawkins.

5211. Upon your oath?—Upon my oath.

5212. During the whole day?—Yes.

5213. Did you see Foster go into the parlour to them?—I did not.

5214. When did you take your stand at the foot of the stairs?—I did not take my stand in any place particular. I was watching in the hall.

5215. Were you in the hall during the day?—I was.

5216. How long?—From morning till night.

5217. Did you see many coming in and going out through the front door?—A great many.

5218. How many?—Not more than 30.

5219. Do you know any of the Freemen?—I cannot say.

5220. Where did the people go?—They went into the front parlour.

5221. Did you direct them to go out the back door?—No.

5222. Was it open?—Yes.

5223. Does it lead into Loftus's Lane?—Yes.

5224. How many did you see go out by the back door?—I saw the half of them go out that way.

5225. You did not see Foster till the evening?—I did not.

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5226. Do you know Mr. Devonport Crowthwaite?—No.

5227. Nor Mr. Baxter?—No.

5228. Was there a boy at the front door?—I am that boy.

5229. There was not a second boy?—No.

5230. Was that young man (*pointing*) there?—No, he was working in the printing-office.

5231. That is detached from the front house?—It is at the rear.

5232. Was the door left open, the hall-door, all day?—No.

5233. When people wanted to get in, how did they do so?—They had to knock.

5234. Did you open the door?—I did.

5235. What is your general business with Mr. Forest, are you a printer?—Yes, I am a pressman; my business is in the printing-office.

5236. You were never in the habit of standing in the hall?—Of opening the door when there was ringing and knocking at it.

5237. During this business?—There was no business for me going on.

5238. Was there any printing going on?—Yes.

5239. Did you see Mr. Forest about the place?—He came in once; he did not go into any room; he went down stairs.

5240. Who was in the back parlour?—I do not know.

5241. Did you see any money going?—I do not know.

5242. Did you get any wages?—Yes.

5243. From Forest?—Yes.

5244. How much?—5 s.

5245. What were your general wages?—Upon piece-work I am paid.

5246. Did you get any printing orders that day?—I did not, a gentleman came looking for him.

5247. You saw one gentleman coming?—Yes, about 11 o'clock.

5248. What was he like?—He was a tall, thin young man.

5249. Had he an eye-glass or not?—I don't know.

5250. Had he dark or fair hair?—I cannot tell.

5251. How was he dressed?—He had a black suit of clothes on him.

5252. How was he dressed?—To the best of my opinion, black.

5253. Had he a hat?—No, he had not.

5254. He went out bareheaded?—Yes, he went out and returned in about five minutes.

5255. Was the door locked?—It was.

5256. Did you hear him turn the key when he got in?—I did.

5257. When did you see a second man?—About an hour after.

5258. What was he like?—He was much the same person as the other.

5259. Was he in the rank of a gentleman?—Yes.

5260. Were both of them gentlemen?—Yes.

5261. Did you ever see them before?—No.

5262. Were you in the habit of going to committee rooms?—No.

5263. Did you get any money?—No.

5264. Nothing but the 5 s.?—Nothing.

5265. Did the other gentleman, the second man, go out?—Yes.

5266. Did he remain out?—No.

5267. Had he his hat on?—No.

5268. Had he anything in his hand?—I think he had a pipe.

5269. When did they leave in the evening?—About half-past four.

5270. They went out by the back door?—Yes.

5271. Had they anything in their hands besides the pipe?—I cannot tell.

5272. Come, tell the truth, sir?—I cannot tell.

5273. Did you see those gentlemen speaking to Mr. Forest at all?—I did not.

5274. Did you see Mr. Forest go into the back room?—No.

5275. Did he go into either of the parlours?—I did not see him.

5276. Were you in the hall from eight to half-past four?—I was.

5277. When any of the men knocked, what did they say?—They asked for Mr. Marquis.

5278. How did they come in?—Some of them knocked and walked in, some walked in without asking, others asked for Mr. Marquis.

5279. Had they anything in their hands?—They had tickets.

5280. Like railway tickets?—Yes.

5281. Did they show you those tickets before you directed them in?—Two or three did.

5282. Had you received instructions to admit into the parlour anyone whom you saw with a ticket?—No, they did not show them; I seen them in their hands.

5283. Had you any pass words as to whom you were to let into the parlour?—No.

5284. Who asked for Marquis?—I cannot tell.

5285. Did you hear from Mr. Forest that he was in the house?—No.

5286. Did they go to the front parlour to ask for Mr. Marquis?—No, the name was printed.

5287. How; painted or printed?—Printed in black ink.

5288. Who put the name up?—I do not know.

5289. Had you received any other instructions as to the persons that you were to let in?—None.

5290. But you would not let in anyone who did not ask for Marquis?—No.

5291. Who told you what to do?—Mr. Forest first told me to show those who first asked for Mr. Marquis into the office.

5292. When did Forest first tell you to answer the door?—At half-past seven.

5293. Tell all he said to you?—He told me to mind the door, as he thought he would be out for a great portion of the day, and he told me whenever the float came for the goods, to deliver them. I did deliver them, and got a receipt.

5294. He told you nothing about Marquis, nor that he expected a good many to call that day?—No.

5295. Who directed you to print the name of Marquis, and put it upon the parlour door?—Mr. Forest gave it to me.

5296. Did he write it?—It must have been set up in type before it came to me.

5297. Who sent it to you?—I do not know.

5298. Was Forest in the office?—Yes.

5299. You are a pressman?—Yes.

5300. Look at that document (*handing document*), was it printed in Mr. Forest's establishment?—No.

5301. Look carefully?—I do not recollect.

5302. Is

5302. Is there any mark which would enable you to say it was printed there?—I do not think it was.

5303. Is there anything in the character of the type that would enable you to say so?—No.

5304. Look at that document (*a second document handed to Witness*). Is not the "O" in out-voters, in the same type as the "O" in eight o'clock; this document, you say, was printed in the establishment?—Yes.

5305. When was this document printed; was it printed since the election?—Yes.

5306. How long ago?—I think I did these about three weeks ago.

5307. Looking at the two documents, and the two "O's," do you not know this was printed from the same font of type as the small paper?—No, different type.

5308. Was it not printed in the same place?—I do not recollect it being done.

5309. Is it not the same "O" in the same papers?—This "O" (*pointing to the document*) belongs to the same font, but the other "O" does not.

5310. Is not the "O" in this document (*pointing*) like a broken "C"?—Something.

5311. Look at the circular, is that a "C," or a broken "O," in the word "Card"?—It is a "C."

5312. Is it not the same type as the "O" in the others?—It is.

5313. Did you print this, or was it printed at Forest's?—I think it was.

5314. Did you see the paper itself?—Yes.

5315. Where is it made?—I do not know.

5316. Look at it through the light?—(*Witness inspects the document, and reads the words "Extra superfine"*); the name is torn.

5317. Mr. Heron.] The words "Jas. Allen, extra superfine," are as plain as possible?—They are.

5318. (*Another of the circulars handed to Witness.*) You see the same words here?—Yes, "Jas. Allen, extra superfine."

5319. Mr. Hemphill.] Are not these documents printed from the same reams of paper?—No, two different weights.

5320. Are they of the same manufacture?—Yes.

5321. Of the same size?—Yes.

5322. How do you see that the weights are different?—By the feel of them. (*Documents, the circulars, handed to Witness.*)

5323. Have these been printed upon the same paper as that upon which the notice to the Aldermen of Skinner's-alley were printed?—No, one were done upon better paper than the others.

5324. When were they printed?—I think I done them a week before the election.

The documents identified by Witness as having been done a week before the election were handed up to the Court, and marked by the register No. 1, 2, 3. (Notice to the Aldermen of Skinner's-alley.) The other documents, similar in their character, and marked A, B, C, D, and F, consisted of the circular in form as follows:—

"(Private.)

"Addressed to Jas. E. Kenny,

"3, Nottingham-street,

"North Strand.

"Referring to a communication, you are requested to write your name and address legibly on the enclosed card, and present the same to a person who will be appointed to receive it, at 3, Dame-street, two days after the election."

5325. Mr. Hemphill.] Look at this card (*handing card*), and see the printed portion, number, name, and address, and tell me whether the card, so far as the printing is concerned, was printed at Mr. Forest's?—I do not know.

5326. Have you any way of knowing?—I cannot tell.

5327. Does he print cards?—He does.

Cross-examined by Mr. McDonogh, Q.C.

5328. You are sure you printed the document for the Aldermen of Skinner's-alley?—Yes, about three weeks after the election.

5329. With respect to that, is it an unusual type?—No.

5330. Are you able to say whether you printed that or not?—Yes, I printed that.

5331. Those documents are numbered 1, 2, 3; they are similar; you printed all. (*Circulars handed to Witness.*)

5332. Did you print these?—I do not think I did.

5333. Mr. Justice Keogh.] Do you know any person of the name of Marquis?—I do not.

5334. How long before the election did you print the name Marquis?—I think it was upon a Monday.

5335. Upon what day was the election?—Upon a Wednesday.

5336. How many did you print?—A dozen.

5337. With the name of Marquis?—Yes.

5338. Upon what size paper were they?—Quarto, medium.

5339. Take a paper and fold it into the size?—This (*showing a newspaper that he had folded*) is the size, but not so long.

5340. And you printed a dozen of these?—Yes.

5341. One of these was put upon the front door?—Yes.

5342. Was there any other door upon which the name was put up?—No.

5343. Was any name put upon the back door?—No.

5344. What did you do with the dozen copies that were printed?—They were taken away.

5345. By whom?—By Mr. Forest.

5346. Did he tell you what they were?—No.

5347. Was the backdoor kept closed the entire day?—Yes.

5348. And locked?—Yes.

5349. Are you still in Mr. Forest's employment?—Yes.

5350. Have you ever gone into the front room since that day?—Yes.

5351. And into the back?—Yes.

5352. Does your business bring you there?—It brings me into the front room.

5353. When were you last there?—This morning.

5354. What was in the room this morning?—Nothing strange.

5355. What furniture was there?—A table, sofa, and chest of drawers.

5356. Was there a screen?—No.

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5357. When

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5357. When were you last in the back room?

—I think I was there upon Monday.

5358. What furniture was there then?—A bed and a wardrobe.

5359. Was it a bedroom on the day of election?—Yes.

5360. Was there a bed?—Yes.

5361. It was not removed?—No.

5362. Who slept in that room?—Mr. and Mrs. Forest.

5363. Had they slept there the night before the election?—No.

5364. The night but one?—No.

5365. Did they sleep the night before?—No.

5366. Why was this; was not this the bedroom of Mr. and Mrs. Forest?—Yes; but it was occupied by a gentleman named Donaldson, who was stopping there some time; he left in about two days after the election.

5367. Had he slept the night before the election?—He had.

5368. Did he sleep there the night of the election?—I am not sure.

5369. Where does he live?—At Newcastle.

5370. Where is that?—He is from that place; he is the gentleman who has the printing machines in Dublin.

5371. Is Newcastle in Wicklow?—I cannot tell.

5372. Is it Newcastle in England; Newcastle-upon-Tyne?—Yes.

5373. You have been in both the front and back room of the house?—Yes.

5374. Were you in the front room the day after the election?—I was.

5375. What were you doing?—I was getting some paper; we keep a stock of paper in the press.

5376. Was the screen removed?—There was no screen.

5377. Do you say there was no screen the day before the election?—No.

5378. Nor after it?—No.

5379. You swear there was no screen upon the first day of the election in the front room?—I do.

5380. Do you swear that positively?—I do.

5381. Have you heard the three persons examined, and did you hear them swear there was a screen?—I did.

5382. Did they swear falsely?—They did.

5383. Did you see the door between the two rooms?—Yes.

5384. Did you observe it the day of the election?—No.

5385. The day after?—Yes.

5386. Was there any hole in that door?—There was.

5387. Where?—In one of the panels.

5388. Was there anything to conceal it?—The wardrobe press was put across; that was put across in the bedroom.

5389. In which room?—In the front room.

5389*. Was that removed upon the day of the election?—It was.

5390. Was that wardrobe press put between the door and the window?—It was.

5391. Was that the screen to which the men alluded?—There was a wardrobe.

5392. Which acted as a screen?—Yes.

5393. There was an aperture in the door?—There was.

5394. When was it made?—I do not know.

5395. When was it closed up?—About a fortnight or three weeks after the election.

5396. Is it now closed up?—It is.

5397. Who did it?—I do not know.

5398. Is there a new panel in it?—Yes.

5399. Entirely new?—Yes.

5400. When did you first see the aperture?—The day after the election was over.

5401. You had never seen it before?—Never.

JAMES FOREST, sworn; Examined by Mr. *Heron*, Q.C.*J. Forest.*

5402. Do you know Henry Foster?—I do.

5403. When did you see him last?—About the 1st of December.

5404. Where?—I really cannot say whether it was in his house or in mine.

5405. It was either?—Yes; I am able to fix the time, by the fact that the aldermens' summonses are ordered about the first of the month; he brought a copy, or I went for it.

5406. Then all the business of the aldermen of Skinner's-alley is done in your house?—The Monthly Circular is.

5407. Is Henry Foster an alderman?—I suppose he must; he brings me the order.

5408. Are you one of the brotherhood?—No.

5409. Do you know Jas. B. Frazer?—I saw some one named Frazer during the election, but whether it was the same or not I do not know.

5410. Who pointed him out; did Foster point him out?—He was in company with a Mr. Kirkwood.

5411. Is he a printer?—Yes; the man's name was Frazer, but his Christian name I do not know.

5412. Do you know Mr. Devonport Crosthwaite?—No; I never heard of him before this trial.

5413. Who is Donaldson?—He is a printing machine manufacturer; he was one of the parties

in the cause of *Nugent v. Donaldson*, which was going on in the Courts; whenever he comes over to Dublin he stops with me.

5414. Did you see Henry Frazer before the election?—I did.

5415. Did you know that he was working for Guinness and Plunket?—I did not.

5416. Did you print the name of Marquis?—Yes.

5417. By whose order?—Mr. Foster.

5418. How many did you print?—I think 25.

5419. Was the word "office" underneath?—Yes; "Marquis Office."

5420. Who was Marquis?—I do not know.

5421. Do you believe there is any such person?—I cannot say.

5422. When did you get the order?—It was upon a Saturday evening.

5423. You received the order for printing along with other things?—Yes.

5424. Who paid the money?—Mr. Foster.

5425. Not Merydith?—No; there was other printing; committee-rooms, or committee-room, I am not sure which.

5426. Who paid you for printing those circulars?—Mr. Foster.

5427. Mr. *Heron*.] Here is the private circular, marked

marked B.; from what copy did you print this?
—From a manuscript copy.

5428. In whose handwriting was it?—I cannot say, or I suppose it was Mr. Foster's.

5429. He gave you the copy?—He did.

5430. How much did he pay you altogether in money?—I think it was 2*l.* odd.

5431. Is that all?—£. 2 16 *s.*

5432. I do not mean for printing, but how much altogether?—That—that was all he paid me.

5433. What were you going to say?—I was going to say that Marquis paid me for the room; that is what I was going to say.

5434. What did Marquis pay you?—The night he took the room.

5435. When did he pay?—The night before the election; the night he took the room; upon the Tuesday evening he said that a gentleman was likely to call, and he wanted committee-rooms for the day of the election, and he asked would I have any objection to let them; I said not; and upon that evening a gentleman did call, he did not mention his name, and asked me what I wanted for the room next day. I said a pound; he paid me there and then. He came back that evening and brought writing materials with him, and some of the bills I had printed, and put them about the place; I pinned them up round the parlour, shop, and on the wall; that was the second time he was there, and did not return; that was between eight and nine upon Tuesday evening.

5436. Did you sleep in the house that night?—I slept in the kitchen, because my bedroom was occupied by Mr. Donaldson.

5437. Did any carpenters come in?—Not that I am aware.

5438. When did you see the slit in the door?—Not till between eight and nine o'clock upon the evening of the election.

5439. Who gave the key of the back parlour upon the day of the election?—There is only one key for the front and back door.

5440. Marquis had the key of the front?—I do not know; the key was in it.

5441. He might have taken it out?—Yes.

5442. It has been said that the door was locked?—I cannot say; the day of the election; I went home, and returned between 11 and 12 o'clock.

5443. You have heard the wardrobe described; was it part of the furniture of the back parlour?—It must have been brought from the back.

5444. Could it have been brought through the door?—Yes; because it was standing inside the back parlour door.

5445. Was it you who got the door repaired?—No.

5446. Who did it?—A man came; the door remained that way three weeks; Marquis called in a few days, and said he would send a man to repair what damage had been done to the place; it remained so for three weeks, with a piece of paper sticking upon it.

5447. For what did you get 100*l.*?—For printing.

5448. Did you send in a bill, nett 100*l.*?—No, 125*l.*

5449. Where were you the whole of the election?—I left at 20 to 8 o'clock a.m.; I went to Kilmainham, to call upon Mr. Harolds, of Reversdale.

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5450. You remained away the whole day?—No; I came back between 11 and 12 o'clock.

5451. Have you a man named Dundon in the office?—I have.

5452. And James Leathem?—Yes.

5453. Did you give them leave of absence?—Yes, on the previous evening.

5454. And they were paid their wages?—One is only an apprentice; the other was paid his wages. I sent them away because I would not be there myself; we had been working very late every previous night; the place was in confusion, and unless I was there nothing would be done.

5455. Were you absent the entire day?—I was not; I was there twice.

5456. What was the first hour you came back?—Between 11 and 12 o'clock.

5457. At what hour did you get up that morning?—I was in the committee-room at six o'clock; I received a job to have done at six.

5458. Whom did you let into the house that morning?—I did not let in anyone. A carman was to call me at seven o'clock; the car was standing at the door; the door was opened, and two gentlemen, Marquis and another, came in.

5459. Did you not know Marquis to be a false name?—I did not.

5460. Did you not believe it to be so?—I did not; I had no reason to do so.

5461. Describe the appearance of Marquis?—He was tall, without having any whiskers.

5462. How old was he?—About 25 or 27.

5463. What was his complexion?—Sallow, if anything; if he had whiskers they were very small.

5464. Did you see him since the election?—He called in a couple of days after about the repairs of the place.

5465. Describe the other gentleman?—He had sandy whiskers, he wore a muffler about his throat, and his coat was buttoned up.

5466. Did you see him since?—No.

5467. Did you see either of them in court?—No.

5468. Would you know either of them?—I would know Marquis, but I would not know the other, from the way that he was muffled up; to the best of my belief I would know Marquis.

5469. Do you know Alexander McNeill?—I have seen him in the committee-rooms, Dame-street.

5470. Was he in No. 76, Dame-street?—Not to my knowledge.

5471. What was the entire amount received by you for your services that day?—£.1.

5472. What is the entire amount that Henry Foster gave you?—He paid me for printing; the amount is 2*l.* 16 *s.*

5473. Did you give the whole of the 25 printed documents to Henry Foster?—I did.

5474. Upon what day?—Upon Tuesday.

5475. How many of the documents will you say he put about the office?—I do not suppose he put more than half a dozen.

5476. When first did you see the screen?—I did not see it at all.

5477. Had Donaldson slept in the back room the night before?—Yes.

5478. He was not there during the day?—I met him once or twice through the town; we passed upon cars.

5479. At what hour did he leave in the morning?—About 20 minutes to eight o'clock.

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5480. Did

J. Forest.

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J. Forest.

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5480. Did Donaldson see the two gentlemen who came in?—I cannot say.

5481. Did Marquis and the other gentleman breakfast in your house?—No.

5482. Did they bring in any meat?—Not that I saw.

5483. When you came in was the back door locked?—Not that I could see.

5484. Did you see any person coming?—Not one.

5485. Then no one came in during the day?—I cannot say; I was not more than 10 minutes each time there.

5486. When did you hear that the back door was open?—It must have been the next day; I did not see George till then.

5487. And he told you that some had gone out that day?—He did.

5488. Did you see any of the railway tickets?—Upon my oath, I did not.

5489. Were you told about that immediately after?—I heard a party had come with a ticket.

5490. Who?—I do not know; I did not hear who came.

5491. When did Marquis leave the place?—I cannot say.

5492. Did you sleep at home the night of the election?—Yes, in the kitchen; Mr. Donaldson occupied the bedroom.

5493. Were not Marquis and the other man who was with him in your house the night of the election?—No.

The Witness was not cross-examined.

5494. Mr. Justice *Keogh*.] You say that Mr. Foster told you a gentleman would call in reference to the rooms, and stated that he would want committee-rooms?—The words he made use of were, he would be likely to call.

5495. And that he would require a committee-room?—Yes.

5496. Was that for one or two rooms?—For two, the bedroom and the parlour; one door leads into the other.

5497. He took both rooms?—He did.

5498. At what time was he to get possession?—He said he would be there at half-past seven.

5499. For how long was he to have them?—No time was named, but he said he would not want them for more than a day.

5500. Did you go into the rooms any time during the evening?—I was not home except between eight and nine o'clock; I was home twice, between 11 and 12 o'clock, and between two and three o'clock.

5501. You did not go into either of the rooms?—I did.

5502. Was the name "Marquis" upon the back door?—No, upon the back parlour.

5503. Did you go into the front or back room that evening?—I did.

5504. When?—Between eight and nine o'clock.

5505. Which of them?—The front room.

5506. Was a wardrobe there?—No, it had been removed.

5506*. Did you go into the back room?—I did.

5507. Did you see the aperture in the door?—I did, and I was surprised to see it.

5508. You saw Marquis since, and you said he called about three weeks?—I said he called in

two days, but the damage done to the door was not repaired for three weeks.

5509. Who repaired it?—A carpenter came and brought the panel ready painted, and put it in.

5510. Did he say for what he came?—No.

5511. Had he been there to measure the panel? I think he was there, but I saw him only upon the one occasion.

5512. And he did insert the panel?—Yes.

5513. Painted?—Yes.

5514. The same colour as the door?—Yes, but of course it is newer.

5515. Have you ever seen Marquis since?—Not since; either two or three days after the election.

5516. You swear positively you never saw him except the twice?—Three times; twice before the election, and once, two or three times afterwards.

5517. But never before nor since then; you swear that?—I do.

5518. And you swear you have no knowledge of who that person was?—I have no knowledge, and it was at the recommendation of Foster that I let him the place.

5519. Do you swear you had no knowledge?—I do.

5520. Wait till you know what you are swearing to?—I had not any knowledge of Marquis.

5521. That was not what I was going to ask you. Do you undertake to swear that when Foster bespoke the printing of those papers at your office, with the name of Marquis upon them, you had no knowledge of the use he intended to make of those two rooms?—I do; I had no idea it was Marquis who was to take those rooms.

5522. How then did you know it was Marquis who had come?—When he came he said he was Mr. Marquis, and I connected him with the bill.

5523. And you swear you had no knowledge of what he was?—No.

5524. Had you ever let the room before?—I had for a day?—The front and back rooms for a day. At the time they were let before, there was no bed there.

5525. Who occupied it?—It was occupied during the municipal election.

5526. Have you ever let it since it was used as a bedroom?—No, I don't think I have.

5527. Did it not seem to be extraordinary that a gentleman should take it for a day, and not use it for the night?—It did not seem strange; what he stated was, it seemed to be most convenient to the booth, and he wanted the room for the election.

5528. The city election?—I do not know.

5529. Are you clear that he wanted it because it was convenient to the booth?—I cannot say.

5530. Was that said by Foster or by Marquis?—By Marquis. What Mr. Foster said was, a gentleman was likely to call upon me; he first asked me had I any objection to let the room to the committee.

5531. Did you tell him there was a gentleman sleeping in the back room?—I did not, but I told Donaldson I had let the room, and I should ask him to separate a little earlier at night.

5532. Do you know the name of the carpenter?—I do not.

5533. Had you any knowledge of the person who came with Marquis?—I had no knowledge.

5534. You

5534. You saw them both enter?—They went into the parlour, front and back.

5535. Did you hear the key turned?—I did not.

5536. Did you see them afterwards?—No, my wife had no room exactly ready when they first came. She had not regulated the sweeping of the room. We were both there: the carman was waiting.

5537. Who was it that removed the wardrobe?—I do not know.

5538. Who moved it back?—I think my wife.

5539. When you saw Marquis the second time, did you say to him that you were greatly surprised at the hole or aperture?—I said so, and he laughed.

J. Forrest.

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JAMES CREED MEREDITH, Esq., LL.D., recalled; and further Examined by Mr. *Heron.*

5540. Do you know where is the account of Mr. Forrest, the printer?—That account I believe to be in the possession of Dr. Beatty, by whom the 100*l.* was paid; we have only sent in the receipts that we took.

*J. C.
Meredith,
Esq., LL.D.*

5541. Mr. Justice *Keogh.*] Is Dr. Beatty here?—He will be here immediately.

[The Witness withdrew.

Mr. EDWARD BYRNE, recalled; further Examined by Mr. *Heron.*

5542. Did you go out to Mr. Foster's to-day?—This morning.

5543. Did you go last night also?—I went yesterday evening.

5544. What occurred when you went out yesterday evening, to call on Mr. Foster, in Mountjoy-street?—I knocked twice and I could not get in; there was no light at all apparently in the house.

5545. At what hour was it?—I think on or about a quarter past seven.

5546. You could not get in?—No.

5547. This morning did you go?—I did.

5548. At what hour did you go this morning?—At nine o'clock; when I went at nine o'clock that morning, the servant opened the door, and I asked, was Mr. Foster in the house, and she said not; Mr. Foster was away. I was giving a note with an envelope, and the subpoena to the servant, and she seemingly knew what it was, and would not take it from me, but she did take it from me, and handed it back again to me; when a lady came downstairs, and she asked me what I wanted, and I said, "I wanted to see Mr. Foster. She said, "Mr. Foster is away." I said, "Do you know where he is gone?" She said, "I believe he is gone to France;" and she would not take the subpoena from me, and I had

to leave it on the hall table, with the servant, and I went away.

5549. Do you know the lady's name?—No.

5550. Then you came away?—Yes.

5551. Did you go also to Mr. Davenport Crosthwaite's house?—I did.

5552. When did you go there?—I went there at about eight o'clock yesterday evening; when I went there, there was no light either, and I was not let in there either. I went this morning, at a quarter before 10 o'clock, and when I went, I saw the same servant who answered me yesterday morning; I asked her was Mr. Crosthwaite in the house, and she said he was away; I asked, could I see the same lady that I gave the note to yesterday morning, and she said not, and the door opened, and an elderly gentleman came out of the parlour, and said, "What do you want?" I said, "I want to see Mr. Crosthwaite," and he said, "Mr. Crosthwaite is not here." I handed him the subpoena, but he would not take it from me. He said, "This is not Mr. Crosthwaite's house at all;" so he would not take the subpoena from me.

5553. Was the place that you went to No. 2, Manders's Terrace, Ranelagh?—Yes.

[The Witness withdrew.

*Mr.
E. Byrne.*

MRS. MARTHA FORREST, sworn; Examined by Mr. *Hemphill.*

5554. WERE you in your house, No. 76, Capel-street, all day, during the day of the election?—Yes; only for about 20 minutes.

5555. And the day before?—Yes.

5556. Did you see the gentlemen that took your parlours?—No.

5557. Not at all?—No.

5558. Were you in the parlour that day yourself?—Not till about six o'clock that evening.

5559. Was the wardrobe in the same place when you saw the parlours?—No, I put it back, me and George Hawkins, both of us.

5560. Had it been placed in the front room before the door?—I do not know who placed it there.

5561. But you found it there?—Yes, when I went up.

5562. Do you mean to say that you did not see

either of these two gentlemen at all?—I did not.

5563. Did they require anything at all?—No.

5564. Where were you during the day?—In the kitchen.

5565. Did not you go upstairs that day?—No, my business keeps me in the kitchen; I am always there unless when I go up to clean the rooms.

5566. Did you hear any noise that day?—I did not, more than usual; I heard feet of course, but I did not hear how many.

5567. Do you swear positively that you do not know who they were?—I do positively swear.

[The Witness withdrew.

*Mrs.
M. Forrest.*

Mr. Justice *Keogh* directed the witnesses named

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named yesterday to be in attendance, and requested to be furnished with the number of gratuitous service papers, and with the number of all the names signed, and whether they were freemen or rated occupiers.

The Sub-Sheriff stated that the attachment against Thomas Gilligan had been sent out, and that the person named therein had not been at home for some days.

Mr. Justice *Keogh* ordered every exertion

to be made to find Gilligan and to bring him before the court.

Mr. *McDonogh* was heard to open the case on behalf of the respondent.

During Mr. *McDonogh's* address,

Mr. *Heron* stated that Fraser was now in Court.

Mr Justice *Keogh* stated that he should be examined at once.

Mr. JAMES B. FRASER sworn; Examined by Mr. *Heron*.

J. B. Fraser. 5568. WERE you in the office with William Johnstone in 47, Dame Street, and with Mr Mortimer?—I was in a room in 47, Dame Street.

5569. How long before the election were you there?—For some days.

5570. Who employed you?—I was employed by the Conservative Registration Society.

5571. To go there?—No, I had been employed previously.

5572. And were you transferred to 47, Dame Street?—I was employed by Mr. Hodgson, and brought over by Mr. Hodgson there a few days previously to the election.

5573. By Mr. Sutton, who is in Court?—Yes.

5574. Were you engaged in the out-voter's business (*the Witness hesitated*)?

5575. Were you engaged in preparing lists of the out-voters?—I prepared no list.

5576. Were you engaged under William Johnstone?—Mr. Johnstone was in the room for some days with me.

5577. What was your business?—I corrected the addresses of some of the voters.

5578. Do you know Mr. Mortimer's book?—Yes.

5579. Did you make corrections in that?—Show me the book and I will tell you.

5580. Were you engaged in the sending of the telegrams?—I sent some telegrams.

5581. Of course you know your own handwriting?—Well, I think I would.

5582. Did you send telegrams in the name of Wilson Johnstone?—Show me any one of them (*some papers were handed to the Witness*) My Lord, am I to look over all these?

5583. Mr. Justice *Keogh*.] Yes, say if any of them are in your handwriting?—(*After having examined the telegrams*) I believe that is in my handwriting.

5584. Mr. *Heron*.] That is from "J. W. Johnstone, 24, Dame Street, to Sir George Campbell, Birmingham,—Come and record your vote on Wednesday; not one can be spared. Letter sent and telegraph to Bristol; signature, J. W. Johnstone." Is that your handwriting?—I believe it is.

5585. Who told you to telegraph in a false name?—I did not know that it was a false name.

5586. Who told you to telegraph in the name of J. W. Johnstone?—A copy I got on the desk.

5587. In whose handwriting?—I could not tell.

5588. Then you copied that from a copy left for you on the desk?—Yes.

5589. Who told you, "24, Dame Street"?—From the copy I got it.

5590. Were you ever in 24, Dame-street?—I have been there.

5591. Were you in Mr. Parkinson's office?—I was never employed there.

5592. Were you in his office?—Except the County election I never was.

5593. Were you up stairs in the room where J. W. Johnstone lived?—I was up stairs in a room where I saw outside the door "Mr. J. W. Johnstone's chambers"

5594. What did you go there for?—I went there to look for Mr. Johnstone.

5595. Did you find him?—No, he was not in.

5596. Do you know Mr. Devonport Crosthwaite?—I do not.

5597. Did you ever hear that name before?—Not until I read it in the paper this morning.

5598. Where have you been living this last three or four days?—In town.

5599. What is your address?—Sometimes I stopped in Gardner-street; sometimes I stopped at my brother in law's at Bray, and sometimes I stopped elsewhere. I have not been in Gardner-street for some days.

5600. Were you in the employment of the Conservative Registration Society from last summer?—I suppose from the latter end of July.

5601. When you ent into the chambers marked "J. W. Johnstone," whom did you find there?—There was a gentleman there, and when I asked for Mr. Johnstone he told me he was just gone out.

5602. What was the name of the gentleman?—I could not tell, I never saw him before or since.

5603. Did you know Mr. Parkinson's clerks?—I know all the staff.

5604. Is there any one named Johnstone?—Not that I know of.

5605. You know Watkins, the policeman?—I suppose you saw him standing beside me in the gallery.

5606. Were you speaking to him?—I was.

5607. Did you speak to him before?—No.

5608. Have you ever spoken to him in your life?—Oh yes, I have.

5609. Do you know Watkins?—I knew him years ago, when I lived up in Glasnevin myself.

5610. Have you known him a long time?—I have known him four or five years.

5611. Did you know Mr. Henry Foster?—I do not.

5612. Did you never speak to him?—Not to my knowledge. I do not know the gentleman.

5613. On your oath, were you never in 76, Capel-street?—Never; I never heard of it until I read your statement in the paper.

5614. Then you did read my statement in the paper?—Yes.

5615. Did you not know the policeman, Watkins,

kins, in reference to the election, at all?—I did not; I knew him in reference to the county election.

5616. Do you know Mr. Campbell?—I know Mr. Campbell.

5617. This long time?—I know him these six or eight months.

5618. Did you bring telegrams across to 24?—Twenty-four; where?

5619. Twenty-four, Dame-street; did you bring messages across between 48 and 24, Dame-street?—I never brought any messages.

5620. Did you go between the two places more than once; what brought you upstairs the day you went there?—To where?

5621. To 24, Dame-street, to Mr. J. W. Johnstone's chambers?—To look for Mr. Johnstone.

5622. Who told you to look for him?—I wanted to see him myself.

5623. For what?—He told me he would get me employment on the county election, and I went over to see him for that purpose.

5624. Who told you?—Mr. Johnstone that was in the office with me.

5625. William Johnstone?—Yes, I believe that is his name.

5626. Who told you of "J. W. Johnstone"?—He told me that he was going out, and that if I wanted to see him I was to go over to 24, Dame-street. In the interim, I heard there was to be a contest in the county, and I went over to 24, Dame-street, to see if I could see Mr. Johnstone about it. In going upstairs at 24, Dame-street, I saw pasted on the wall a white bill, with large black letters printed on it, "Mr. J. W. Johnstone's chambers upstairs," and I went upstairs, and I was asked, "Is it Mr. Wilson Johnstone you want?" and I said it was Mr. William Johnstone. So I was told he lived at No. 3, Palace-street.

5627. Do you know William Johnstone's handwriting?—I do.

5628. Is that his (*handing a paper to Witness*); the body of it?—I believe it is. That is my own (*handing a telegram to the learned Counsel*).

5629. That is "Johnstone to Seymour Bath"?—That is mine also (*handing a paper to the learned Counsel*).

5630. "J. W. Johnstone to William Thom, Inverness, letter by post"?—I do not know in whose handwriting that is (*handing a telegram to the learned Counsel*). That appears to be Mr. Johnstone's. That is mine.

5631. "Johnstone to Jamieson, Brighton. Come at once on receipt. Vote to-morrow; do

not fail"?—That is mine (*handing a telegram to the learned Counsel*).

The *Witness* examined a number of telegrams, and finally identified 10 of them as being in his handwriting.

5632. Mr. *Heron* (to the *Witness*).] In reference to those telegrams in your handwriting, was the course of business this, that you found a copy of the telegram written out on the desk?—I got a copy of the telegram; it varied at times in words.

5633. Did you conduct the correspondence?—I never corresponded any.

5634. Were you entrusted with any money arrangements?—No.

5635. How much were you paid for your services there?—I suppose on an average about 30s. a week.

5636. Was that all?—Not much more, I think.

5637. That was all you got?—That was all.

5638. Had you anything to do with the list of freemen?—Nothing whatever.

5639. How long were you in that office altogether?—In the committee-rooms in Dame-street?

5640. Yes?—I was on the revision from, I think, about the 12th of July to the—

5641. Mr. *Justice Keogh*.] We are not talking about that?—I mean I was on the revision business from the 12th of July up to, I think, sometime in October; I forget the date; and then Mr. Hodgson brought me over and said I was wanting in 47 Dame-street, and I went with him.

5642. Who wrote the letter by the direction of William Johnstone, to the outvoters?—I did not know there were any letters.

5643. Did you know nothing about it?—Nothing about writing letters.

5644. Who received the letter directed "J. W. Johnstone;" did you see them in the box?—No.

5645. Did you see them at all?—I have seen gentlemen coming into the room, and bringing a letter signed "J. W. Johnstone;" and when Mr. Johnstone was there, he looked at the letter, and said, "This letter is not for me, my name is William Johnstone; you may find Johnstone across the street."

5646. At 24?—I do not know that he mentioned the number, but he said "across the street."

5647. Were you in Campbell's room in Dame-street?—Never; I had nothing to do with the room.

[The *Witness* withdrew.

Mr. *McDonogh* was further heard to address the Court on behalf of the respondent.

[Adjourned to To-morrow, at Ten o'clock.

Mr.
J. B. Fraser.
28 January
1869.

Friday, 29th January 1869.

WOODLOCK and FOLEY	-	-	-	-	-	-	-	Petitioners.
GUINNESS	-	-	-	-	-	-	-	Respondent.

Mr. *M^cDonogh* was further heard to address the Court on behalf of the Respondent.

Mr. JOHN BYRNE, sworn; Examined by Mr. *Purcell*.

Mr. *J. Byrne*. 5648. I BELIEVE you are a Member of the Town Council?—Yes.

5649. Where do you reside?—At 10, Lombard-street, Dublin.

5650. You voted, I believe, for Sir Arthur Guinness and Mr. Plunket, at the last election?—I did.

5651. In what ward is Lombard-street?—In the Trinity ward.

5652. Was there in that ward any Conservative committee?—There was a committee; there has always been a committee in the Trinity ward.

5653. Was that formed for the purpose of the election?—No; it was formed for the purpose rather of conducting the revision.

5654. Had it been in existence long prior to it?—Oh, yes.

5655. Were you a member of that committee?—I was; I am, at least; it is in existence still.

5656. How long has it been in existence?—Well; the nucleus of it has been in existence for some 12 or 13 years to my knowledge, and I have been a member of it during that time.

5657. Did you take an active part at the last election in support of Sir Arthur Guinness and Mr. Plunket?—I did, in that ward.

5658. Was that an independent committee; a ward committee?—Yes; it also looks after the Poor Law elections and municipal elections.

5659. Were all those matters going on at that time, as well as the election?—Oh, yes; we have municipal matters discussed as well.

5660. Did you attend it frequently?—I attended almost every meeting.

5661. Every evening?—Every meeting.

5662. During any of your attendances did you ever, to your knowledge, meet with a person there of the name of Kirk?—Well; I might have.

5663. But do you recollect meeting him?—I have no distinct recollection of it.

5664. In that committee-room, previous to, and during the time of the election, were there any notices, extracts from the Act of Parliament, as to the penalties for pursuing illegal practices, posted up?—There were; there were copies posted about breast high on each of the four

walls in the hall by which the committee-room was approached; and there were cards upon which they were also printed, lying on the table.

5665. Could anyone go into those committee-rooms without seeing them?—Not unless he were wilfully blind.

5666. Were there in the Trinity Ward committee any of those papers for the purpose of being signed by parties who were willing to give their gratuitous services to the candidates?—There were.

5667. What was the object of those papers, to your knowledge?—Well; the object that I had in having them signed—

Mr. *Hemphill* objected that what was passing in the witness's mind had no bearing one way or the other.

Mr. *M^cDonogh* argued in support of the line of examination.

Mr. Justice *Keogh* ruled that the witness might be asked why he had these papers signed.

Witness.] Upon anybody who was a voter applying to be allowed to assist the committee, I brought this paper under his notice, and directed his attention to the section of the Act of Parliament, which was posted in the room. I told him I could not avail myself of his services unless he signed one of the papers; and I insisted on his reading the paper before he signed it; and I stated to him that the Act of Parliament was so strict that in order to prevent all possibility of misconception, he should sign that paper before I should allow him to become an active supporter of the candidates, or to assist at the committee. That statement applies to such of the papers as were signed when I was present. I was not present when they were all signed.

5668. Were you present at the signing of a great majority?—I was present at the signing of a large number.

5669. On any one of those occasions was there any arrangement or understanding with any person who signed those papers, that they were to get money or reward for their services?—There was

was no understanding but what was the plain meaning and purport of the papers.

5670. Were those papers intended for any other purpose than that which you have stated?—I did not intend them for any other purpose.

5671. And to your knowledge, were they so intended by the committee?—Certainly not.

5672. Do you know whether the committee met on the day after the election?—Well, my belief is that they did not; I was not there the day after the election. There was no business to be done.

5673. Were you at your own house upon the day after the election; that is, the Thursday?—I was.

5674. In the early part of the day?—Yes, I was.

5675. Up to what time were you in your own house?—I left shortly before 12 o'clock to attend a meeting of the Board of Guardians, and at about a quarter past 12 I was there.

5676. At what time, do you think?—It would be, I think, about three o'clock; between three and four o'clock.

5677. Up to the time that you left, were there any persons assembled in your house, either in your parlour, or in any other room, upon matters connected with the election?—No; nor was there any arrangement for any such assembly.

5678. Mr. Justice *Keogh*.] That was the day after the election?—Yes; there was no business connected with the election done at my house at all at any time.

5679. Mr. *Purcell*.] Up to the time that you left your house, what persons were in your house?—None but my own immediate family, and my servants.

5680. Just tell me who they are?—Mrs. Byrne, my son Edward, and a housemaid, and a cook, I believe.

5681. There were no strangers?—There were no strangers whatever.

5682. While you were there, did any person come to your house with a card?—No.

5683. Did you ever hear, before you came into court, or read it in the papers, any such statement?—No; and I am surprised that anyone could have come on this table and sworn anything of the sort; I could not help being surprised.

5684. Did you on that day give to anybody or instruct any person to give to anybody the sum of 3*l.* on a card?—Emphatically no; nor any other time whatever.

5685. Were you in court when Albert Johnstone gave his evidence?—I was not; I came here when a messenger came for me, and the police at this door would not allow me in.

5686. This is the evidence of Johnstone. Just attend to me, if you please, while I read it:—"Did Kirk say anything about getting more money?—He said there could be more money got. Did he give you anything?—A card. Had you a name upon it?—Yes. What did he say to you?—He told me to go up to Westland-row, the school-house, Guinness and Plunket's committee-room. Did you go there?—I did. What did you do?—I gave it to a gentleman, and I told him that Kirk sent me up with it. Do you know his name?—I do not. Who were there?—Several people. Do you remember the name of anyone?—I do not. Were they gentlemen?—Apparently. Did you get anything there in return for the card?—I got another card. What

was it like?—It was something like a railway card, but it was rather worn. Was anything written on the card?—He told me to go to Byrne's office in Lombard-street. Is that the town councillor?—I think it is. Do you know the number?—No. It is a pawnbroking office?—Yes. Did you go there?—I did. Did you go into the office or knock at the private door?—At the private door; it was open. Was anyone standing at the door?—A young man. Did you speak to him?—I told him that Kirk sent me down with the card. Whom did you get it from?—I got it in Westland-row. Show it to me; what did he say?—He told me to wait in the hall; he gave me an envelope; and upon opening it there was a 3*l.* note in it. Did you see anyone else at Lombard-street?—Several people; two or three were inside in the room. Did you remain in the hall?—I glanced into the room, but remained in the hall. How many were there besides?—Four or five; there might be more. What were they doing?—Sitting about a table. Were there any papers upon it?—I cannot recollect."

5687. Could anybody in your hall see persons standing in the centre of your parlour?—No; I may tell you first that so far as that statement concerns me or my house, to my knowledge, from the beginning to the end, it is an unmitigated lie.

5688. The room is on the left-hand side as you enter the hall?—It is.

5689. I believe the door entering the parlour is at the extreme end of the hall?—It is at the extreme end of the partition wall which divides the parlour from the hall. I have drawn a rough plan of it here, in order to let his Lordship see the position of the premises (*handing a plan to his Lordship*). That square in the centre, 8 feet 4 by 4 feet 8, is a large telescopic dining table, capable of being made still larger by the introduction of leaves, and it has never left that position for the last 12 or 14 years.

5690. Was that table standing in its usual place in the centre of your parlour?—It has never left that since it was put there 14 years ago; it was sometimes larger, but never smaller.

5691. Now let me call your attention to another part of this evidence. He says: "Do you remember an elderly gentleman?—Yes. What kind was he?—A low sized gentleman. Was he stout or thin?—I think he was stout." So far as that applies to you, was there any truth in it?—

Mr. Justice *Keogh* remarked that the witness could not answer the question more completely than he had already done.

Witness.] So far as concerns me or my house, it is entirely untrue.

5692. Was there in your parlour a stand-up desk?—No.

5693. Nor a desk at all?—No.

5694. Was there at that time?—No.

5695. Do you balance your cash every night?—Yes.

5696. Was there any entry in any of your books, or any return made to you, of a payment of 3*l.* upon that day?—Not at all.

5697. Was the cash deficient upon that day?—No; I never have cash transactions in my private house.

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5697. The

Mr.
J. Byrne,
—
29 January
1869.

Mr.
J. Byrne.

29 January
1869.

Cross-examined by Mr. Hemphill.

5698. The committee-rooms of Guinness and Plunket were the school-house of St. Mark's, Westland-row?—Yes.

5699. When was it opened for the purpose of the Parliamentary election?—I do not know exactly the time, but I can tell you the circumstances; I suppose you want to know the whole truth.

5700. Yes; but shortly as you can?—In July we were lent the rooms for the purpose of the revision; they were never wanted for the election at all. In the ordinary way, from the 1st of November we were recognised as the committee of Guinness and Plunket; I was a member of the ward committee, an honorary secretary of it. It was I that organised it.

5701. From whom did you receive the printed circulars?—Some of the messengers brought them.

5702. Did they come from Mr. Sutton?—I believe they did.

5703. Have you any doubt of it?—I have not.

5704. Was Mr. Sutton or Mr. Williamson in the habit of going into your committee-rooms?—I never saw Williamson; Sutton occasionally came down to know if we wanted information.

5705. Did the candidates go to the committee-rooms?—I think I saw them there upon one or two occasions.

5706. Did you attend a ward committee meeting the night before the election when canvassing cards were distributed; I speak of Trinity Ward?—There was a meeting every night.

5707. A precise evening. Were you present at the meeting?—I was.

5708. Were you present when canvassing cards were given to voters?—They were given every night, not canvassing cards, but separate lists of voters, of which they were to take charge, to see that persons voted, and to represent who had and who had not voted.

5709. Did you see Kirk?—I would not know him.

5710. Who made out those lists?—One of the clerks in the room.

5711. Did you see the lists before they were given out?—I believe they were printed lists.

5712. Had you seen them?—I had.

5713. You saw the provost's name?—Every elector's name in the ward was given to such persons as had offered their services, to see whether the electors had voted, and report who had not voted, that they might be got to vote.

5714. These you employed as canvassers?—No, they volunteered to do the work; they were to see that voters had voted, and report to me.

5715. Were they not also to bring up voters?—Yes, if they could influence them.

5716. Whose duty was it to distribute the lists?—It was my duty principally.

5717. You were the honorary secretary of the committee?—Yes.

5718. Did any money pass through you for payments incidental to the ward?—Not so much as a farthing.

5719. Did you make any return of the stationery or the car hire?—Not any return.

5720. Whose duty was it to do so?—The stationery was sent from the centre office.

5721. But there must have been expenses incidental to that; whose duty was it to pay the

money in this instance?—I may tell you, we had no cars engaged.

5722. Was no money spent in reference to Trinity Ward from the 1st of November?—No.

5723. Who paid the clerks?—I certified the week's wages upon their account; they furnished the accounts to me, they were sent up to Dame-street, and I presumed that they were paid there.

5724. Do I understand that no money passed through your hands?—Not so much as a farthing.

5725. Does your son Edward live with you?—No.

5726. Does John Ousley Byrne live with you?—I have six sons; he lives with his brother in Westland-row.

5727. Did he live with you during the election?—He partly lived with me, and partly with his brother in Westland-row.

5728. He was engaged as a paid agent for Guinness and Plunket?—I believe not.

5729. The sum of 115 £. is one of the items that have been returned?—My notion about it is, he got no money for his own services.

5730. For what did the 115 £. go?—I cannot say; you had better ask himself. So far as I am aware, he got no money for himself.

5731. Your pawnbroking establishment is not in your private house?—My pawnbroking establishment is in No. 11, my private house No. 10.

5732. And the hall is between them?—(*Witness described the position of the hall and the two houses, and handed in a plan.*) There is a private door from No. 10 to No. 11; without going into the street a person could get into No. 11.

5733. I think you said you went away about 12 o'clock, and did not return between three and four o'clock upon the day of the election?—Yes.

5734. What assistants have you?—I have a clerk, a foreman, and an assistant.

5735. How many clerks have you?—Four.

5736. Therefore, when you said that none were in the house but your son Edward Byrne, your wife, and the cook, you meant No. 10?—Yes; my business people do not come into No. 10.

5737. Is there any private office behind either of your houses?—There is, in the inner hall of the pawnbroking establishment, a partition five feet square, to screen persons who do not wish to go to the shop where the public resort; there is a small table in that.

5738. Where does it open into?—It opens into the pawnbroking office.

5739. But is there any door into any hall from that?—There is only one door, and that opens into the pawnbroking office.

5740. Would a person standing at the door of the private room be able to see into the room?—No; it is at the extreme end of the other.

5741. Could not people see into the room?—No more than a man could see from the jury box into the court.

5742. He could do that?—I mean from the grand jury room; it is in a different building, and walls 18-inches thick, are between.

5743. You tell me there is a little room behind the pawnbroking establishment?—There is a room in connexion with the centre.

5744. Suppose a person were standing at the door of the pawnbroking establishment, could they see into the room?—It is a part of the hall that is separate; a part of the back hall.

5745. Therefore, a person standing in the hall could

could see into it; if the door were open, of course. The pawnbroking establishment is a private house adapted to such an office; the original and back hall are there undisturbed, and a cross door divides the back from the front, inside that is a small nook where a person who does not choose to stand at the counter amongst the ordinary run of people, may come, if they please; there is a small table and one chair.

5746. Mr. *Purcell*.] The door of the pawnbroking establishment is always open?—Yes; the front portion, what originally constituted a parlour and a hall, were thrown into one; a portion of the parlour and the hall constitute the place where the public are; the other place, at the back of the fire-place, my office and that of my assistants, but it is no longer in the form of a hall, it is an open shop.

5747. Upon that day was there any meeting for election purposes in No. 11?—No. 11 is my business house, and no such thing could occur.

5748. Did you authorise anyone in the establishment to make any payment for election purposes?—Emphatically, no; because the foreman doing business in the pawnbroking establishment is a Roman Catholic lad, and a Radical, and he feels with Pim and Corrigan.

5749. Would the story about Johnson receiving the 3 *l*. be equally false, whether in reference to No. 10 or No. 11?—No doubt of it, so far as I am concerned.

5750. How many persons could stand; could five be assembled about the table in that room?—No; at the utmost two.

5751. Is there a high desk with four legs?—No, a small table 18 inches square, and a chair; a common kitchen square; that is the whole of the furniture.

5752. How many persons upon that day were in your establishment?—My foreman, Thomas Magennis; he has left me and gone into business for himself at Newbridge; another lad, a second assistant whom I still have, and two others, Crowe and Lamb.

5753. Listen to another portion of Albert Johnson's evidence, and tell me could it apply to your house of business: "Did he (meaning Byrne) shut the door when he let you in?—No he left the hall door open. Did you go far in?—Yes. How far did you go into the hall?—I went a good distance. Where was the door, on what part of the hall; upon the side of the hall; right or left?—I do not know which. The door going down into the room where you saw the people?—I cannot tell; I forget it. Did you take any notice of it?—I did not make any remark at the time. Was it far down in the hall, or near the hall door?—It was a good bit down." Could that apply to your business house; is there a door from the hall into the parlour, a good bit down in your business concerns?—There is no door going from the private house into the house of business, except the door upon the plan, and that is behind the counter; he would have to get across the counter to do that.

5754. Referring to Evidence. "Do you mean to say that standing near the hall door you could see into the room?—Yes, when it was open. Did the door open at the side of the passage?"—Would that description apply to your business premises?—He could not see into the private parlour from the hall of the business house.

5755. Has not the hall been thrown into a shop?—The hall partly still exists, a portion of the partition stands, and a large opening has been made in the partition in which there are two folding doors, which are open from half-past 8 to 7.

5756. Then no person going into your business premises could see into the parlour?—They would see nothing of course but an open shop. The door of my office was opened at half-past 8, and was not closed till the business had concluded, at 7.

5757. Mr. *Hemphill*.] It would be desirable if the witness were to make a plan of the whole premises.

Mr. Justice *Keogh*.] He can expand the sketch, if he please.

Mrs. BYRNE, sworn; Examined by Mr. *Exham*.

5758. Do you recollect the last election for the City of Dublin?—I do.

5759. Do you remember the morning after that?—Yes.

5760. You know the parlour in your house, off the hall?—Yes.

5761. Were you in that room upon that morning?—I was.

5762. From what o'clock and till what hour were you in the room that day?—I was in all day, from the time I got up; I was not out at all.

5763. Did you breakfast in that room with your family?—I did, and continued in all day.

5764. Is it a fact that there were any number of men in the room that day?—Oh, it is a great lie, sir.

5765. Was anyone, to your knowledge, but your husband and your own family there that day?—Not one.

5766. Was there a desk in that room upon legs?—No, there was not.

5767. Were there any number of persons after breakfast sitting any time during the day at a table, or standing up in the room?—No.

5768. Or were any of the young men in your

husband's place of business in the room that day? Mrs. *Byrne*.
—No.

5769. Did any person bring you in any ticket into that room?—No.

5770. Or did anyone in your presence give an envelope with anything in it to anyone, that day?—No.

5771. Could there have been any number of persons, three or four, in that room, without your knowledge?—There could not.

Cross-examined by Mr. *Litton*, q.c.

5772. Of what day are you speaking?—The day after the election.

5773. What was the day of the month?—A Thursday.

5774. What was the month?—I cannot tell.

5775. All this has reference to your private house?—Yes.

5776. Did you leave the room all that day?—Of course I did.

5777. For how long were you away at times?—A few minutes.

5778. An hour?—Never.

5779. Half

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Mrs. Byrne. 5779. Half-an-hour?—A quarter; not hardly that, I suppose.
 29 January 1869. 5780. Did you go into your business establishment?—I always go in, if Mr. Byrne is out, of course, to give money.

5781. Was he not out?—He was.

5782. Did you go in and out?—I did.

5783. About what hour did he go out?—He went out at 12 o'clock, and returned about four o'clock.

5784. How often did you go in during that interval?—Well, I think five times.

5785. And the rest of the time was spent in the parlour?—Yes.

5786. How much of the four or five hours during that day were you in the parlour, how much in your place of business; you only left occasionally?—Yes; ask the question again.

5787. For four hours you said you were going into the shop to see parties, how much of that time did you spend in each place?—More in the parlour than in the office.

5788. Might not three or four young men be in the business department?—No, they could not, without my seeing.

5789. You could not see from the private parlour into the shop?—No, unless you opened the door.

5790. Was the door open all the day?—No.

5791. Might not three or four young men be in the parlour while you were in the shop?—There could not be, because I could see them; you could not get into the shop without opening the door to get in.

5792. Do you ever shut the door after you when you return?—Always.

5793. Suppose the door were shut and you were in the parlour, could you see them in the shop?—No.

5794. Might there not have been three or four in the shop without your knowledge?—There might upon business, but there was no meeting.

5795. I am not asking you about that; who was in the parlour with you upon that day?—Edward, and a cook that I was getting home.

5796. Was John Ouseley Byrne, your son, at home?—No; nobody but Edward.

5797. Where was the maid?—I suppose in the kitchen.

5798. Did they stay in the parlour with you all that day?—No; they never came into the room.

5799. You hired a cook?—Yes, she was coming home; she was with me at half-past 10; she then left, went for necessaries, and returned at 12.

5800. Is there any other communication between the places?—No.

5801. Is there an entrance to the business establishment from Lombard-street?—Yes, through the hall door.

5802. And that is the hall door to No. 11, as well as that to No. 10?—There is a hall door from 10 to 11.

5803. Is there a private entrance from Lombard-street into the pawnbroking establishment?—No.

5804. When you enter from Lombard-street, is there a private door through which a person who did not wish to get information might go?—Yes.

5805. Would a person standing there be able to see into a small room if the door were opened?—The place is so small that, if the door were open they could see anyone that was there.

Cross-examined by Mr. *Exham*.

5806. At what hour in the morning is the pawnbroking establishment open?—Always at half-past eight.

5807. Can you say it was open that morning?—Yes, positively, and was kept open till seven.

5808. That little room at the end of the pawnbroking establishment, is there a door to it?—Yes.

5809. Could four or five people be in that room?—No; about two.

5810. What was the size of the table?—It was very small; it could hold a few papers and accommodate one or so.

BRIDGET DUFFY, sworn; Examined by Mr. *McDonogh*, Q. C.

B. Duffy. 5811. You were a servant in Byrne's establishment, Lombard-street?—Yes.

5812. Do you remember the last election?—I do.

5813. Do you remember the morning after the election?—I do.

5814. Were you in the house upon that day; in the private house?—Yes.

5815. Were you in attendance upon the concerns of your mistress and master that day?—Yes.

5816. Did any person call at that private house and give you any ticket upon that day?—No, sir, not that I remember.

5817. Did you get from your mistress, or from any human being, a sum of 3*l.* to give to that person?—No, sir, I did not.

5818. Did you get an envelope or anything of the kind?—No, sir.

5819. Will you tell us who were in the private house on that day?—I remember the mistress, the master, and the cook, and a charwoman.

5820. Do you know Mr. Edward?—I do.

5821. Was he there any part of the day?—I do not remember.

5822. And were these the only persons in the house that day?—These were all that I remember.

Cross examined by Mr. *O'Shaughnessy*.

5823. You are a servant of Mr. Byrne's?—Yes.

5824. Are you the cook?—No.

5825. Then you did not come home upon that day?—No.

5826. What day was that?—The day after the election.

5827. What day?—Thursday.

5828. What was the day of the month?—I don't know.

5829. Who answers the door when there is a knock?—I do.

5830. Did any one knock there that day?—No, sir.

5831. Did you see any railway tickets or tickets of any kind about the place that day?—No, sir.

5832. Were you in the parlour that morning?—Part of the morning.

5833. Did

5833. Did you see anyone there but the members of the family?—No, sir.

5834. Is there any other sitting-room but the parlour?—Yes, there is the back parlour.

5835. There is a front parlour?—Yes.

5836. Is there any communication between them?—There is a door leading from one into the other.

5837. And also a separate door leading into the hall?—Yes.

5838. Is there any communication between the parlours without going into the hall?—No, except to go into the hall; you could go from one parlour to the other.

5839. What size is the back parlour?—It is not large.

5840. Were you in it often that morning?—Not that I remember.

5841. Was the door between open?—I cannot remember.

5842. I suppose it is sometimes open and sometimes shut?—Yes.

5843. Were you out that morning?—Not that I remember.

5844. Are you not in the habit of going out of messages?—Not often; I do not remember.

5845. Of what does the furniture consist?—A table.

5846. A round table?—Yes; a piano, a press, a desk where there are books kept.

5847. Was there any place for writing?—There is a small desk for writing.

5848. Was it one you could lift up, or upon two legs?—It is a desk you could lift up, and there were no legs to it.

[The Witness withdrew.]

B. Duffy.

29 January
1860.

EDWARD BYRNE, sworn; Examined by Mr. *Exham*.

5849. Do you recollect the last election?—Yes.

5850. Did you live with your father at that time?—I did.

5851. You breakfasted there that morning?—Yes.

5852. At what hour did you get out?—Not till after one o'clock.

5853. Where were you in the morning?—In the back parlour, sitting and lying down upon the sofa, until after one o'clock.

5854. Was any one in the back parlour except a member of the family?—No.

5855. What members of the family were there except yourself?—My mother, I think; she was in and out.

5856. Were you in the front parlour?—Yes; I was in and out between the two.

5857. Up to one o'clock, is it possible there could have been three or four persons in the front room, except a member of your own family?—It is impossible it could be.

5858. Did you see any one bring a railway ticket, or any ticket into either of the rooms?—No.

5859. Did you give an envelope in, or without anything in it?—No.

5860. And you did not leave till one o'clock?—I did not.

5861. Were any of the young men in either of the rooms?—No; not while I was there.

5862. Or any other person?—No.

5863. Were you in and out of the business establishment?—No.

5864. Mr. *Hemphill*.] Were any of your brothers at home?—They were there from breakfast.

5865. Did they come in at dinner?—I was out from one to four.

5866. Were you active about the election?—I was a little interested in it.

5867. Were you engaged as a canvasser, to look after voters and whip them up?—I had been.

5868. Had you been engaged sometime before the polling?—I was not exactly engaged; I gave my services voluntarily.

5869. Were you at the committee-rooms every day; did you attend your father's ward, of which he was the honorary secretary?—I attended every day he was there.

5870. Had you any duty to do in keeping books?—At what time?

5871. A week or a fortnight before the election?—

5872. From the 1st of November?—I had not.

5873. Were you there the night the lists were given to the canvasser or street agents?—I don't think I was.

5874. Did you see any railway tickets about your father's places?—No.

5875. Any tickets?—No.

5876. Were you yourself paid anything for your services?—I was not.

E. Byrne.

SARAH KNIGHT, sworn; Examined by Mr. *Purcell*, Q.C.

5877. ARE you the care-taker of the school-house of St. Marks?—Yes.

5878. Where is that?—No. 1, Westland-row.

5879. Do you recollect the Conservative meeting held in that room?—I do.

5880. Do you recollect the day of the election?—I do.

5881. The committee were in attendance there that day?—They were.

5882. You recollect the day after?—I do.

5883. Did you lock up yourself the place, on the night of the election?—Yes; I am never in the place, only from 11 until half-past two, unless while the election lasted.

5884. And you saw them all out upon the night of the election?—I did.

5885. The day after did the committee meet at the school-house?—No.

5886. Do you recollect Mr. Winton upon the following day coming and taking away the box with the papers?—I do, perfectly well.

5887. At what hour?—Before 10 in the morning; he brought a boy and took away the box; and after that he saw no more of it. I left the house at half-past two, locked it up as usual, and up to that there were no persons in the room; not any one of the committee except Mr. Winton.

S. Knight.

S. Knight. 5888. Before Mr. Winton came for the box at half-past 10, were any of the committee there?—No.
 29 January 1869. 5889. Was he the first person that came?—He was the first person I saw.
 5890. And the last person?—Yes.
 5891. And the only person?—There were people who came to the hall-door, but that was my business, as I was there to care the house, and take directions for the clergyman.
 5892. But these were the only members of the committee?—Yes.
 5893. Do you recollect anybody calling that morning to the committee-rooms, or asking for the committee?—I do.
 5894. Did you direct anybody to go to Mr. Byrnes, of Lombard-street?—I did.

Cross-examined by Mr. *Litton*, Q.C.

5895. Are you the only person in charge of the school-house?—Yes; it is an empty house; in consequence of the schoolmistress dying, I am the only person there. I come at 11 o'clock, and remain till half-past two. During the time of the election I was in every morning at nine o'clock.

5896. How long were you acting?—From the time the fires commenced my business was to go in to have the fires kindled.

5897. Did you go into the room while a committee was sitting?—Certainly not; I never went in, except while the fires were being kindled, or dusting the tables.

5898. Do you remember the day of the election?—Yes.

5899. And the day after?—Yes.

5900. What time was it?—The election was upon the 18th.

5901. At what time did you come the day after the election?—About nine o'clock; the place was in a rough state.

5902. Do you know any of the committee except Mr. Winton?—I cannot say I do; I heard several names called, but I cannot say which was which.

5903. You say that he took away the box?—Yes.

5904. Was there not more than one box?—There was a box in each ward.

5905. What do you mean?—I mean that there was one in Trinity Ward, and one in the South Dock.

5906. Did both wards meet in the school-house?—There were two boxes there.

5907. One for each of the wards?—Yes.

5908. Did any one at all come after Mr. Winton?—No.

5909. If anybody knocked at the door, was there anyone to open it but yourself?—No.

5910. Did you leave the door open during any part of the day?—No; when people were coming backwards and forwards, the door was opened while the committee was there; but I never left the door open while any one was in the house but myself.

5911. But did the committee come there the day after the election?—No.

5912. Will you swear that anybody knocked at the door the day after the election but Mr. Winton?—I do not recollect anybody; two or three knocked, but it was about the clergyman's business.

5913. Did nobody come but Mr. Winton?—I believe one man came and asked, "Are any of them here?" I said, "Oh, no, they are all gone; they have left this; they have no more to do with this place."

5914. Do you know Mr. Byrnes, of Lombard-street?—Yes.

Cross-examined by Mr. *Purcell*, Q.C.

5915. Do you recollect anyone coming and asking for the committee?—Yes, and I told him they were all gone; that they had all gone out of that, and had no more business there.

5916. Did you, upon that occasion, give a card or anything else to anybody who called and told you to go to Mr. Byrnes?—Never; there was no card.

5917. Did the person who called tell you his business?—No.

5918. Or say anything with reference to the committee, as to who they were?—Not a word.

5919. Do you know who that person was?—I do not.

5920. Did anything more take place than simply to ask were the committee there?—Nothing whatsoever.

5921. Did he show you the card?—He did not.

5922. Nor ask you anything about a card?—Not a word.

WILLIAM MOORE, sworn; Examined by Mr. *Exham*.

W. Moore. 5923. What are you in the establishment of Mr. Byrnes?—I am his assistant.

5924. And you were so during the last election?—Yes.

5925. Who was the head man?—Magennis.

5926. You recollect the day after the election?—Yes.

5927. At what hour did the business commence?—At half-past eight.

5928. Were you there then?—Yes.

5929. During the whole day?—Yes.

5930. Was the door of the shop opened in the same way as upon any other morning?—Yes.

5931. And did it remain open?—Yes.

5932. Were you in the private house of Mr. Byrnes that day?—I was in the office all day.

5933. No. 11?—Yes.

5934. Were you in the house during dinner time?—Yes.

5935. And breakfast time?—Yes.

5936. Who was with you at breakfast?—I breakfasted by myself.

5937. Did you go into the business place?—Yes.

5938. Did you remain there till dinner time?—Yes.

5939. Did you dine there?—Yes.

5940. Who dined?—One of the boys.

5941. With that exception, a breakfast and dinner, were you in the private house during the day?—I was in the office.

5942. Were you in the private house?—No.

5943. Were any number of persons during the breakfast

breakfast or dinner hour collected in that private house?—No.

5944. Were you or anybody else, to your knowledge, sitting in any room of that house at a table?—No.

5945. Were any sitting at any table or standing in any room?—No.

5946. Do you know the little room where persons go who do not want to be seen?—The private room.

5947. During that day were any persons in that room?—On nothing but business.

5948. Pawnbroking business?—Yes.

5949. Would it be possible for three or four to be in that place?—Not unknownst to me.

5950. Did you see any person bring any railway or other sort of a ticket that day?—No.

5951. Did you see any envelope given?—No.

5952. Did you give it?—No.

5953. Did you give any money?—No, except paying in pawnbroker's matters.

Cross-examined by Mr. *O'Shaughnessy*.

5954. Have you been long in the employment of Mr. Byrne?—Five months.

5955. Did many people call about the election during those five months, November or December?—No; not any more than usual.

5956. You are in the business part of the establishment; you are there all day, except at meal times?—All day.

5957. When did you go to dinner?—At three o'clock.

5958. When did you take your breakfast?—At nine o'clock.

5959. How long were you away altogether?—About a quarter of an hour.

5960. Did you do much business in the pawnbroking establishment that day?—There were a good many people coming in; the same as usual.

5961. How many were there?—Twenty or 30 coming in and going out; more than 20 came in every day.

5962. That little place behind the shop?—I knew it.

5963. You knew it?—I knew it.

5964. How many would it hold?—Five or six, if pushed in together.

5965. Did you send any people into it upon that day?—No.

5966. I mean upon pawnbroking business?—Yes; I attended upon one person at a time.

5967. You must have left the shop then?—It is only off the shop.

5968. What is the furniture in it; is there any way of writing in it?—There is only a chair; there is no way of writing; there is a little table.

W. Moore.

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1869.

JOHN RICHARD O'BRIEN, sworn; Examined by Mr. *Atkinson*.

5969. Do you remember the day of the election?—Yes.

5970. Do you remember calling at 7, Westland row?—Yes, at 20 minutes after 11.

5971. Was it open or shut?—Open.

5972. Whom did you see?—The housekeeper.

5973. For whom did you ask?—I asked for Mr. Wintor; she told me he was not there; she

also told me if I wanted anything about the committee to go to Mr. Byrne.

Not cross-examined.

Mr. *McDonogh* said that he would not call any more witnesses in reference to this part of the case, but reserved his right to call others, if necessary.

Mr. Justice *Keogh*.] At present you appear to have covered the hall, the house, and all the premises.

*J. R.
O'Brien.*

WILLIAM PERCIVAL, sworn; Examined by Mr. *McDonogh*.

5974. WHAT is your business?—A manufacturing jeweller.

5975. Do you know Alexander Ferguson?—I do; he was in my employment.

5976. Was he there about the time of the election?—He was, and till very lately; in fact, I may say he is still in my employment, but I have given him notice to quit.

5977. Had you any conversation with him after the election; after he was subpoenaed?—Yes.

5978. What did he say as to whether he had been promised or given money at the election?—He said he got no money, and no promise; he asked me what he would do about the subpoena; I said, nothing but tell the truth, if he had nothing to be afraid of.

5979. Neither money nor promise?—Yes.

5980. Where did he tell you that?—In my office; he came into the workshop.

Cross-examined by Mr. *Hemphill*, Q.C.

5981. You say he told you he got neither money nor promise?—Undoubtedly.

5982. Was anyone present but you two?—No.

5983. Did he mention anything about rent?—

29.

Well, previous to the election, I think he did. I asked my men to vote for Guinness and Plunket.

5984. It was not compulsory?—No; some of them voted for Mr. Pim and Sir Dominick Corrigan.

5985. What did he say about the rent?—He stated that he owed some 3*l.* rent, and would wish to vote for Guinness and Plunket but was afraid to do so on account of his landlord.

5986. I think you said he was a Roman Catholic?—I am not quite certain.

5987. Did he tell you that the rent was to be paid, or anything to that effect?—No.

5988. Or at any time; try and recollect?—No; he expressed himself as if he was afraid of his landlord for voting for Guinness and Plunket.

5989. But did he afterwards say he was to be all right about the rent?—No.

5990. Nor that he expected 1*l.*?—No.

5991. You voted for Guinness and Plunket?—I did.

5992. When was it you had the conversation with Alexander Ferguson?—Since he was subpoenaed.

5993. Do you mean to say he told you he got neither money nor promise?—Undoubtedly.

5994. What was the whole of what he said to you?—

W. Percival.

W. Percival. you?—He showed me the subpoena, and asked me what he would do. I had not time to read the subpoena; "Leave it," I said, "and I will look over it." I thought he seemed frightened.

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5995. Did he not give you to understand he could give evidence against Guinness and Plunket?—Certainly not.

5996. Why consult you about it then?—I really cannot say.

5997. Have you any idea why he consulted you?—

5998. *Mr. Justice Keogh.*] Pray answer the question?—To tell you the truth I cannot say why he spoke to me; he did not seem to like the subpoena, or having his name in the papers.

5999. Did he not give you to understand he could give evidence against Guinness and Plunket; that he was paid for it?—But he did not say.

6000. Did you offer him 100 £, if he did not come into the witness box?—Not a word of the sort.

6001. Nor a penny offered?—No.

6002. If he did not come into the witness box, nor held out any expectation whatsoever?—No.

6003. You have dismissed him from your employment?—Yes; I told him I could not have confidence in any man who would take a bribe to give evidence.

6004. And that is the reason you dismissed him?—Yes.

6005. How long did you keep the subpoena?—About two hours.

6006. What did you do with it?—I spoke to Mr. Sutton.

6007. Which; Mr. Byrne or Mr. Sutton?—Byrne or Sutton?

6008. Did you return the subpoena to Ferguson?—I had it in my office; I met him upon the stairs.

6009. Did you offer him a penny not to give evidence?—No.

6010. Upon any occasion?—Certainly not.

6011. What did you say to him when giving back the subpoena?—I referred him to Mr. Sutton.

6012. What did Mr. Sutton tell you to do in reference to him?—I think he said to send him over, and I told him to call over to Abbey-street.

Re-examined by *Mr. McDonogh, Q. C.*

6013. You say that Roman Catholics in your employment voted for Pim and Corrigan, and you never interfered with them I suppose?—Not at all.

Mr. Hemphill.] I shall ask your Lordship to have Ferguson called, and ask him did Mr. Percival ever offer him any money not to come forward and give evidence against Guinness and Plunket.

Mr. McDonogh objected to the procedure.

Mr. Justice Keogh.] I cannot see the use of doing so.

Alderman JOSEPH MANNING, sworn; Examined by *Mr. Purcell.*

Alderman
J. Manning.

6014. WERE you upon the committee of Guinness and Plunket?—Not to my knowledge.

6015. Have you ever seen Alexander Ferguson before?—Yes.

6016. Where?—I saw him in my place of business in Grafton-street.

6017. Was that the first time?—That I have any recollection of.

6018. Upon what day do you recollect you saw Ferguson?—I believe it was upon the day that the notice appeared of Mr. Fitzgerald offering to pay for evidence; I think that was the day.

6019. To pay for information?—Yes.

6020. When was that?—Considerably after the election.

6021. A long time?—Oh, a very long time.

6022. I asked you whether you were upon Sir Arthur Guinness's committee?—Yes; I am not aware that I was.

6023. Were you upon any committee?—Upon the South City Ward committee.

6024. Was that formed for the purposes of the election?—I have been connected with it for 20 years.

6025. Do you know where that committee holds its meetings?—That committee held its meetings formerly; we got the use of the rooms in Church-lane, when it was in existence; we held some meetings there; we held other meetings in No. 3, Dame-street; and latterly for revision and other purposes, in the school-house, in St. Andrew's parish.

6026. Did that committee ever meet in 79, Dame-street?—No.

6027. Do you recollect any day prior to that election, being there?—Yes.

6028. For what purpose?—I went in and out to get information.

6029. You were not engaged in 79, Dame-street?—Oh, not at all, they had official people.

6030. Were you ever spoken to by Ferguson, there?—I have no recollection of speaking to Alexander Ferguson; that man, in 79, Dame-street.

6031. Did you at any time before the election, or immediately afterwards, hold a conversation with Alexander Ferguson about paying him money for his vote?—No.

6032. Did you ever promise, or hold out any inducement, before the election, to get him a vote for Guinness and Plunket?—Neither before or after the election, in any shape or form.

6033. Then I understand you to say you had no recollection, before or after the election, of any conversation with him?—I have not the slightest recollection of a conversation with him, till he called at my place; and I can give your Lordship a reason; I think it unlikely I had seen him before, because, when he came in, I said to the clerk, "Good gracious, is that Coridan."

6034. Do you mean the Fenian?—Yes; I had been summoned to attend the court-house, and having seen the man, I thought the likeness of Ferguson to him was very strong; I do not know whether your Lordship can perceive the likeness.

6035. What took place?—He came and asked for me; I came forward to meet him; I made this remark; he said he had been badly treated, that he had been promised to be paid, and never got a farthing; I said, "Who promised you?" "I don't mean to say," said he, "that you promised me anything, but I was promised by the young man that came to look after me, to pay me for the day;" I said, "You had better go to him"; do you know his appearance?" "I know him," he said.

"Then,

"Then," said I, "if anybody promised you money, he did a wrong thing, because there are special injunctions not to do so." He then said, that he knew I had not promised him anything; but he thought that as a brother mason, I would try to get him righted. I said, "You are not a Freemason." "I am," said he. I looked again at him; "I don't think you are," said I. "I do not belong to an Irish lodge," said he; "I belong to a Scotch lodge." "I do not know anything about it," said I; and this was the entire of the conversation.

Mr. Purcell read from the evidence of Alexander Fergusson, to the effect. "He then took me off in a cab to No. 79, Dame-street, where I was introduced to Alderman Manning, who asked me my address; I said No. 22 Temple-lane, and the Alderman wrote my name in a book, put his hand upon my shoulder, and said, 'It's all right.'"

6036. Did any such transaction as I have read to you, occur between you and Fergusson?—Not a word of it.

6037. He then is asked, "Was this Alderman Manning?" and the answer is, "Yes; I gave him my address, 22, Temple-lane, and he tapped me on the shoulder, and said it was all right, and I left Alderman Manning then." He is asked then, "Did Alderman Manning say anything else to you about voting?" And his answer was, "I was to go and vote." "Was that what he said?" "No." "Was what he said, 'all right'?" and the witness's answer is, "All right." Did any particle of that transaction take place between you and Fergusson?—Emphatically, no.

6038. Is it from beginning to end untrue?—So far as I am concerned.

6039. Did you ever have a conversation with him at 79, Capel-street?—I do not recollect.

6040. Did you ever see him on the subject, and tell him it was all right?—At 79.

6041. Or anywhere?—Certainly not.

Cross-examined by Mr. Litton.

6042. You are a Member of the Town Council?—I am.

6043. And you took an active interest in the election of Sir Arthur Guinness?—Well, not so much as I have been given credit for, because I happened to be only in and out of the committee-rooms like anybody else.

6044. Not so much as you would have liked?—I do not know what you mean by "liked."

6045. You stated you were a member of the ward committee, I think?—Yes.

6046. Did you attend there very frequently?—I attended very frequently, as it appears by a book you have there, because it is a matter of courtesy, whenever we have a board meeting, that the alderman of the ward should preside in the chair; and I presided some evenings.

6047. I think I understood you to say that you did not know whether you were a member of that committee, or not?—Of what committee?

6048. You admit that you were a member of this ward committee?—Certainly, for 20 years.

6049. And you signed the minutes on several occasions?—Certainly.

6050. When was this ward committee constituted into a committee for the return of Sir Arthur Guinness?—I think about the time of the 29.

revision. I did not say that it converted itself into a committee for Sir Arthur Guinness. It was for many purposes, municipal and parochial purposes, and other things as well as that.

6051. Where did this committee meet?—Lastly they met in the schoolhouse of St. Andrew's parish.

6052. Were there placards outside that schoolhouse?—No; there were no placards either inside or outside that schoolhouse.

6053. Is that your handwriting (*handing a paper to the Witness*)?—I signed it as chairman.

6054. Was not that in reference to the election of Sir Arthur Guinness?—I will read it (*reading the paper*). Yes, I see something about Guinness and Plunket.

6055. Is there any doubt in your own mind, upon your oath, that you were on that committee actively supporting Guinness and Plunket?—Not the slightest.

6056. Amongst the persons there present was Mr. Williamson; was that Mr. Williamson, the conducting agent?—Not at all; he is an engraver.

6057. Were not the canvassers appointed at that meeting for Sir Arthur Guinness and Mr. Plunket?—They were canvassers for—; what date was that?

6058. Was that the 13th of November?—I was not at this meeting, in the chair, "Alderman Manning, in the chair."

6059. Will you swear you were not at that meeting?—I would not swear; it is likely I was.

6060. Have you any doubt in the world, that you were?—Well, I have.

6061. You have a doubt?—I have; because sometimes my name was put in the chair if I went in at the latter portion of the evening, when the business was done, or nearly done, when they were taking the minutes.

6062. Who kept this minute book at that ward?—It is in the handwriting of different people, I believe.

6063. Were you chairman of the ward?—No, I was not chairman of the ward, but as a matter of courtesy, when I was present, I generally took the chair as I explained to you; it is in different handwritings; whoever was there acted as honorary secretary on the occasion.

6064. Look at the committee book for 47, Dame-street; do you see your name there on the top of the page?—Yes, I see it here.

6065. Is that a true statement of the fact?—It is not.

6066. You were not the president?—I was not to my knowledge; there was no president; the president of the South Committee Ward Club was the late Alderman Atkinson, and there was never a president appointed since.

6067. I do not want to go into these antecedent matters?—Well, but I want to explain to you; since Alderman Atkinson's death there has been no president; it is a Conservative Club, and we used to dine once a year until then, and we have not since Alderman Atkinson's death; we have no president.

6068. Here is the minute book which says "11th November, President Alderman Manning in the chair." Is that your signature?—Yes, that is my signature.

6069. Then were you present?—I suppose so.

S

6070. Where

Alderman
J. Manning.

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Alderman
J. Monning,
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1869.

6070. Where was the stationery for the use of the club provided?—By ourselves.

6071. During the time of the election?—I do not know.

6072. Had you canvassing cards and other documents such as are usually used at an election?—No, not there; I will relieve you of that; we had it at 79, Dame-street.

6073. And you had the circulars at 79, Dame-street?—They were there; I was not at 79, Dame-street; they had them at 79, Dame-street.

6074. Whom do you call "they"?—Whoever were acting officially in 79, Dame-street, for the South City Ward for election purposes.

6075. But you were acting according to this book at the same time?—We were holding our own parochial meetings in St. Andrew's parish, in the schoolhouse.

6076. And as a committee interested for the return of Sir Arthur Guinness?—Most decidedly.

6077. You stated that you had never known Alexander Fergusson before?—I have stated that.

6078. When he came to you at 79, Dame-street, did you ask him to sign?—He did not come to me there.

6079. Where did he come to you?—At my own place of business.

6080. Had you any of those volunteer circulars there for the purpose of being signed?—Those were at my own place of business.

6081. Where you first met Fergusson?—In my own place of business.

6082. Yes?—Decidedly not.

6083. Used you to go frequently to 79, Dame-street?—I had been there very active on the day of the election.

6084. Had you a book there in which you got persons to sign their names?—Decidedly not.

6085. Did you ever see a person there signing his name in the book volunteering his services?—I saw a number of persons signing a paper.

6086. What was the number of persons?—I think I saw about three.

6087. Did you ever get any persons to sign their names?—Never.

6088. Or ask them?—Never.

6089. Did Fergusson ever sign one in your presence?—I never saw him signing a paper.

6090. Where are those papers that you saw signed?—I do not know; I have had nothing to do with them; there were gentlemen officially connected as I understand.

6091. Did you put Fergusson's address down in a book?—No.

6092. Was there in 79, Dame-street, to your knowledge, any book for putting down the addresses of persons who had promised to vote?—I had nothing to do with the books or papers in 79, Dame-street, and to my knowledge I knew of no such book.

Re-examined by Mr. Purcell.

6093. I understood you to say that, except upon the occasion of his calling at your place in Grafton-street —

Mr. Justice Keogh.] If you understood him to say that, there is no necessity for repeating it.

[The Witness withdrew.

JOHN M. WILLIAMSON, ESQ., recalled; further Examined by Mr. McDonogh.

J. M.
Williamson,
Esq.

6094. Do you remember George Hagarty's cross-examination on the 23rd?—I do.

6095. Is a Mr. Hamilton in your employment?—Yes, he is in the employment of Mr. Sutton as clerk.

6096. Did you hear George Hagarty examined here on the 23rd?—I did.

6097. Did you hear him cross-examined?—I did.

6098. Did George Hagarty call upon you in reference to any subject after the election?—He called at the office some days before the commencement of this trial for the purpose of giving information as I understood.

6099. Did he give information?—He did.

6100. Was that taken down in writing?—It was.

6101. By whom?—By Mr. Hamilton.

6102. Have you that writing here?—It is in the box.

Mr. Hemphill objected to Mr. Hamilton's evidence being given through Mr. Williamson.

6103. Mr. McDonogh (to the Witness).] Was it in your presence?—I was present when Mr. Hamilton was taking it down.

6104. And you know that it was taken down correctly as you heard the man state it?—I believe it was.

6105. Did you hear the man state that?—I did.

6106. And did you not see what the man wrote?—I did.

6107. Was it taken down correctly?—I am certain it was.

Mr. Hemphill objected to the Witness reading Mr. Hamilton's statement.

Mr. Justice Keogh allowed the objection.

6108. Mr. McDonogh (to the Witness).] Are you able to tell, without reference to that paper at all, the substance of what Hagarty said upon that occasion?—I think I am. You refer to one particular fact, that Hagarty swore on the table as to a particular portion of the evidence he gave us, and that is impressed upon my mind, and that I consider is the subject I am about to be examined upon.

6109. What is that particular portion of the evidence?—He swore on this table that he informed me and Mr. Hamilton that he had received a bribe of 5*l*. He never stated such a thing either to Mr. Hamilton or to me, at least he never stated it to me in Mr. Hamilton's presence. Mr. Hamilton will speak for himself.

6110. Did you read this paper at the time that Mr. Hamilton wrote it?—I read it the same day.

6111. Did you see him writing it?—I did.

6112. And did you look at him while he was writing it?—I was sitting or standing beside him at the time.

6113. Are

6113. Are you able to swear that he took it down correctly?—I believe it is a thoroughly correct account of what occurred.

Mr. Justice *Keogh* said that on the Counsel for the Respondent undertaking to call Mr. Hamilton the paper might be used now.

Mr. *Hemphill* assented.

6114. Mr. *McDonogh* (to the *Witness*).] Will you read out that paper?—"Mr. George Hagarty, 12, Moore-street, a freeman of the City of Dublin, voted on the last election for Guinness and Plunket; about a week before Christmas a man named Henry Bailey, Henrietta-lane, carpenter, a freeman of the city, who voted for Guinness and Plunkett, called on me. He asked me had I got anything for my vote, I said no, that I did not expect anything. He then said because we did not get any he believed there would be a petition against the return of Mr. Guinness. Another man of the name of Patrick Egan, who keeps a public-house in 4, Moore-street, then sent for me to go down to him. If I was not paid for the election he would put me in the way of getting money. I would not go, and he has since sent twice for me; Bailey called for me again this morning, 7th January, and wanted me to go with him to a place where I would get 20*l.* for giving information about the elections, and that I would get some in hand at once; he also asked me if I was busy at present."

Cross-examined by Mr. *O'Shaughnessey*.

6115. Is this document signed "G. Hagarty"?—We got no witnesses that came in to give information to sign any document, we took down what they stated.

6116. Did you read this over to him?—Certainly we read this over to him.

6117. Where is the other half sheet?—I cannot tell you where the other half sheet is, but that is the whole of his evidence as it was; I will account for the other half sheet if you will allow me. The evidence of another witness was written on the same page but it was cut off afterwards and sent to the printer for the purpose of convenience; we never asked any witness to sign any document that we took down from their word of mouth, we merely wrote it down as they told it to us.

6118. Mr. Justice *Keogh*.] You say that the lower part of this was cut away and sent to be printed?—Yes.

6119. Was this upper part printed for the brief?—It was.

6120. Why was not the whole cut away?—Each of the parts of the evidence was printed on a separate sheet, and it was cut off, I believe, at the printers for the purpose of the men dividing the work which was very laborious.

6121. Where is that?—I think I can supply your Lordship with it.

Re-examined by Mr. *Hemphill*.

6122. Was Hagarty twice on two different occasions in your office or Mr. Sutton's office?—I think I saw him on more than two occasions.

6123. In reference to this evidence?—Not with reference to this evidence, for after we took it down, we never spoke to him afterwards.

6124. But you saw him on two or three occasions in the office?—My recollection is, that I

saw him on one or two occasions either on the landing or outside the office; I didn't find the other portion of this evidence, but I mention to your Lordship the fact.

6125. Mr. Justice *Keogh*.] It is a very extraordinary thing; why did not the other part of it come back?—A great quantity of evidence did not come back from the printer to us.

6126. Why did not it come back?—Well, I cannot answer that question.

6127. Did you cut off the other part?—I did not.

6128. Where was it cut off?—I presume at the printer's office.

6129. Can you venture to swear that it was cut off at the printer's office?—I only say that I could account for it only in that way.

6130. Do you know anything about this piece that came off?—I do not.

6131. Then you do not give any explanation of it, because now I understand you know nothing about it?—I was asked the question, was there any other writing on that paper, and I said, I believed there was; the evidence of another witness which was taken down at the office on a subsequent occasion, and that it was sent to the printer, and that it was cut off for the purpose of subdividing it.

6132. Then it was a mere speculation?—It was.

6133. Then you ought to distinguish, when swearing before the Court, between what you speculate upon and what you know?—I can swear there was no other evidence on that paper than there is now.

6134. Can you tell me whose evidence was on the other part?—I cannot.

6135. Can you tell me whether there was anything at all upon it?—I believe there was.

6136. Why do you believe it?—Because we were in the habit of writing the evidence of two or three witnesses on the same side of the paper if it was short.

6137. Why was there no evidence on the other side of the paper?—I don't know.

6138. Will you show me any other sheets of paper that were treated in the same way on which the evidence of witnesses was taken down?—There were a vast number.

6139. Were those that you have in your hand all returned to you from the printers?—All.

6140. Point me out any one or more that have been cut in the same way that that had been cut?—(After examining the papers.) There is one sheet containing the evidence of three different witnesses.

6141. It is rather remarkable that this sheet containing the evidence of three witnesses was not cut, and that the other containing the evidence of only one was cut?—There was part of another sheet that was cut up in that way.

6142. That is not a sheet cut in the way that the other is?—It is not. There is a piece that has been cut off (producing a paper).

6143. I am asking for a sheet of paper part of which has been taken away while the rest remains; perhaps by going to the printing office you might get that paper?—I will go myself by-and-by.

Mr. *McDonogh* stated that, if necessary, he could produce the very person who actually cut it off, who would state the reason why it had been cut off.

J. M.
Williamson,
Esq.
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Witness.] I don't find that there was any other sheet of paper cut in the same way.
Mr. Justice *Keogh.*] That makes it all the more singular; that out of that immense

mass of documents there is only one sheet treated in that way.

[The Witness withdrew.]

Mr. WILLIAM HAMILTON, sworn; Examined by Mr. *McDonogh*.

Mr. W.
Hamilton.

6144. WERE you in the office with Mr. Williamson when that man Hagarty came in?—I was.

6145. Did he state his evidence in your presence and in the presence of Mr. Williamson?—I took it down.

6146. Will you kindly attend to what I say: did he state it in your hearing?—He did.

6147. And in the hearing of Mr. Williamson?—He did.

6148. Did you reduce to writing that evidence?—Yes.

6149. Did you truly reduce it to writing as he spoke it?—I did.

6150. And is the whole of what you took down from Hagarty on that paper?—Yes; every word.

6151. Do you know what was on the rest of the page?—It was some other man's evidence; I could not exactly say whose it was.

6152. But had what followed any reference to Hagarty at all?—None whatever.

6153. Did you know a man of the name of Stafford?—Yes.

6154. Does the recollection of his name bring to your memory whether or not it was his evidence that was on that paper?—No, it does not.

Cross-examined by Mr. *Hemphill*.

6155. Was not Hagarty, on two occasions, giving you information at Mr. Sutton's office?—I think not.

6156. On how many occasions?—I could not say.

6157. Will you swear that you saw him there only once?—I will not.

6158. Did you read this out to him, or did he read it?—I read it, I suppose, a couple of times to him.

6159. Did you not ask him to sign it?—I did not.

6160. Is it not usual, when you take down evidence to be used against a man, to ask him for his signature?—It was not to be used against him.

6161. Did you, after you took this down, tell him to go to Mr. Fitzgerald's office?—He may have told me that Mr. Fitzgerald had sent to him, and I told him to go to Mr. Fitzgerald's office if such was the case and tell the whole truth.

6162. Did you, or did Mr. Williamson in your hearing, tell him to get as much money as he could out of Mr. Fitzgerald?—I cannot say that I did.

6163. Will you swear that?—I will not.

Mr. WILLIAM LEDGER ERSON, sworn; Examined by Mr. *McDonogh*.

Mr. W. L.
Erson.

6182. WHAT are you?—A Druggist.

6183. Living where?—In Henry-street.

6184. Do you know a man of the name of Hagarty?—Yes.

6185. Have you seen him here?—I have.

6164. Will you swear that you did not hear Hagarty, on some occasion, tell you or Mr. Williamson, in Mr. Sutton's office, that he had got 5 l. for voting?—I will swear that I did not.

6165. Why did you take down this statement from him?—That was my business.

6166. Was he acting for you or as an intended witness for you?—He was not; he came into the office and he volunteered that statement.

6167. Are you in the habit of taking down the statement of anybody who comes into the office?—In reference to the election.

6168. Did you tell him to give as little information as he possibly could to Mr. Fitzgerald?—I did not.

6169. At this time was not Hagarty constantly in and out of Mr. Sutton's office?—Show me the man and I will answer the question; but I could not otherwise.

6170. Then you do not, at this present moment, recollect the individual?—I do not.

6171. Then for anything you say you may be talking of a different person?—No, you may not; I speak of that evidence, and nothing else.

6172. But it may be some one that called himself George Hagarty for anything you know; we will see when the man comes?—That is the man (*pointing to a person in court*).

6173. Did you not see him on more than one occasion in Mr. Sutton's or Mr. Williamson's office?—I do not believe I saw him more than once.

6174. Did that man tell you that he had got 5 l. for voting?—He did not.

6175. Did you read the whole of this statement to him?—I did.

6176. Just look at it (*handing a paper to the Witness*); was there any other young man in the house besides you taking down those statements; I mean any clerk or assistant?—Yes, there was.

6177. Who was it?—In my absence up here for the last couple of days there has been a young man.

6178. But the day you took down that statement, was there no one else in the office except Mr. Williamson?—Mr. Sutton and Mr. White were in there occasionally.

6178*. Was there any young man taking down evidence?—I cannot say; Mr. Byrne might have taken down the evidence.

6179. What Mr. Byrne?—The Mr. Byrne that was here a minute ago.

6180. Mr. John Ousley Byrne?—Yes.

6181. Was he engaged in taking down the evidence of witnesses also?—He might have done if I was absent for a minute.

[The Witness withdrew.]

6186. Did you make any promise or hold out any expectation of reward to that man in reference to his vote of any nature or kind?—Never.

6187. He says "I went to the committee-rooms

rooms in Sackville-street—(Q.) And what did you do there; at what hour did you go there?—(A.) At about seven or half-past seven o'clock. (Q.) What did you see there?—(A.) I saw Mr. Erson there? (Q.) What occurred between you and Mr. Erson; did they send you on to vote?—(A.) Mr. Erson said I was to go on and do my business. (Q.) And he meant by that that you were to go to vote, I suppose?—(A.) I suppose so”; do you remember anything occurring between you and him at all?—Yes; I do.

6188. What did occur?—I did not see him at all on the election day.

6189. What did occur?—I had seen him frequently before the election. He volunteered to aid us, and he seemed very anxious to assist us. He told me that he was a great Protestant, and very anxious to help us, and I asked him “Would he kindly act as personation agent, as he knew so many.” “Yes,” said he, “I am the man that prevent dead men from voting”; and I understood from his phraseology as personation agent.

6190. And that was what occurred between you?—Yes.

Cross-examined by Mr. *Heron*.

6191. You are in the North City Ward?—I am the secretary.

6192. Of the committee?—I am.

6193. For the election?—For the Municipal, Parliamentary and Poor Law elections.

6194. And you are so still?—Yes.

6195. And Edward Purdon is the president?—Yes.

6196. And James H. Monahan and John Franklin, vice-presidents?—Yes.

6197. The solicitors in charge were Thomas Picton Reede and John Mason?—Yes.

6198. And assistant secretary, Robert N. Hodgson?—Yes.

6199. Was the place of meeting 40 Upper Sackville-street?—Yes.

6200. Is that a correct list of the committee (*handing a paper to the Witness*)?—Yes; quite correct.

FREDERICK G. SAUNDERS, Esq., sworn; examined by Mr. *Exham*.

6219. I BELIEVE you are a Solicitor?—I am.

6220. I believe you were acting for Guinness and Plunket in the Inns Quay Ward?—I was.

6221. And I believe you acted gratuitously?—I did.

6222. Mr. Moore was your colleague?—He was.

6223. Do you know a person of the name of Bailey?—Yes; at least, I have seen him.

6224. Do you recollect seeing him in the committee-rooms of that ward?—I do.

6225. Do you recollect seeing him there the night before the election?—I think so, certainly.

6226. Was Mr. Moore present?—He was; we were all there.

6227. Did Mr. Moore on that occasion say to him to go up the next morning to the poll, and that he would be decently dealt with?—Decidedly not.

6228. Nor anything to that effect?—Nothing to that effect.

6229. Did any one else say to him, in your presence, any such thing?—No.

29.

6201. You canvassed?—I did; very much.

6202. And canvassed the freemen?—No; I canvassed the Catholic gentlemen principally.

6203. Was that your department?—It was chiefly.

6204. Then you never canvassed Hagarty at all?—Never.

6205. Did you ever tell him to go and do the business?—Never.

6206. Nor do any business?—Never.

6207. Did you employ him as a personation agent?—I cannot say I employed him. I asked him to be one. I gave him that department.

6208. That is what I call employing a man; how long before the election was that?—Several days.

6209. Was he to be a personation agent in North City Ward?—He was not to be a legal one; he was to be a voluntary one. I had several.

6210. Did you get him to sign a paper?—No.

6211. Who got that done?—I do not know.

6212. Did you get the paper signed?—I saw it signed.

6213. How many papers did you see signed?—I saw a great many.

6214. Did you see 100?—No.

6215. How many had you in your ward?—I cannot tell; I never counted them, but every voter that worked signed a paper, so that there might be no misapprehension about the law; I signed one myself.

6216. But you did not ask the non-electors to sign that?—Certainly not.

Re-examined by Mr. *McDonogh*.

6217. You say that you had them signed to prevent any bad memories?—Yes, in every case, to prevent any misapprehension; I made several sign.

6218. Did you do that *bonâ fide* and honestly?—Decidedly; I got orders not to employ any voter whatever that would not certify that he expected nothing afterwards, and I carried it out to the very letter.

[The Witness withdrew.]

6230. Do you know the witness, George Patrick Nugent?—I do.

6231. Do you recollect seeing him in the ward?—I do.

6232. Do you recollect his applying to you for employment?—I do.

6233. Now listen to this: “So I sat down, and I was there for about 10 or 12 minutes, and there was a gentleman came in of the name of Mr. Saunders, and he asked my business, and I told him that I was over in Dame-street, inquiring after employment for the elections; and I was told if I got a letter from some gentlemen of the ward that I would be appointed; ‘Well,’ says he, ‘I can appoint you here,’ says he ‘on the books; are you a voter?’ ‘Yes,’ says I; ‘Well,’ says he, ‘are you a Liberal?’ I said that I was, but, of course, that I applied for employment from them, but I was refused it, and got no satisfaction, and that as I was not doing much work at present, that I would, of course, take up employment from them if they gave it to me; ‘Well,’ says he, ‘I suppose I can

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depend

Mr. *W. L. Erson*.
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depend upon your being a person that will do your work; do you know the neighbourhood of the ward well? And I said I did; so he put my name down in a book, and said he would send it over to Dame-street to see me appointed, and that he was almost sure I should be appointed, but that I should act gratuitously; 'Well,' said I, 'I should like to know whether I should be paid for my time'; and he said that he and everybody here were acting under the form of gratuitously, but he assured me that I would be paid, and that he would be paid also; that I might rely confidently upon that, that I would be paid for my time; 'And,' says he, 'I cannot employ you now here,' says he; 'we have very many hands waiting about'; did that occur?—It did not.

6234. Did you never tell him that you were acting yourself under the form of acting gratuitously, but that you were to be paid?—I did not; he asked me, would he be paid, and I distinctly told him that he could not be paid, and would not be paid, and that I would not be paid either; that I was working gratuitously, and that, if he chose to act gratuitously, we would be very glad of his services.

6235. Was that all that occurred?—That was all that occurred.

6236. Did he ever sign that printed document?—He did; it is a most extraordinary thing, but I cannot find it; I have a number more, but I cannot find that.

6237. Did you call his attention to the Act of Parliament before he signed it?—I did; I read him an extract, and called his attention to the Act of Parliament, and showed him an extract from the Act of Parliament on the wall of my office.

6238. After he signed it do you recollect his coming back to you with any letter from Mr. White?—He did.

6239. Did you see that document produced the other day?—I saw it at a distance, but I had not it in my hand; it was, "Set the bearer to work at once"; and I did put him to work at once.

6240. He says, "I went over to Arran Quay Ward to present that to Mr. Saunders; 'Set the bearer, George Patrick Nugent, to work at once'; so it was Mr. Saunders and Mr. Moore, their two agents at Arran Quays Ward; and I gave it to Mr. Saunders, and he said, 'Well, if Mr. White wishes to pay you for doing nothing,' says he, 'I do not care, so you can stop here; if Mr. White likes to pay you, so much the better for yourself'; is there a word of truth in that?—There is not.

6241. Did you ever say anything to him to that effect?—Not to the like effect.

6242. He says later, "I got a circular to go to the office the next morning from Mr. Moore and Mr. Saunders"; and then he described what that circular was with a card enclosed in it; the circular was in these terms, "Private, No. B. 130: Referring to a communication you are requested to write your name and address legibly on the enclosed card, and present the same to a person who will be appointed to receive it, at 3, Dame-street, two days after the election"; did you ever send him any such circular or any such card?—Never; such a card never emanated from my office.

6243. Did you ever hear or see such a thing until you heard of this proceeding?—Never, and I have not seen it yet.

6244. Did you ever write him any such document, or do you know anything about it?—I never saw it before, and it did not come from our office.

6245. Mr. Justice *Keogh*.] Is that the Dame-street circular?—It is.

6246. Mr. *Exham*.] Did you ever hear of such a circular until these proceedings?—Never until I saw it now.

6247. How long was it before the election that he brought you the letter from Mr. White?—I should say it was about 10 days.

6248. Do you recollect afterwards noticing that he did not come to the committee-room?—No, he was two days at work canvassing as an extra canvasser, and he came to me one morning, and he said that he had been in Dame-street the night before, and had ascertained there that he would not be paid; and he said he would not do any more work unless I gave him a written assurance that he would be paid. I turned him out of the office at once, and discharged him.

6249. Did you see him on the morning of the election?—I did; I never saw him afterwards until the morning of the election.

6250. What passed then?—He came to my tally rooms and said he had come to vote, and I turned him out of the tally rooms, and told him to go and vote as he liked.

6251. Do you recollect seeing him afterwards?—Yes; after I returned from the Sligo election he called on me at my office, and he said he came for payment, as he had voted.

6252. Did he tell you how he had voted?—He did; he said he had voted for Guinness and Plunket, and I said I would have nothing to say to him, and requested him at once to leave my office; as a matter of fact he voted for Pim and Corrigan; I believed him at the time, till I found it out afterwards.

6253. From first to last did you, directly or indirectly, hold out the slightest promise or inducement to Nugent to vote?—Neither directly or indirectly to Nugent or to anybody else; those were my instructions.

6254. And you obeyed them?—I obeyed them.

Cross examined by Mr. *Hemphill*.

6255. In what department were you?—I was agent in the ward committee, a working agent.

6256. In what ward?—In Arran Quay; the committee-room was in my own house.

6257. I suppose you gave up a great deal of time to it?—I did, indeed.

6258. I suppose you know a good many of the freemen by appearance?—I do not know many of them.

6259. Do you know any of them by appearance?—I think those men that came to my ward I would know again.

6260. Do you remember on the evening of the election your attending a meeting of the committee at Inns Quay?—In my own rooms.

6261. Did not a great number of freemen attend that night?—Well, I should say there were five or six; I should say not more.

6262. Do you know a man of the name of Jesson?—He may have been there.

6263. Did you tell those whom you did see there to go the next morning to vote?—I told them to be early in the office the next morning, at seven, to meet me and Mr. Moore, to go and vote.

6264. What

6264. What is Mr. Moore's Christian name?—“William N.” There is the gentleman (*pointing to a person in Court.*) He is my colleague.

6265. Was not Nugent acting for you three or four days in your room?—Two days, to the best of my knowledge.

6266. Making out lists?—Yes.

6267. What was he doing?—He was canvassing; I gave him a list, as I said, before we were full of hands, and he was sent to be employed there; and I gave him Church-street to canvass, it being a bad neighbourhood, and it being his own street.

6268. Did you give him this to canvass only just to occupy his mind and to keep him in good humour?—To try and get as many votes as he could.

6269. Or to keep him in good humour?—To get as many votes as he could.

6270. You were authorized to canvass for Guinness and Plunket?—Decidedly.

6271. And that was part of your duty?—Yes.

6272. Can you tell me in whose handwriting that is (*handing a paper to the Witness*)?—I have not the remotest idea; it is not mine.

6273. Would you look at that (*handing another paper to the Witness*)?—It is written by my instructions.

6274. By whom?—By a young gentleman of the name of Alexander, in my house.

6275. “Dear Sir, Mr. Moore and Mr. Saunders will be obliged by an early call on your part to-morrow; *pro* Secretary, Mr. George Patrick Nugent.” That was on the 11th of November; then had you heard at this time of Patrick Nugent? This was some days before the election?—He had been with me the day before.

6276. And you desired him to call again?—I desired him to call again.

6277. Was it after that that he signed this circular?—It was not; it was prior to that.

6278. When did you first meet him?—I cannot tell the day at all.

6279. Was it before you wrote this letter?—It was.

6280. What was your object in writing that letter?—I had work for him to do at that period.

6281. Do you recollect his afterwards bringing that circular to your office as a sort of reminder?—No.

6282. Will you say that he did not bring it to the committee-rooms?—No; individually to myself.

6283. At the committee-rooms?—He never brought it to me.

6284. But he may have brought it?—Upon my word he may; but he never brought it to me.

6285. Do you mean to say that you have never been paid anything yourself?—Not a farthing.

6286. And you had no claim?—Not a fraction, I am sorry to say.

6287. You told me that you knew nothing of this private circular?—No, not anything.

6288. Were you in the habit of attending the central committee-rooms in Dame-street?—Towards the close of the election; I was a little anxious, and went there to make my reports.

6289. Did you ever see Campbell then at 47 and 48, Dame-street?—I never saw him at all; I never knew the gentleman until I saw him produced here.

6290. To what rooms did you go?—I always went to Mr. Sutton's rooms.

6291. Did you ever see the members themselves in 47 and 48, Dame-street?—Very frequently.

6292. In and out, I suppose?—In and out.

[The Witness withdrew.]

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WILLIAM M. MOORE, Esq., sworn; Examined by Mr. *Exham*.

6293. ARE you a Solicitor?—Yes.

6294. I believe you were acting in the Arran Quay Ward, for Messrs. Guinness and Plunket?—Yes.

6295. Did you act gratuitously?—Certainly.

6296. And you were associated with Mr. Saunders?—Yes, I was very anxious for their return.

6297. Do you know Henry Bailey?—No, I cannot say that I do. I do not know him.

6298. Did you ever, to any person in that room, or out of it, say that he was to go up for Guinness and Plunket, and that he or they would be decently treated?—Certainly not.

6299. Nor anything to that effect?—Nor anything to that effect. I never held out any inducement, directly or indirectly, to any voter.

6300. Did you, from the first to the last, hold out any promise or inducement, to any voter whomsoever, to vote for Guinness and Plunket?—Certainly not.

6301. Were those your instructions?—Oh, I did not require to be instructed in a matter of that kind. It is not the first election that I have attended to.

6302. Do you know George Patrick Nugent?—I do; I have seen him in the committee-rooms in Arran Quay.

6303. Did you see him, or did you hear him speak to Mr. Saunders?—I did; I heard Mr. Saunders's evidence.

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6304. Did Mr. Saunders, in your presence, say anything about Mr. White's paying Nugent, if he chose to set him to work there?—Certainly not.

6305. Did Mr. Saunders, in your presence, say anything to him about going there and signing a paper to act gratuitously, but that they were to be paid?—Certainly not.

6306. You never said anything of that sort to him?—Certainly not; I never asked anyone to sign a paper. Mr. Saunders attended to the office details, and was always in the office, and he got those papers signed.

6307. Do you recollect Nugent coming to yourself, and asking you for money?—No; I recollect his coming into the office, and he went over to Mr. Saunders, who was in the centre of the table where our clerk usually sat, and he said, “I have been to the nomination, and I have been told something to the effect that unless I get a promise from you, Mr. Saunders, I will not be paid for my services here.” Mr. Saunders said, “Leave the office, sir; how dare you speak to me in that way?” or something of that kind, and turned him out of the office.

6308. Do you recollect seeing him after that morning?—No, I never recollect seeing him after that occurrence; Mr. Saunders was more in the committee-room than I was.

6309. When he was turned out he went away?—When he was turned out he went away.

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6310. And

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6310. And you never saw him afterwards?—
I never saw him afterwards.

Cross-examined by Mr. Litton.

6311. I think you said you did not know Henry Bailey?—Certainly not; I have no recollection of any person of the name. If a man

was put on the table, and I was asked if I ever saw him before, I might have a recollection of him.

6312. But Mr. Saunders might have had many interviews with Nugent, and Nugent with Mr. Saunders, without your knowledge?—Of course he might.

[The Witness withdrew.]

BENJAMIN WARREN, sworn; Examined by Mr. Exham.

B. Warren.

6313. WHERE do you live?—At Harmony Cottage, Donnybrook.

6314. Are you a voter for the city of Dublin?—Yes.

6315. Do you recollect acting at the last city election at all?—Yes.

6316. Before you acted, did you sign a paper?—I did.

6317. At the time you signed that paper, did you read it?—I did.

6318. Did you read the section of the Act of Parliament about it?—I did, long before.

6319. Did you sign that paper *bonâ fide*, intending to act gratuitously?—Certainly.

6320. Was there any understanding or promise that you were to be paid, notwithstanding your signing it?—Not the slightest.

6321. Do you know a person of the name of Henry Bailey?—I saw him on the morning of the election in Green-street.

6322. Do you recollect at any time being present at Arran Quay Ward when Mr. Moore was present; you and Henry Bailey?—I do not remember Henry Bailey being there.

6323. Did you ever ask Henry Bailey to vote for Guinness and Plunket, and tell him if he did he would be decently treated?—Never; Bailey was on my list as I was canvassing the freemen; and the other canvassers told me he had removed to, I think, Henrietta-street, and I did not see him.

6324. Was Henry Bailey, in point of fact, living in Church-street at the time?—The other men told me, not.

6325. Then you did not canvass him in Church-street at all?—I did not see him until the morning of the election.

6326. Did Mr. Moore say that to him in your presence?—I never saw him speak to Mr. Moore or Mr. Moore to him.

6327. Did you see him on the morning of the election?—I did.

6328. Where did you see him?—At Halston-street.

6329. Had he voted at the time, or was he going to vote?—I do not think he had voted.

6330. Did you that morning say to him that if he voted for Guinness and Plunket he would be decently treated, or anything to that effect?—I do not think I said that.

6331. Did you, or not?—I do not think I said that word. I do not remember speaking to him at all that morning particularly; but they had all come down to vote, and there was no question about it then.

6332. Do you know a person of the name of Michael Kelly?—I do.

6333. Was that the man who was examined here?—It was.

6334. Was that man's name on your list as a canvasser?—Not at all. He was a lodger; he was canvassed, I think, by a gentleman of the

name of Woolsley. I had nothing to do with canvassing the lodgers.

6335. Did you ever canvass that man?—Never.

6336. Now, had you never any conversation with this Kelly about the matter?—Not about voting; about elections I had.

6337. When was that?—I think about a fortnight before the election. I met him at Cork-hill one day; he said, "I have changed my mind." "What do you mean?" said I, knowing that he was always a very strenuous man on the opposite side. "Oh," he says, "I am not satisfied with Mr. Pim; he has deceived the people, and I am going now to vote for Guinness and Plunket." Then I saw him at the booths subsequently, and he said the same thing.

6338. Did you say one word to him about money, or did you make any promise or hold out any inducement of any sort or kind to this man to vote?—No, I could not.

6339. But did you?—No.

6340. Before you entered on this canvass at all, had you received printed instructions as a canvasser?—Certainly.

6341. Would you know the instructions you got if you heard them read?—I have read them.

6342. Was that the one you got (*handing a paper to the Witness*)?—Similar to that.

6343. Did you receive any other instructions with regard to canvassing except what are contained in this printed paper?—Some further instructions.

6344. Look at the one about bribery?—Yes, I got both of them.

6345. Did you get any authority from any person whatsoever to hold out any inducement or any promise to any voter?—Certainly not; my instructions were that if a shilling were asked to be given by the members, I could never promise it. Those were my instructions from Mr. Moore and Mr. Saunders both.

6346. Did you get those instructions verbally or in writing?—I got them verbally as well as written.

6347. Did you ever give Kelly any letters, and ask him to deliver them?—I gave him two memoranda the day before the election; I was passing over the street and I met him, and I asked him if he knew a man named Welch, and he said he did very well; and I said, "Will you give him that note?" and he said, "I will."

6348. Who was the other?—I forget the other now, but I gave him the 2 l.

6349. Is it true that you said to that man that 25 l. was a trifle?—No, it is not.

6350. He asked me "How much a dozen plates of glass cost, as I was a poor man," and I said "25 l."; and he said, "Oh, that is nothing." Did any such conversation as that take place?—No; I will tell you what took place. He said, "I am a poor man could; I get half a crate of glass?"

glass"? I think I said, "What is half a crate of glass"? and he said, "5 l."

6351. What did you say?—I just left it so; I could not promise anything.

6352. Do you know a person of the name of George Booth?—I saw him also on the day of the polling.

6353. But previous to the day of polling, did you canvass the man?—No; he was gone to Dorset-street, I was told.

6354. He was originally on your list?—He was.

6355. You did not canvass George Booth?—No, I did not go after him to Dorset-street.

6356. Did you at any time tell that George Booth anything to the effect that if he would vote for Guinness and Plunket he would be well satisfied?—Certainly not.

6357. Did you tell him that you had no money at present, but that a time would come when money would be going, or words to that effect?—Sure I had no money to give to any man.

6358. Did you tell him that?—No.

6359. Do you know Jesson?—I called upon him.

6360. He was on your list?—He was.

6361. Did you ever promise Jesson any money?—Not a penny.

6362. Did you ever tell Jesson that it would be better for him to vote for Guinness and Plunket, or that he would be well treated if he did?—When I went to Jesson, he received me very favourably, and was glad I called; he said he had made up his mind to vote for Guinness and Plunket.

6363. Did you on that occasion tell Jesson he would be well treated, or decently treated, or paid, if he voted?—I do not remember speaking to Jesson afterwards at all.

6364. But did you that day say that, or anything to that effect?—I did not.

Cross-examined by Mr. McDonogh.

6365. Are you a freeman yourself?—No.

6366. You are a voter, though?—Yes.

6367. What is your trade?—I am a retired Government officer.

6368. A pensioner?—Yes, a pensioner.

6369. Where do you live?—Harmony Cottage, Donnybrook.

6370. You were employed as a canvasser for Guinness and Plunket?—I was.

6371. When were you first employed?—Two or three weeks before the election.

6372. Of course you acted gratuitously?—I did, and have done so for the last 30 years.

6373. And you signed that paper?—I did.

6374. And you never got any appointment, or any money, or anything?—Not a penny.

6375. You hold no appointment now?—No appointment; I receive some rents.

6376. For whom do you receive rents?—For the Miss Littons, North Great George's-street.

6377. Very good people. You say that you got charge of the freemen?—Yes; but there was another and me together, both of us.

6378. In what ward of the city were you?—Arran Quay.

6379. Where did they meet?—At Inn's Quay; Mr. Saunders's House.

6380. And the freemen were allotted to you?—To him and me.

6381. Who was the other man?—Mr. Aldridge.

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6382. And your business was, I suppose, to canvass and secure as many freemen as you could?—Yes.

6383. I see you were canvassing in Church-street?—I was.

6384. And Bailey's name was on the list for Church-street?—It was.

6385. But you did not find him?—No.

6386. Do you know Bailey, now?—Yes, I saw him.

6387. Did you ever have any talk with Bailey before the election?—I think not, except that morning.

6388. Where you with him when he voted?—I do not say I was in the same booth with him when he voted.

6389. Did you see him there?—I am not certain.

6390. Did you see him after he polled?—I think I did, but I would not be certain.

6391. Did you see Campbell about the polling-booth on the day?—I think I did.

6392. Where did you see him about?—I saw him in the booth.

6393. Did you see him talking to any of the freemen?—At a passing glance I did not see him speaking to any freemen that I can remember.

6394. Was not he there all day?—Backwards and forwards.

6395. Did you hold any meetings of the freemen before the polling-day, or did you address them in anything like a body, or speak to them?—I said that the morning of the election they were to come down.

6396. Were you in the habit of collecting them together in tens or twenties?—Not at all.

6397. Not at any time before the election?—Not at all.

6398. Do you not know that they are in the habit of voting by batches and like to go together?—I have heard so.

6399. That they very often go in tens and twenties and vote for the best man?—Yes.

6400. You know what "the best man" means, do you not?—Whoever they wished to vote for.

6401. Whoever is the best?—Yes.

6402. Did you happen to be present when there were any number of freemen collected in that way before the election?—Not until the morning of the election at Green-street and Inn's Quay.

6403. About how many had you at Inn's Quay?—I suppose about 10 or 12.

6404. Was Bailey among them?—He may or he may not have been. I am certain I do not remember.

6405. Whether he was there or not, was there anything said that they would be decently treated?—I did not say anything of the kind.

6406. Was anything said by Aldridge, that they would be decently treated?—I think not.

6407. Will you swear that there was not something to that effect?—I did not hear it.

6408. Now tell us all the truth?—I am on my oath.

6409. There is no charge against you?—I do not think there is.

6410. Do you think they expected to be decently treated?—If the law would allow it.

Mr. McDonogh objected.

Mr. Justice Keogh thought that the witness should not be asked to speculate.

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6411. Mr.

B. Warren.

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6411. Mr. *Hemphill* (to the *Witness*).] At all events, you do not think that was said?—I do not.

6412. Michael Kelly was a lodger and he was not on your list?—He was not.

6413. You had a conversation with him on Cork-hill, and he told you that he had changed his mind?—Yes, I knew he was always a strenuous supporter of the other side, and he said “I have changed my mind.” “How is that?” said I. “Oh,” he said, “Mr. Pim has disappointed the people, and he is a hypocrite,” that is the very word he said.

6414. Did he give you to understand how Mr. Pim had disappointed the people?—No; he did not.

6415. On your oath, did he not give you to understand that Mr. Pim had broken some promise?—That is what I understood; that he had disappointed the people.

6416. Did you not understand that he had promised something that he did not give?—Perhaps so.

6417. You said it would be a different story now, did you not?—I did not; I never canvassed the man at all; it was long before the election.

6418. What did you say to him when he said he was not satisfied with the way in which Mr. Pim had gone on?—I do not know.

6419. You must have said something?—I may have said something, but I said nothing about securing his interest for Guinness and Plunket; he said he was going voluntarily to vote for Guinness and Plunket the next election, because he was not pleased with the others.

6420. Did he not say that he would be better treated, and that they would stand better to their words?—No, he did not say that Guinness and Plunket would stand better to their words.

6421. Did he give you to understand that?—No, he did not.

6422. You gave two letters to this Kelly, you say?—Two small memoranda.

6423. When you were giving them to him he said he was a poor man?—He did.

6424. What did he mean by that?—I suppose he meant that he would like to get some money from them; but I could not give it him, I could not give him 5d.

6425. Was Booth a freeman?—He was.

6426. He was on your list?—Yes.

6427. Was he one of those you had at Inn’s Quay the evening before the day of election?—I do not remember whether he was or not.

6428. Had you issued notices to those freemen whom you had canvassed to attend at Inn’s Quay on the morning of the 18th?—Some of them asked me where they would go, and I told them I would let them know.

6429. And you sent circulars to some of them?—I did to some of them.

6430. And you sent one of them to this George Booth?—Yes: “Please be at the committee-rooms on Wednesday morning at 11 o’clock, at Inn’s Quay; Benjamin Warren.”

6431. They were there?—Some of them.

6432. And he was there?—I suppose so.

6433. Did you give him to understand upon that occasion that he would be well satisfied?—I could not promise anything.

6434. You did not promise, but did you give him to understand that he would be well satisfied?—I did not.

6435. What did you say to him?—Very little was said to him that morning.

6436. Did you give them any breakfast?—No breakfast; they were all coming in a body.

6437. Did you give them a tip in any shape?—Not a word.

6438. Did you bring Booth and three others into a public-house that morning?—I suppose they came in, but I will tell you how that occurred.

6439. Did you take them into a public-house?—They brought me up there, and one man said, “It is a very cold morning; give me a glass of ale or a glass of porter,” he said, “I have not got my breakfast,” and he came up to Findlater’s, and then one and another followed him, and they came up there.

6440. You took them in?—I did.

Mr. *McDonogh* objected that there was nothing in the bill of particulars as to treating.

6441. Mr. *Hemphill* (to the *Witness*).] This was before they voted?—It was.

6442. Did you, when they were drinking in this public-house, tell them they would be satisfied?—I did not; the house was full of people.

6443. Did you tell them anything to that effect?—I did not.

6444. Nor Booth; had you any talk with him?—Three or four remained afterwards, but there was no talk; I had not time to have a talk with them.

6445. After they had voted did you tell any of the party to whom you had sent notice that you had no money, but that the time would come when all would be right, or words to that effect?—I did not.

6446. Did you give them to understand that the time would come when all would be right?—I did not.

6447. You called on Jesson the evening before the election at his house, did you not?—I think not.

6448. Will you swear that you did or did not?—I do not think I did.

6449. Did you see his wife there the evening before the election?—I do not think it was the evening before.

6450. Did you tell him to go to Inn’s Quay?—I perhaps sent him a note; I might have sent him a note.

6451. Was he one of those that you went to Halston-street to vote with?—He was.

6452. Were you there when he polled?—I did not see him poll, but I believe he polled.

6453. Did you leave any message for him when you called at his house?—When?

6454. Before his election?—Did I not see him at his house?

6455. When you saw him at his house did he receive you favourably?—I asked him whether he would vote for Guinness and Plunket, and he said he was glad I called.

6456. Did he say he was a poor man?—He did not say anything about poverty; he said he was very glad to see me.

6457. Did you see his son there when you called, the little boy that was examined?—I think I did see a boy there.

[The *Witness* withdrew.
Mr.

Mr. Alderman JOSEPH MANNING, recalled; further Examined by Mr. *Purcell*.

6458. Do you know or do you recollect seeing a person of the name of William Booth?—No.

6459. Listen to this: after stating that he had been canvassed by a person of the name of Tierney, he says, "He brought me into 79, Dame-street." He is asked, "Were you employed there?" and his answer is, "There I saw Alderman Manning and a gentleman, a little man of the name, I think, of Hogan, and I seen a gentleman here to-day," and he points you out. Then he is asked, "Did Alderman Manning say anything to you when you saw him on that occasion, or did you say anything to him?" (A.) Yes, I told him I would not vote unless I got paid for it. (Q.) What did he say?—(A.) He said that I would be 'enumerated,' and then he ordered a car, and before I went on the car I had to sign a paper; I had not time to read it. (Q.) Did you sign in the room?—(A.) Yes; of course I did; before Mr. Hogan and Alderman Manning." Did you, upon any occasion, ever tell any voter, William Booth or otherwise, in answer to an enquiry of his, that he would be remunerated?—In any case during the election, from the beginning to the end, I never promised fee or reward to any person on earth, and I had the most strict injunctions to that effect, because I happened to go, in company with the Mr. Hogan alluded to there, to the head committee-rooms on one occasion, and I saw Mr. Sutton, Mr. Julian, and Mr. White together in a room. It was with reference to the arrangements to be made in 79, Dame-street, the South City committee-rooms, and upon that I heard Mr. Hogan getting the most precise instructions from Mr. Sutton or Mr. White, by word, or deed, or thought, not to have any promises made to anybody.

6460. Then do you say that that statement of William Booth's, that you told him that he would be remunerated, and ordered a car to send him up to poll, is untrue?—I never, to my knowledge, saw William Booth previously to my seeing him upon this table, and it is perfectly untrue that I promised him or anybody else.

6461. He is asked, "When you came back how were you employed for the rest of the day?"—(A.) I was going about for voters during the whole day. (Q.) When the work was over did you see Alderman Manning?—(A.) I asked Alderman Manning himself; I asked him would he be so kind as give me the price of refreshments, for I never done anything the whole day. (Q.) You never got anything to eat?—(A.) Neither I did, and he said not; but he walked round about, and he put his hand in his pocket, and he handed to a man at the door a two-shilling piece, at which the man at the door smiled, and handed it to me." Do you recollect anything of that kind?—During his giving his evidence I forgot all about it, but I taxed my memory afterwards, and I remembered this fact: at four o'clock, having been in and out of the committee-rooms all day long, I went home to my private house in Harcourt-street and had some refreshment there. I was naturally anxious to hear how the poll had ended, and I went down to the rooms in Dame-street. There was a crowd about the door, and I could not get in, and I went to 79; but there were a number of gentlemen standing about. One gentleman that happened to go up

29.

the staircase with me was apparently very anxious about it, and I sat down at the table to find out whether anybody had heard anything about the state of the poll. While sitting there a young man (I did not know his name, but I think he was a medical student who had been at work for us) came and tapped my shoulder. He said, "There is a poor devil outside that has been running errands for us all day, and he wants the price of a drink or refreshment." I said, "Do you not know that we have no money here?" "Well, sir," he said, "he looks very poor, but if Mr. Hogan were here he would give it to him; he is a voter, and he has not sixpenny-worth of clothes on him." I put my hand in my pocket, and I looked, and I had not a sixpence or anything but a two-shilling piece, and I said to the gentleman near me, "Is that right?" and I handed it to the fellow. That was at six o'clock in the evening after the election, and I never laid eyes on the man since.

6462. At the time did you know or believe that he was a voter?—On my oath, if I had known that he was a voter I would not have given him the two shillings.

6463. Then you did not give it him as having voted for Guinness and Plunket?—As a pure act of charity.

6464. On the representation that you have mentioned?—Quite so.

Cross-examined by Mr. *Litton*.

6465. You were going in and out all day?—Yes.

6466. And therefore you might have had interviews and conversations that you do not now remember?—I might.

6467. And you do not recollect this William Booth?—No.

6468. And therefore I take it that you would not contradict a statement that he made on his oath, unless you were very sure?—I contradict any statement that I made a promise of reward.

6469. Would you contradict a statement that you ordered a car for anybody?—On my oath, I did not get a car for anybody; if a voter came up, there were gentlemen standing there, and they offered their services.

6470. Might you not have said to some of the gentlemen standing there, "Take a car for this man," not knowing who he was?—I asked the question at the committee-rooms, was there a car.

6471. I do not want to know what you asked; but might you not have said it to some gentleman standing there?—I was informed that it was illegal.

6472. Is it possible that you could have sent in that way?—Utterly impossible, and I can explain the reason.

6473. Would you swear you did not say to any gentleman standing by, "Get a car, and go up to Green-street"?—No; I called out, "Is there any gentleman here has a car at our disposal?"

6474. You may have said that?—I have said it.

[The Witness withdrew.

William

Mr.
Alderman
J. Manning.
29 January
1869.

WILLIAM CALDWELL HOGAN, Esq., sworn; Examined by Mr. Purcell.

W. C.
Hogan, Esq.
29 January
1869.

6475. You are a Solicitor, I believe?—I am.
6476. Were you acting in connection with any ward committee during the election?—The South City Ward.

6477. Is that the one to which Alderman Manning belongs?—It is.

6478. I suppose in that committee-room, as in all the others, you had up all those extracts from the Act of Parliament?—Certainly.

6479. And had you the instructions that were produced here to day, and were they also furnished to your committee?—They were.

6480. And observed?—And observed.

6481. A person of the name of Booth was examined as a witness here, and I just call your attention to this part of his evidence. He says, after mentioning his being canvassed, that he was brought to a particular place, and he says he saw Alderman Manning there, and saw you, and that he signed a paper in your presence and that of Alderman Manning, but that he did not read it; have you any recollection whatever of anything of that description taking place?—He might have done that, but I have no recollection of any man of the name of Booth doing that.

6482. After mentioning that Alderman Manning had given the two-shilling piece, he says that some man handed it to him, and he does not know who he is, and would not know him again. "Did you call again on the alderman?" "I never called upon him; I went by Mr. Hogan's desire up to the committee." "Who is Mr. Hogan?" "A man, co-partner with Alderman Manning; and he told me I would be all right when I came out up in Dame-street." "He told you to go where?" "To Dame-street, to the head committee-room." "To the same place where you saw Mr. Hogan?" "No, not at all; down lower." "What is the Christian name of Mr. Hogan?" "I do not know what his name is; I seen him going into the committee-rooms, and he said, 'All right, call to-morrow.' Did you, on any occasion, have that interview with a person of the name of Booth?—I have not the slightest recollection of it, not the slightest.

6483. Do you recollect telling him to go to the committee-rooms in Dame-street, or telling him that it would be "all right"?—Certainly not.

[The Witness withdrew.

Mr. ALDERMAN JOSEPH MANNING re-called; and further Examined by Mr. Purcell.

Mr.
Alderman
J. Manning.

6484. Do you know any person of the name of Godwin, a voter at the last election?—No.

6485. Do you ever recollect asking any voter to sign one of those papers offering his services gratuitously, and making the observation that it was necessary to evade the law?—I never got a paper signed in my life; Mr. Hogan did, I believe, that was here last.

6486. Did you ever on any occasion make use of such an observation as to such a paper being signed?—I never did, I emphatically say "no."

6487. Do you know anything about a man named Edward Greer?—If you bring it to my recollection I might, I do not know the man personally.

6488. During the whole of the time that you were acting in support of Sir Arthur Guinness and Mr. Plunket.

Mr. Justice Keogh said that this question had been already asked and answered.

[The Witness withdrew.

Mr. WILLIAM JOHNSTONE, sworn; Examined by Mr. Atkinson.

Mr. W.
Johnstone.

6489. Do you know a man of the name of John Carroll?—I do not.

6490. You are the Sexton of Peter's Church, are you not?—I am, and I keep a Servant's registry office.

6491. Do you know Thomas Waller?—I do not know the man or what his name was, only I saw him here giving evidence yesterday or the day before.

6492. Did you recognise him then?—I did recognize him, I saw him the day of the election.

6493. Where did you see him then?—I saw him walking about the Conservative rooms of the Mansion House Ward in Anngier-street.

6494. Did he ever call upon you about the election?—He did not.

6495. Had you had no conversation whatever with him about the election?—I had not, except to remove him away from the steps of 32, Anngier-street, Mansion House Ward, and the reason why was I never saw the man before until that day.

6496. Is that all you know about him in reference to this election?—All that I know about the man is that I ordered the man away from the steps of Mansion House Ward; I never saw him before, I never canvassed him and I never saw his face until then.

Cross-examined by Mr. O'Shaughnessy.

6497. Were you engaged in canvassing on behalf of Guinness and Plunket?—I was.

6498. And very active?—I was.

6499. And I suppose you canvassed a great many people?—Yes.

6500. Was Digges-street your district?—It was not; but I canvassed Digges-street after hours in the evening on account of the men not being at home during their working hours.

6501. You canvassed a good many, I suppose?—I did.

6502. And you never saw this Waller till you saw him here?—I did not, I saw him on the steps of the Mansion House committee-rooms, and I said it was a man that I did not know anything about, and I ordered him off the place; he was walking about opposite the Mansion House Ward, and never seeing the man in our committee-rooms or anywhere else I did not know him, and therefore I was suspicious of him, he was hanging about.

6503. What did you say to him?—"Have you a vote?" said I, "I have," says he, "then," says I, "wherever you have a vote, go and vote, but do not stay here, for I will not allow you to be near the place."

[The Witness withdrew.

WILLIAM GEORGE SLOANE, sworn; Examined by Mr. *Atkinson*.

6504. Do you know a man of the name of John Carroll?—I canvassed a man of the name of John Carroll who lived in Clarendon-street.

6505. When?—Some weeks previous to the election.

6506. Will you just describe what occurred on that occasion when you canvassed him?—I called one morning and I went to his room and I saw his wife and I asked for Mr. Carroll, she said he was just gone out.

6507. What occurred with himself when he was present?—That is the evening before the election; on the morning I went I left the card of Sir Arthur Guinness and Mr. Plunket, mentioning that I had called to canvass, and the wife told me he had given up work, and had gone out to see what he could make by the election. I stated he could make nothing by the election, inasmuch as if he got a penny by the election he could get nothing from our side. I thought he was one of our party, and I left a card, asking him to call at the committee-room; but on the night before the election I was sitting in the committee-room beside the chairman, and this man's name was mentioned, and the man came in. We did not like his appearance, and the chairman

said, "What is your name"? He said he came by desire of some of the committee. The chairman insisted on knowing his name, and he gave his name. The chairman said, "Who will you vote for"? and he hesitated a little, and then said, "Sir Arthur Guinness and Sir Dominick Corrigan"; and the chairman said, "You are not wanted here; we want no split votes." He began talking then that he had been sent for, and I stated that I had sent for him, believing that he would vote for our two candidates; and after a little while he went away, saying that he would not vote for Mr. Pim, but that he would plump for Sir Dominick Corrigan.

6508. Did he sign any paper?—Certainly not.

6509. Did you directly or indirectly make any promise to induce him to vote for Guinness and Plunket?—Certainly not.

6510. You were a canvasser?—No.

6511. You had no authority to make any promise of anything to anybody to vote?—I was distinctly informed to promise nothing, and to offer nothing, and I did not do so to any person whatsoever.

[The Witness withdrew.

RICHARD BALLARD, sworn; Examined by Mr. *Atkinson*.

6512. Do you know a man of the name of Thomas Walker?—No, I did not.

6513. Do you know a man of the name of Thomas Waller?—I do.

6514. Did you canvass him before the election?—I did.

6515. For Guinness and Plunket?—For Guinness and Plunket.

6516. When?—Some weeks before the election.

6517. What occurred during your canvass between you?—He told me he would vote for Guinness and Plunket.

6518. Did he make any conditions whatever about giving his vote?—None. I went a second time to him.

6519. What did he say then?—He said, "Is there anything going"? I said I was not aware of anything.

6520. Had you any authority to make any offer of any kind?—Not the slightest authority.

6521. Did you make any offer?—No; I made no offer.

Cross-examined by Mr. *Litton*.

6522. When he asked you was there anything going, what answer did you give?—I told him I did not know of anything; I was not aware of anything going, but I verily believed there was not.

6523. Did you say that he would be "decently treated"?—No.

6524. Did you not say that Sir Arthur Guinness was a decent young man?—I did. I said that exactly.

6525. Did you not say that he was a liberal young man?—I do not know whether I did.

6526. Did you say whether he was a rich man; you need not say that, because everybody knows it?—No, I did not.

6527. But that he would keep his word if he gave it?—I did not.

6528. But you said that he was a decent young man?—I said that he was a decent young man.

[The Witness withdrew.

W. G. Sloane.

29 January 1869.

R. Ballard.

Mr. WILLIAM ROBINSON, sworn; Examined by Mr. *Purcell*.

6529. WHERE do you reside?—At No. 2 Margaret-place.

6530. For whom did you vote at the last election?—Sir Arthur Guinness and the Hon. Mr. Plunket.

6531. Did you take an active part in their support at the last election?—I did.

6532. Was it as an agent or as a volunteer?—As a volunteer.

6533. Were you engaged as an agent on their behalf at the last election?—No.

6534. How long before the election did you begin to exert yourself?—Some few days; not many days before the election, but I cannot tell you how many.

29.

6535. Do you recollect what was your first act in their support, and how you first began to exert yourself?—In consequence of treatment that I received from Alderman Joynt—

6536. I did not ask you why, but what did you first do in the matter?—I went to Mr. Goodman.

6537. What communication had you with him?—I simply complained of the manner in which I had been handled; and I said if they had confidence in me I would exert my influence in the committee, and do what I possibly could.

6538. Was that all that took place?—Mr. Goodman was very silent, and he remained so, I suppose with the view of hearing what I had to say; and then I remarked that of course I was

T 3

not

Mr. W. Robinson.

Mr. W.
Robinson.
29 January
1869.

not known to the different committees, and if I got an introduction I should gladly go and see what I could do.

6539. In consequence of that did you get an introduction?—Not then; Mr. Goodman I think told me to call next evening or next morning.

6540. Did you do so?—I did; and Mr. Goodman was not there.

6541. Did you see him afterwards?—I did.

6542. What took place then?—Mr. Goodman was smoking a cigar——

6443. Never mind that; did he give you any letter of introduction?—He did.

6544. Have you that letter?—I have.

6545. Was this the letter: "City of Dublin Election, committee-rooms, 47 and 48 Dame-street, 30th November, 1868. To the secretaries of ward committees. Allow Mr. Robinson to look over the list of unpledged names in your ward. John Fox Goodman"?—Yes.

6546. After you got that letter did you examine the lists?—I did.

6547. Did you ascertain what votes were unpledged?—Yes; a good many.

6548. Did you then make any application to those voters?—I did.

6549. To whom did you first go?—I could not tell you.

6550. Did you make any appointment with anybody to meet you at the post-office the night before the election?—I did.

6551. With what man?—A man of the name of Dogherty, I think. His Christian name is Edward.

6552. What did you say to Dogherty when you made that appointment?—I had a conversation in the daytime with Dogherty, and I simply spoke to him about giving his vote. Before that he had promised to vote for Sir Arthur Guinness and Mr. Plunket, and when I saw him that day, he was rather silent; and I said, "If you want employment, I think I can get you some"; and he said, "Well, I could." "Very well," said I, "meet me under the post-office at eight o'clock, and I will be there, and I will see what I can do for you."

6553. Did he meet you himself?—Himself only, and that is all.

6554. Was anything said about any other persons meeting you?—No.

6555. Did you go to the post-office?—I did.

6556. Had you made appointments with anybody else?—Nobody.

6557. When you went there did you find Dogherty?—I did not; I was late. I was there at a quarter past eight, and some men came up to me and said, "Sir, Dogherty has been here." "Where is he?" said I; "Oh, he's gone away," he said. When I stepped out of the cab those men came up; and I think it was a man of the name of Smith who said, "There are a lot of us here." I think that was the expression he used. "Who are you?" said I. I did not know the man. "I am a freeman," he says; "and there are others here." "Very well," says I; "come along with me"; and I walked along Sackville-street up towards the committee-rooms.

6558. Was that all that took place under the post-office?—That is all.

6559. Was anything said by you under the post-office when you met those men, or on your way up to the committee-rooms, about their being made all right?—Not a word; on the contrary, I

was very silent. I do not think I exchanged half-a-dozen words with them.

6560. Were you at that time aware of the law with reference to promising money for votes?—I was very well.

6561. At about what hour in the evening was it that you met the men and walked up with them to the committee-rooms?—Well, about half-past eight o'clock.

6562. When you went up to the committee-rooms did the men go up with you?—They did.

6563. How many do you think that there were?—Upon my word, I could not tell you.

6564. Were there a dozen?—I can give you the exact number by referring to a document that I have in my pocket.

6565. Well, just tell us how many there were that met you at the post-office?—(*After referring to a document which he took from his pocket*) I think there were 16 or 17. There were certainly that number in the committee-room with me.

6566. When you went up there?—When I went up there.

6567. But you are not sure whether they all accompanied you from the post-office?—I am not, but there were a good many.

6568. But you say that on the way there you had no conversation?—No.

6569. In your hearing was anything said about their being paid for their votes?—Not a word.

6570. On the way?—Not a word; I may mention that I really was under the impression that the men wanted to try to get employment.

6571. When you went up to the committee-rooms, what took place when you arrived there?—I walked down to a large end room, and I took this paper from my pocket, and my pencil, and I took down their names and addresses.

6572. On that occasion was there anything whatever said by you about money, or about their being treated decently, or about its being all right?—At that place?

6573. Yes.—Not a single word.

6574. Had you any authority whatever to hold out any inducement or promise to anybody for their votes?—None.

6575. Had you ever had any communication with those employed for Sir Arthur Guinness or Mr. Plunket, except what you stated took place between you and Mr. Goodman?—No.

6576. Did you, or did anybody in your presence, on that occasion, hold up his hand, with the four fingers and thumb spread out?—On my solemn oath there was no such indication upon that occasion, or upon any other occasion.

6577. Do you know, as a matter of fact, whether all those people that went with you there voted for Sir Arthur Guinness and Mr. Plunket?—I don't know.

6578. Was any application made to you, or were you asked to give any promise to the men?—By those men?

6579. Yes?—Not by those men.

6580. Did anybody say anything to you as to reward for voting upon that occasion?—Not upon that evening.

6581. Was there any conversation, or any application made to you about money for a vote?—Not by those men.

6582. By anybody?—Yes.

6583. By whom?—A man of the name of Thomas Clare, of No. 3 Mabbott-street.

6584. When

6584. When did he speak to you?—He came to me.

6585. When?—The day of the election.

6586. Will you state what took place between you and him?—He was in company with some other men, and he said he had a vote; “Well,” said I, “are you aware that I am interested in the return of Guinness and Plunket?” and I wrote his name down, and took his address, and I simply asked him, “Will you do as I tell you?” “I will,” he says; I said, “Will you vote for Guinness and Plunket?” “What will you pay me?” says he; “Be off now,” says I, “and do as you like.”

6587. And what did you do with his name?—I drew my pencil through it in his presence; and then he called again, and asked me what I would do, and I said, “Go about your business: I know nothing at all about you.”

6588. Had you a man of the name of Copeland in your list?—Yes; I met Copeland at 42 Middle Abbey-street.

6589. Was he there that night?—He was, or somebody that answered to the name.

6590. Did Copeland say in your presence that the men would get 5*l.* for their votes?—I never heard anything of the like at all, not a syllable, until I came into this court; if it be the same James Copeland that I have here; but I could not identify him.

6591. Did you ever tell either of the men that met you that night, and accompanied you to the committee-rooms, or any men in the committee-rooms that night, or on any occasion before the polling day, or on the polling day; to call upon you within ten days, and that you would make all right, or that all would be right?—No, but I will tell you what occurred when I was leaving those men; I may mention that I took a list of those men, with a view of going to see and get them employment, as I really thought they wanted employment; and when I had their names all written down, I said, “Will you rely upon me?” and there was a unanimous answer, “Yes”; and some man (I think it was Smith) came and said in an undertone, “Oh, sir, they will all vote for Guinness and Plunket”; and then I turned round; I was rather taken by surprise, and I said, “Well, gentlemen, are you all going to vote for Guinness and Plunket?” and there was a unanimous answer “Yes”; as I was leaving some person said, “When shall we see you, sir?” I said, “In a week or ten days.”

6592. Was that the whole of what took place?—That is all that took place.

6593. Was a man of the name of Cremer one of the persons amongst those who accompanied you on that evening?—No.

6594. Did you canvass Cremer?—No.

6595. Did you see Cremer at the committee-rooms?—Yes; I did.

6596. Had you brought him there?—No.

6597. You met him there accidentally?—Yes.

6598. On what day was that?—On some evening before the day of election.

6599. Do you remember who was present?—I was talking with Mr. Boughey, the solicitor, at the time Cremer walked in.

6600. Had you known Cremer before?—Many years; 10 or 15 years.

6601. When Cremer walked in, did he say anything?—No; he stood there, and I bid him good evening.

6602. On that evening, did you say anything to Cremer holding out any promise or inducement to him as to how he should vote?—No, I did not; I simply said, “Good evening, Mr. Cremer;” and I followed it on by saying, “Are you going to vote for Guinness and Plunket?” “I will, sir,” said he.

6603. Was that the whole of what took place?—No; he then advanced towards me and said his son had a vote; would I wish him to vote, or something of that kind; and I said, “Yes, bring up as many as you can.” Then he turned away; and, as he was leaving, he said, “If I want to see you, sir, where will I go?” I was sitting in conversation with Mr. Boughey, and I put my hand in my pocket and took out my card-case and handed a card to him.

6604. In handing that card to him, did you make use of any observation or expression, or sign?—Not in the slightest; I made no remark whatever; I never stopped talking to Mr. Boughey.

6605. Did Cremer afterwards call upon you or write to you?—No; I met Cremer after the election in Jervis-street.

6606. Had he any conversation with you then?—He had.

6607. Did he ask you for any money?—No; he afterwards stopped me (I was rather in a hurry), and he said, “We, both myself and my son, voted for Guinness and Plunket.” I said, “All right, I am very much obliged to you.” When I was leaving he said, “Mr. Robinson, I am very poor; will you assist me?” “If I can,” I said, “I shall have great pleasure in so doing.” Then he said, “I might have got 5*l.* for my vote; may I call upon you?”

6608. Did you part then?—We parted then.

6609. Did he subsequently write to you?—He did.

6610. Was it a letter asking for money?—Asking me would I do that, or would I keep my promise; it was a whole lot saying that he was a true blue, and would not desert his colours, and all that.

6611. Did you answer that?—I did not; I understood the man to ask me to use my influence to get him something to do, or something that way.

6612. Do you know a man of the name of Field?—I do.

6613. Was he one of those that met you?—Yes; William Field, 16 Little Strand-street.

6614. Did he call upon you subsequently?—Well, I think he did; I met with so many people.

6615. You made no promise, or held out no inducement?—No; I knew the serious responsibility attached to it too well.

6616. Was there any single one of the persons who accompanied you up that evening to the committee-room to whom you held out any inducement?—Not one; I should have mentioned that Cremer called at my house afterwards.

6617. Do you know Mr. Archibald Tucker?—No, I do not.

6618. You never heard of him before?—No, I do not know him at all; I saw a letter in the paper from him.

Cross-examined by Mr. Hemphill.

6619. I believe you keep a loan office?—I am connected with a loan office.

6620. Where?—In Swift's-row.

6621. You were acting as a canvasser for Guinness and Plunket?—I was canvassing.

6622. You

Mr. W.
Robinson.

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Mr. W. 6622. You undertook to procure votes for them, if you could?—If I could; I was determined to do my utmost.

Robinson. 6623. I believe, on a former occasion, you had

29 January 1869. voted on the other side?—Indeed, I did.

6624. However, you changed your mind?—Mr. Fitzgerald knows about it; I have been a severe sufferer by it.

6625. And you resolved to vote on the other side?—I did; you will see “Robinson against Joynt” in the paper occasionally.

6626. Were the freemen allotted to you particularly to look after?—Indeed, they were allotted.

6627. Was not it frequently after the freemen of the ward that you did look?—Indeed, I did not.

6628. Have you many customers among the freemen?—No, not a single man; not a single man of those who met me that night had I ever had dealings with.

6629. But generally amongst the freemen; it is no harm?—I know that, but really I am not aware.

6630. Have you counted the number of men that are on this list?—I have; I think I counted 16, but there were more than 16 there.

6631. Did all the men on this list go that evening to the Post-office?—No; those whose names are ticked off were present that evening.

6632. They went to look for employment?—That is what I thought.

6633. And they were to vote for Guinness and Plunket?—So they said.

6634. Why did you select the Post-office as your trysting place for them?—On my oath I had no meaning.

6635. Why did you not tell them to come up to the committee-rooms at once?—Well, I did not tell any of them to come.

6636. Did you not state (if I am wrong, the shorthand writer's notes will correct me), “I appointed Dogerty to meet me under the clock”?—Yes.

6637. Why did you appoint Dogherty to meet you under the clock?—I had no meaning; I might as well have named McSweeny at the opposite side of the way. I positively swear I had no meaning in it. I drove up there in a cab, and I think I came from Mr. Croker's on the North Strand.

6638. Did you expect to meet any others, when you went there?—On my solemn oath, I did not, and I was quite surprised at it.

6639. But you did meet those men that you mentioned?—I did.

6640. Did you know that Copeland was there that evening under the clock?—I had the name of Copeland on there. I take it for granted that he was.

6641. And George McDonnell; do you remember that old man?—Yes; I thought I recognised the man when I saw him on the table.

6642. You say you were very silent?—I was.

6643. Having met them under the clock unexpectedly, what made you walk all the way up to the committee-rooms with them?—Because I thought they wanted employment, and I had no power to employ them.

6644. When you got to the committee-rooms, did you find any of the committee-men there?—There were a great number; the place was thronged as I passed down.

6645. Was that your own ward?—Upon my word I do not know really what ward I am in; it is Mountjoy Ward.

6646. Your name, I think, is on the committees of some of the wards?—Not at all; I went down to a room that seemed to be a general room.

6647. Had you ever been in that room before?—Never.

6648. What gentlemen did you see there in that room that evening?—I saw a whole crowd of persons, not one of whom I knew.

6649. Were they committee-men?—No; I do believe they were.

6650. Were they voters?—I do not know, I did not know one of them; some of them were smoking, and some of them were chatting.

6651. Was there any one that seemed to be taking the lead there?—No.

6652. When you got there, did you do anything?—I simply wrote down the names,

6653. On a circular, or on a book?—On this paper (*producing a paper*).

6654. Did you give this to Mr. Sutton?—No.

6655. What did you do with it?—I took that for the purpose of giving it to submit the names to some of the gentlemen inside, and to see if they would employ them.

6656. Did you go in?—I did, but that was not necessary when I found they were all going to vote for Guinness and Plunket.

6657. Did you submit this list to any gentleman inside?—I did.

6658. What is the name of the gentleman?—I do not know; I think Mr. Tickell was one. I am not sure, but I know that I submitted that to some one.

6659. You were aware of the law, you say?—It was very well placarded through the city.

6660. Did you not know that it would be illegal to employ voters?—I knew that if they were employed they would not vote against us. I wanted to do as much service as I possibly could.

6661. Did you expect that if they were employed they would not vote for either one side or the other?—I knew they could not vote.

6662. What did Mr. Tickell say to you?—He looked at the list, and he said, “Some of those have promised to vote for us already.”

6663. What did he say as to those who had not promised?—Some person interrupted the conversation. I cannot tell you anything further. There was somebody talking to Mr. Tickell at the time round about them.

6664. You, of course, had voted on former occasions?—Only once.

6665. Had you been aware that it was generally thought that those freemen expected something for their votes?—On my oath, I do not know anything at all about it.

6666. You never heard that yourself in the city of Dublin?—I did not, indeed; for I was not actively engaged at all until after the trial with Alderman Joynt.

6667. You did not know whether there was an idea, either ill or well founded, that those freemen did expect to be employed and be paid for their votes?—I thought, of course, that they would not refuse employment.

6668. You said that you did say, “Will you rely on me”?—I did.

6669. In what room did you say that?—The room in which I was.

6670. Was

6670. Was that before you went in to Mr. Tickell with the list?—It was.

6671. Were they in the room when you came out from breakfast?—No, I never saw them afterwards.

6672. Had they left before you came back?—I do not know, indeed.

6673. Had they left you when you said, "Will you rely upon me"?—No; immediately after writing the names I said that.

6674. And then you went in to Mr. Tickell?—Yes.

6675. And you saw them no more that evening?—Yes. My meaning was that if I endeavoured to get them an appointment—

6676. I am not saying you were wrong, but I only want the facts; you said, "Will you rely upon me," in that lower room?—I did.

6677. And they then unanimously said, "Yes"?—Exactly.

6678. Was it after that that you took the list in to Mr. Tickell?—It was.

6679. Then you did not see them any more that evening?—I did not.

6680. When was it you told them to call again in a week or 10 days?—Immediately after. I did not say that; somebody said, "When will we see you, Mr. Robinson?"

Mr. *McDonogh* objected that this was going over the same ground.

Mr. Justice *Keogh* remarked that evidence was not made more distinctly by repetition.

Re-examined by Mr. *Purcell*.

6681. You were asked, were you allotted the freemen; were you allotted anything?—No, I was not.

6682. Did you ever get any instructions at all?—None whatever; I voluntarily went to Mr. Goodman's.

6683. After you left that evening, did you see any of those men before the polling?—No, I did not.

6684. Nor until after that?—No.

6685. Mr. Justice *Keogh*.] This list contains, I think, the names of about 18 or 19 men; how did you take those names down; was it by asking each man what was his name?—Yes.

6686. And to every name that is here there was a man answering?—Those ticked off were present.

6687. How did you get their names?—Relations, such as a father, would say, "I have a son at home, will I bring him"? and so and so; all that.

6688. That was the way, then?—That was the way.

6689. Then you took those names from the mouths of the persons who were there?—I did; and those who were ticked off were present.

6690. You say that you brought those men in order to get them employment?—Yes.

6691. Did you ask for employment for them afterwards?—No; because the appointment I had was under the post-office, with Doherty. I made the appointment with Doherty with the view of trying to get him employment, and when I went there Doherty was not there, and those men all met me, and I brought them down to the committee-room.

6692. To get employment?—Yes, as I thought.

29.

6693. Did they ask you to get them employment?—No, they did not.

6694. Why did you bring them to the committee-rooms to get employment if they did not ask you to get them employment?—They told me that Doherty had been there and was gone.

6695. Is that the usual way in which men ask for employment?—I had an appointment and the person was not there.

6696. I am asking you, why you took these men to the committee-rooms to ask for employment for them, if they asked you to get them none?—I thought they wanted employment.

6697. Why did you think that they wanted employment?—Having made an appointment with Doherty.

6698. So that having made an appointment with Doherty, whom you did not meet, you presumed that a number of men whom you did meet wanted employment; is that your explanation?—It is.

6699. Then you showed them to the committee-rooms to get them employment?—I did.

6700. Why did you bring them there for that purpose?—Smith or some other person came and said in an undertone, "We will all vote for Guinness and Plunket." That took me by surprise, and I said "Well, gentlemen, will you all vote for Guinness and Plunket"? and there was a unanimous cry of "Yes."

6701. And therefore you did not ask for employment for them?—I did not.

6702. And you took them up to the committee-room, although you did not ask for employment for them?—Yes.

6703. What did you mean by saying to those men, "Will you rely upon me"?—If they got an appointment would they rely upon my having them paid.

6704. Paid for what?—Paid for their services.

6705. For what services?—I did not know what.

6706. But you did ask them whether they would rely upon you, and you intended to convey to them that they might rely upon you for having them paid?—Yes, if they were employed, but I did not know whether they would be employed or not.

6707. Did you ask for any employment for them?—No; because I took down the names first to go into the committee-rooms.

6708. And you asked them whether they would rely upon you?—I did.

6709. What did you mean by that?—That if I succeeded in getting them employment would they be satisfied that they would be paid.

6710. Then some of them asked you when they should call upon you?—Some person said, "When will we see you"?

6711. And you said "In a week or 10 days"?— "In a week or 10 days."

6712. What was that for?—There was nothing at all in it. If they wanted to see me they would see me.

6713. For what?—I did not know for what.

6714. Had they ever had any transaction with you before?—I think not.

6715. Had they had no business with you?—They had no business with me.

6716. But after you said, "Will you rely upon me"? they said "When shall we see you"? and you said "In a week or 10 days"?—Yes.

6717. What did you mean by that?—There was no meaning beyond that if they wanted to see me they would.

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6718. Do

Mr. W.
Robinson.

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1869.

Mr. W.
Robinson.
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1869.

6718. Do you consider that you are giving your evidence frankly when you assert that you had no meaning at all in that?—I had not; I was only going off at the time.

6719. What did you expect that they were to see you for?—I did not take any time to consider.

6720. Will you let me ask you what you meant by giving this man Cremer your card?—My lord, I had no meaning at all. Mr. Boughey was present at the time, and he saw everything that passed.

6721. Had you had any transaction with Cremer; did he know you before?—He did; he knew me many years before.

6722. Did he know where you lived?—I do not think he did.

6723. Had you ever had any dealings with him?—I had.

6724. What was the nature of those dealings?—He owes me money.

6725. Where did he borrow it from you?—Out of the office.

6726. Then he knew where your house was?—He did.

6727. Then what was the meaning of your giving him your card?—(*The Witness was silent.*)

6728. Did he owe you money at any time?—Yes.

6729. Was it borrowed out of your office?—Yes.

6730. And you gave him your card that night?—Yes.

6731. What did you give him your card for?—I just simply put my hand in my pocket, and I pulled it out, and gave it to him.

6732. What did you give it to him for?—I had no meaning beyond giving him my card.

6733. And you had no meaning in that either?—I had not.

6734. Then do I correctly understand the result of your evidence to be this: that you had no meaning in fixing the post-office as the place for meeting this man?—I had, because I thought I would get him employment. That was Dogherty.

6735. Why did you fix upon the post-office?—On my solemn oath I had no more meaning in the matter than that: at the post-office.

6736. Then I understand you to say that you had no meaning in telling them that they might call upon you in a week or ten days; do you swear that?—I do.

6737. And you swear that you had no meaning in giving your card to Cremer?—I had not.

6738. Mr. Purcell (*through the Court*).] Was that card one of your office cards or one of your private cards?—

Mr. Justice Keogh said the card was in court, and spoke for itself.

[The Witness withdrew.]

Mr. WILLIAM JOHN VANCE, sworn; Examined by Mr. Atkinson.

Mr. W. J. Vance. 6739. WERE you a canvasser at the late election for Guinness and Plunket?—I was.

6740. Did you get the regular instructions?—I did.

6741. Did you call upon a man of the name of Alexander Fergusson?—I did.

6742. Did you bring him up to vote?—I did.

6743. You had no authority to make any promise to anybody?—I had directions to the contrary.

6744. Did you make any promise of reward or employment, or money to Alexander Fergusson, or any other voter that you canvassed?—Not to my knowledge.

Cross-examined by Mr. Heron.

6745. What do you mean by saying "Not to your knowledge"?—As far as I can recall to memory I made no promise, and when I got directions to the contrary I was quite determined not to make any promise.

6746. What do you mean by saying, "Not to your knowledge"?—Because I cannot recall having promised anyone.

6747. Were you with Fergusson?—I was.

6748. Was he with you in your presence with Alderman Manning?—I cannot swear.

6749. You will not swear that he was not?—I will not.

6750. You will not swear that he did not see you and Alderman Manning together?—I will not.

6751. Then it may be true what he said; you heard him swear that?—Heard him swear what?

6752. Swear that he saw you and Alderman Manning at 79 Dame-street?—He might have seen me and Alderman Manning.

6753. You will not swear that he did not?—I will not.

6754. Do you know Mr. Davenport Crosthwaite?—I never heard of him in my life.

6755. Do you know Mr. Henry Foster?—I never heard of him in my life.

6756. Do you know Campbell?—The first time I saw him to my knowledge I saw him in court.

[The Witness withdrew.]

JAMES COPELAND, sworn; Examined by Mr Atkinson.

J. Copeland. 6757. Do you know Mr. William Robinson?—I have seen him on the table, but I do not know him personally; I know him now.

6758. Do you know a man of the name of George McDonnell?—I do.

6759. Were you under the Post-office with Mr. Robinson a few nights before the election?—No.

6760. Did you on any occasion ever offer

George McDonnell any money for voting for Guinness and Pluckett?—Never.

6761. Were you a canvasser?—I was.

6762. Had you received instructions not to bribe any person nor to make any promise whatever to them?—I did positively.

6763. Did you adhere to those instructions?—I did.

6764. Did you hold up your finger this way (*describing the same*)?—Never.

Cross-examined by Mr. *Litton*.

6765. When did you first know George McDonnell?—On my canvass.

6766. Did you know him before your canvass?—No.

6767. When did you first know him on your canvass?—I suppose a week before the election.

6768. Did you canvass him on behalf of Guinness and Plunket?—Yes.

6769. What did he say to you?—He said he thought he should not vote for Pim, he voted for him the last time but Mr. Pim endeavoured to disfranchise the freemen, and he would not vote any more for him.

6770. Did you press him then to vote for Guinness and Plunket?—Yes, I used my persuasions.

6771. He was at first unwilling to agree?—No; he said he would vote for Guinness and Plunket.

6772. Did he require much persuasion?—Well, *J. Copeland*. he did not.

6773. Did you meet under the clock at all with this Mr. Robinson on any occasion?—Never. 29 January 1869.

6774. On no occasion?—On no occasion.

6775. You were not one of the men that he brought up to the committee-rooms?—No, I was in the room that night.

6776. Did you see George McDonnell there?—I do not recollect whether I saw McDonnell there.

6777. Did McDonnell come in about the same time with Robinson and the rest of them?—I do not recollect seeing McDonnell that night at all.

6778. Will you swear that you did not hold up your hand that way (*describing the same*) when you were persuading him?—I do most positively.

[The Witness withdrew.]

Mr. EDWIN BIRCH, sworn; Examined by Mr. *Atkinson*.

6779. Do you know a man of the name of Edward Greer?—I do.

6780. Were you a canvasser for Guinness and Plunket?—I was.

6781. Were you regularly appointed?—I was a volunteer.

6782. Did you get any paper?—No.

6783. You did not?—No.

6784. Did you sign a paper that you were a volunteer?—None at all.

6785. Did you get printed instructions from the committee?—None at all.

6786. You were entirely on your own account?—I was on the committee, and I simply had the names of the parties in one or two wards.

6787. Had you a conversation with Edward Greer before the election?—I had.

6788. Did you make any agreement with him upon that occasion to bring up 24 voters at 3*l*. a piece?—Certainly not.

6789. Had you no conversation with him?—No.

6690. Nor with any other person?—Certainly not.

6791. Did you on any other occasion offer any bribe or inducement to any person?—Never.

Mr. *E. Birch*.

Cross-examined by Mr. *O'Shaughnessy*.

6792. Do you know this Greer at all?—I do.

6793. Were you very actively working for Guinness and Plunket?—I was.

6794. Were you on the ward committee?—I was.

6795. And you were anxious to get as many votes as you could?—I was.

6796. Did this Greer bring you before the Lord Mayor?—He did.

6797. For how much did he summon you?—£1.

6798. Do you know any of those other men?—I do not.

6799. Do you know Joseph Leach?—No.

6800. Have you ever heard of him before; did you know him before the election?—No.

6801. Did you ever see him at all?—No.

[The Witness withdrew.]

Adjourned to To-morrow at 12 o'clock.

Saturday 30th January 1869.

WOODLOCK and FOLEY - - - - - Petitioners,

AND

GUINNESS - - - - - Respondent.

30 January
1869.

Mr. *Heron* asked for particulars as to the payment to Forrester, the printer, of 100*l*.

JAMES CREED MEREDITH, Esq., LL.D., recalled; further Examined.

*J. C.
Meredith,
Esq. LL.D.*

6802. Mr. Justice *Keogh*.] HAVE you or has Dr. Beatty the vouchers for all these charges?—The Sheriff has the charges, but we were bound to keep the vouchers, and we have done so.

6803. But you say you have the accounts of William Forrester?—Certainly.

6804. In like manner I suppose you have the accounts furnished for all the different items?—For most of the items.

6805. There is one item for “canvassing clerks, tally agents, &c., at 47 Dame-street”; have you the accounts furnished under that head?—For the sums that came through my hands no accounts in writing were furnished; we were instructed that a certain amount of money was to be paid to A., B., C., D., and so on.

6806. Who are “A., B., C., D.”?—The different persons the payments to whom made up that amount of money.

6807. Did you take receipts from them?—Certainly.

6808. So that, as regards the canvassing clerks’, messengers, and similar accounts, the receipts for 2,547*l*. are in the sheriff’s hands?—They are, for every penny of it.

6809. In like manner in reference to “printing, stationery, and stamps,” there is a sum of 2,549*l*.?—There is.

6810. Were there not accounts furnished for those?—For almost all; I think I may say for all.

6811. Those I should like to have?—Very well.

6712. Of course it is quite impossible that a thing of that kind can be done at a moment’s notice, but I should like to have this on Monday?—Certainly, my Lord; all the documents in my possession, or Dr. Beatty’s, we will pick out, and you shall have them on Monday morning.

Mr. *Heron* applied that the book which Mr. Meredith produced, and which appeared to be a detailed statement, should be handed to him. (*The book was handed to his Lordship.*)

[The Witness withdrew.

Mr. *Heron* applied for a detailed list of the men who furnished the gratuitous information.

Mr. *McDonogh* stated the total number was 385, of whom 200 were freemen, 137 property-holders and rated occupiers, and 48 lodgers.

WILLIAM BOUGHEY, Esq., sworn; Examined by Mr. *McDonogh*.

*W. Boughey,
Esq.*

6813. I BELIEVE you are very unwell at present?—I have a severe attack of influenza, and I was obliged to leave my bed to come here.

6814. You are an Attorney, I believe?—Yes.

6815. Do you know a person of the name of Cremer?—I do not; I had heard the man’s name, but I did not know him at all.

6816. I find here that he says that he called upon Mr. Boughey, and that Mr. Boughey stated that he had not received any money yet, but that when he did Witness would be paid: is there any truth in that?—None whatever.

6817. Had you any authority whatever to offer or promise payment to any human being?—None whatever; I was agent for the Rotunda Ward, and I never offered a shilling, nor could have done so.

Cross examined by Mr. *Heron*.

6818. You were for the Rotunda Ward?—I was agent, but my son was secretary; I took no active part, except inspecting from time to time how the returns went on.

6819. Was Mr. Robinson there?—No; he had no matters in our ward.

6820. But had you not one joint committee-room for the three wards?—No.

6821. Where was your committee-room?—In Sackville-street; there were separate committee-rooms.

6822. Were they in the same house, Cherry and Shields?—Yes.

6823. What were the other two wards?—I believe the Mountjoy and the North Dock.

6824. And you saw Mr. Robinson; do you know Mr. Robinson?—I do, intimately.

6825. Did you know him to be canvassing the freemen?—No.

6826. Do you mean to say that you knew nothing at all about Mr. Robinson canvassing?—I did not.

6827. Who was the canvasser for the freemen in your ward?—We had three canvassers, but those men canvassed generally. The secretary can tell you better than I can.

6828. Was the president Edward Hodgson?—Yes.

6829. “Vice-

6829. "Vice-President, John J. Butler, Esq.; Honorary Secretary, George Tickell, Charles Boughey; Solicitors in charge, John Matthews and William Boughey:" is that so?—Yes.

6830. Is that 33, Hardwicke-street?—Yes.

6831. Do you know a Mr. Williams, who is a clerk in the Registry of Deeds?—I know that there is such a man in the Registry, but I am not intimately acquainted with him. I think there is a gentleman of that name.

6832. Thomas Williams?—I believe it is Thomas Williams.

6833. Do you know Mr. George A. Young, another gentleman?—No.

6834. Did you know of Mr. Robinson bringing any freemen to Cherry and Shields?—No.

[The Witness withdrew.]

Mr. WILLIAM ROBINSON, recalled; and further Examined.

6835. Mr. Justice *Keogh*.] I wish you to hand in that paper which you had yesterday with the names of those voters?—This is it (*handing in the paper*).

6836. Mr. Purcell asked me yesterday evening to put to you a question, and on thinking over it since I feel it right to do so. You gave Cremer a card with your private residence?—I did.

6837. Your place of business is in Swift's-row?—Yes.

6838. What business do you carry on there?—A loan office.

6839. In which you lend money?—Yes.

6840. Have you lent any money and when to Cremer?—I think it is fifteen or sixteen years since he got some money out of the office.

6841. Has he ever had any transaction with you since then?—No; it was a debt of 20 *l.*, and I sued him in the Recorder's Court, and I got a decree against him, and I took it from him at 3 *s.* a week, and still I think there is close on 10 *l.* due.

6842. You knew where he lived, I suppose?—Never, till I saw him that evening in the Rotunda committee-room; at that particular time I did not.

6843. How long before that had you seen him with reference to business or otherwise?—Well, I could not tell for a long time; I used to see him sometimes in the street.

6844. Having reference to that state of the relations existing between you and him, he being in your debt to the extent of 10 *l.*, what was the meaning of you giving him your card?—I assure you I had no meaning whatever in it; I do not know really what prompted me to do it; he asked me where he should go if he wanted to see me.

6845. You say you sent these men up to the committee-rooms in order to seek employment for them?—I did.

6846. You took down upon a list the names of persons who were not there at all?—I did.

6847. Were you seeking employment for them also?—Well, I did that; and it may appear strange in your Lordship's eyes —

6848. I do not want now to ask you what appears strange or otherwise, but I want to know why, if your object was to seek employment for those men, you took down their names at all?—Their names were mentioned —

6849. But I want to know what they were mentioned for?—They might have been mentioned as voters.

6850. With what object were they inserted in your list?—(*After some hesitation*) With the object, I suppose, if they had a vote, to vote for Guinness and Plunket.

6851. Why did you put them on your list; you did not know them?—I did not.

6852. What did you put them on your list for?—They must have been mentioned by those who were present.

6853. That I assume to be so, as you said; but why did you put them on your list?—(*After some hesitation.*) I cannot give any other explanation.

6854. Of course, if you cannot give any explanation, you cannot; that is the reason I have recalled you; now, you were to have met Dogherty that evening by appointment, under the Post-office?—I was.

6855. Where did you make that appointment with Dogherty?—In Liffey-street.

6856. When?—That day.

6857. What did you appoint to meet him for?—With a view of getting him employment; I solemnly swear it.

6858. Where were you to get him employment?—I was to go to the committee-rooms in Sackville-street, to bring him there, and introduce him to some gentlemen there.

6859. Why did you not say, "Meet me at the committee-rooms, in order that I may introduce you?"—I cannot give you any reason; the only reason that suggests itself to my mind —

6860. Do not give me any reason that you cannot give, because that is a contradiction; why did you appoint to meet him at the Post-office?—The Post-office is a prominent place, and it may have occurred to my mind—it may have occurred to my mind—that he did not know the committee-rooms.

6861. Well, then, he did not meet you?—He did not.

6862. But a number of other men did?—They did.

6863. Had you ever seen those men before?—I had not.

6864. What did you say to them?—Smith came up, and said, "There are a lot of us here." I said, "Who are you?" "I am a freeman, sir," said he; and he mentioned, I think, that the others were freemen.

6865. Did they say anything else?—No; I said to Smith, "Follow me."

6866. Why did you tell him to follow you?—Well, having appointed with Dogherty with the view of trying to get him employment, I thought he had communicated that fact to the others.

6867. That he was to get employment?—Yes.

6868. Why should that communication influence your mind to ask a number of strange men to follow you; I miss the connection between the two things; can you supply the missing link?—I cannot.

6869. That is exactly what I have recalled you for; you had an engagement with a man named Dogherty, whom you were to meet at the Post-office

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Post-office in order to get employment for him ; you did not meet him, but a number of other men, strangers to you, met you, and told you they were freemen, and you said at once, "Follow me;" why did you then seek employment for those men who had not spoken to you on the subject?—I never saw those men before.

6870. Had one of them spoken to you on the subject?—No.

6871. Then what was your reason?—I can give no other explanation.

6872. None whatsoever?—None whatsoever.

6873. You made use of the remarkable expression that you did not seek to get them employment the moment you understood they were secure for Guinness and Plunket?—That is true.

6874. Now I ask you (and it is the only question I mean to put to you), was your proposition to get them employment in order to secure them for Messrs. Guinness and Plunket?—It was.

6875. Mr. Purcell (*through the Court*).] Had you ever had any previous connection with the committee-rooms, or been there before that evening?—None whatever.

6876. Mr. Justice Keogh.] Do you recollect your telling me that your first connection with these transactions was a meeting with the gentleman whom you pointed out as Mr. Goodman?—Yes.

6877. Was he acting as agent for Messrs. Guinness and Plunket?—Oh no, my Lord; I saw Mr. Goodman in his office.

6878. Was he acting, during the election, for Messrs. Guinness and Plunket?—Yes, I think he was.

6879. When you saw Mr. Goodman what did you say to him?—I complained of the way I had been treated by the other side, in consequence

of some misunderstanding between us, and I told Mr. Goodman that if he had sufficient confidence in me, I considered I was in a position to be of service to the cause.

6880. To what cause?—To the Conservative cause.

6881. At the election?—At the election.

6882. What took place?—Mr. Goodman was rather silent, and after some moments he said, "Very well; come to me in the morning."

6883. What took place then?—The appointment was for 10 o'clock in the morning. I called at Mr. Goodman's office and he had not arrived, and in the middle of the day I think I saw Mr. Goodman, and he handed me a letter.

6884. Did you ask him for any letter?—I did; I think I did.

6885. What was the letter you asked for?—I asked for a letter of introduction to the different wards.

6886. To whom?—To the different wards, with a view of looking over the unpledged names.

6887. Did you get that letter?—I did.

6888. You have already produced it?—I have.

6889. Was that your first connection with the election proceedings?—It was.

6890. And it was in consequence of that that you interfered?—It was.

6891. In consequence of a communication with Mr. Goodman?—Oh no; I do not think I spoke to Mr. Goodman afterwards.

6892. But was that your first introduction?—That was my first introduction.

6893. And having got that letter, you acted as far as you could for Sir Arthur Guinness and Mr. Plunket?—I did.

[The Witness withdrew.]

Mr. FRANCIS ROBINSON, sworn; Examined by Mr. McDonogh.

Mr. F.
Robinson.

6894. WHAT are you?—A clerk.

6895. Clerk to whom?—To Mr. T. W. Bond, of Palace-street.

6896. Is he an attorney?—He is.

6897. Do you produce a box in court?—I do.

6898. Is that the box (*pointing to a box*)?—It is.

6899. Where did you bring it from?—From No. 3, Palace-street.

6900. Had you that box in your care?—I had.

6901. When did you get it?—I got it about a week before the trial here.

6902. Has it remained ever since in your possession?—It has, unless at night time.

6903. I presume you go home at night to your own domicile, wherever it is?—Yes.

6904. And return to the office the next day?—Yes.

6905. Is the box in the same state now as it was when you got it?—I believe so.

6906. Did you ever open it?—I did not.

6907. Who told you to take possession of that box?—Mr. Johnstone.

6908. What is that gentleman's Christian name?—Mr. William Johnstone.

6909. Is the box locked now?—It is.

6910. Was it locked when you got it?—It was.

6911. Have you the key of it?—I have.

6912. Was the key given to you?—Not in the first instance.

6913. What do you mean by that?—When it was handed to me at first, he did not give me the

key, but without the key; but upon the day it was opened here in court he gave me the key.

6914. Mr. Justice Keogh.] Was the key handed to you in court?—No; in Palace-street.

6915. When?—The first day that Mr. Johnstone was subpoenaed here; I think it was about three days ago.

6916. Was it since he was examined?—I think it was that day, that evening; the evening of the day that Mr. Johnstone was examined I think he handed me the key.

6917. Mr. McDonogh.] Did you ever use that key since by opening that box?—Oh, no.

6918. Did you ever part with the key out of your possession?—I did not.

6919. Is that the whole of what you know about this transaction?—That is the whole.

Cross-examined by Mr. Heron.

6920. You got this box, as you told us; where did you keep the box?—At No. 3, Palace-street.

6921. That is Mr. Bond's office?—Yes.

6922. It is in the same house with Mr. William Johnstone's?—Yes, a storey higher.

6923. Where are your private lodgings?—At No. 2, Lower Merrion-street.

6924. Did you at any time take that box to No. 2, Palace-street?—Never.

6925. Did you ever take it from Palace-street?—Except to the Court.

6926. You used to leave Palace-street in the evening?—Yes.

6927. And

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6927. And left the box behind you?—Yes.
6928. At what hour do you generally leave Palace-street?—At five o'clock.
6929. And at what hour do you generally go in the morning?—At half-past ten o'clock.
6930. And of course you do not know anything about the key in the meanwhile?—Oh no; the key was in my possession the last four days.
6931. Did Mr. Johnstone tell you, when he was sending you the box, what was in it?—He did not.
6932. What did he say to you?—He called me downstairs, and said that he wished me to take charge of that box, and I was not to allow any one to touch it, but to keep it safe until he wanted it again.
6933. Was that all he said?—That was all.
6934. He said nothing about the quay, then?—Of course not the quay.
6935. Did he tell you what was in the box?—He did not.
6936. Did he tell you that it was connected with the election?—Oh no.
6937. And you asked him no questions, I suppose?—I did not.
6938. Do you know the handwriting of these telegrams, or any of them (*handing some telegrams to the Witness*)?—I do.
6939. In whose handwriting is the first?—Mr. Johnstone's.
6940. To whom is that addressed?—"Edward Jeffcock, 170, Queen's-road, Bayswater."
6941. Will you turn to the next; to whom is that addressed?—To "Heatley, Esq."
6942. Where?—"Civil Engineer, Clonroche, Enniscarthy."
6943. Do you know the handwriting of that?—A portion of it is Mr. Johnstone's, but I do not know whose the other part of it is.
6944. Do you know the handwriting in which the others are?—I do.
6945. Just mention the name?—They are in Mr. Johnstone's handwriting.
6946. Are they all?—Those three that I have looked at; I don't know any of them but those first three.
6947. Turn them over, and look at the writing as you turn them over?—I don't know them (*examining the telegrams*).
6948. Do you believe that in any of those (never mind the first three) you recognise Mr.

Johnstone's handwriting, whether a disguised or a true character?—I do.
6949. Do you think they are written by Mr. Johnstone?—I do.
6950. The whole of them?—Possibly.
6951. Do you believe that the whole of them are written by Mr. Johnstone?—Not all of them.
6952. Any of them, except the first three?—No, they are none of them, except the first three, in Mr. Johnstone's handwriting.
6953. Do you know a Mr. Davenport Crosthwaite?—Oh no.
6954. You do not know anything about him?—No.
6955. Can you form any opinion as to who wrote those other telegrams, except the first three, which we have disposed of?—I have not the slightest idea.
6956. Do you mean to tell his Lordship that Mr. Johnstone did not mention to you for what purpose he was giving you that box?—He did not.
6957. Not in any way?—Not in any way whatever.
6958. Did you yourself feel astonished as to his giving you the box?—No; I thought it was a private matter.
6959. Just look at those telegrams (*handing some telegrams to the Witness*). Can you form any opinion as to those?—No.
6960. Mr. Justice *Keogh*.] Was there any one present when you got charge of that box, except Mr. Johnstone?—No; no one but Mr. Johnstone and myself.
6961. You are a clerk of Mr. Bond's?—Yes.
6962. Was Mr. Bond present?—He was not.
6963. And Mr. Johnstone called you down and gave you charge of that box?—He did.
6964. But he kept the key?—He did.
6965. And he only gave you the key since he was examined here?—Yes.
6966. Do you know that to be the fact?—I do.

Mr. Justice *Keogh* remarked that, as the evidence at present stood, the counsel for the Petitioner were not justified, as representing this box, to be the one to which Mr. Johnson had alluded.

[The Witness withdrew.

Mr. WILLIAM JOHNSTONE, sworn; Examined by Mr. *McDonogh*, Q.C.

6967. You are already sworn?—I am.
6968. Look at the box that you see upon the table.—Yes.
6969. Do you know, or can you recognise or identify that box?—I can.
6970. Look at this young man (*pointing to Robinson*)—Yes?
6971. Do you know him?—Yes.
6972. Is he a clerk in the employment of Mr. Bond, the attorney?—He is.
6973. Is Mr Bond in Dublin?—He is.
6974. Is he at his office, at his place of business at present?—I don't know whether he is there or not; he was there this morning.
6975. Are you able to say whether this is the box or not you spoke of when last examined before his Lordship?—It is, to the best of my belief.
6976. To whose custody did you put it?—I

asked a clerk to take it away; I did not give it into any one's custody.
6977. What clerk did you ask to take it away?—The one just examined.
6978. The last witness?—The last witness.
6979. Are Mr. Bond's offices above or below yours?—Above.
6980. Where was the clerk when you told him to take it away?—He was in my office; I brought him downstairs to show him the box.
6981. And when you brought him downstairs, did you show him the box?—I did.
6982. Did you see him take it?—No.
6983. Do you know that he did take it?—It was not there afterwards.
6984. Did you give him the key at that time, or keep the key?—I kept the key.
6985. When did you part with the key?—As soon

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soon as Mr. Bond was supposed to bring the box here.

6986. When was this?—I think it was upon yesterday; I am not sure as to the date, but whatever was the day, he was supposed to be here; I gave him the key.

6987. To which of them did you give the key, to him or the clerk?—I think it was to the clerk.

6988. To whom did you give the key?—To the clerk.

6989. From the time that box was taken from your office, did you ever see it again until you saw it now?—Yes; I saw it in the clerk's hands, going down to the Court yesterday morning.

6990. When coming down here?—Yes.

6991. During the time you had it in your possession, did you open it or take any papers out of it?—I opened it, took papers out of it, put papers into it.

6992. Mr. Justice *Keogh*.] When?—A considerable time ago, shortly after the county election.

6993. After you had opened it and put papers into it, did you ever again open it till you have delivered it and told the clerk to take it?—I did.

6994. You did open it?—Yes.

6995. When was that?—Before sending it down here.

6995* Was it yesterday or to-day?—Two or three days ago.

6996. Did you then take any papers out of it?—I did.

6997. Two or three days ago?—Yes.

6998. What were they?—Papers that were returned to it since; the telegrams that were sent upon the business of the county Dublin and bank papers connected with the city; I returned them; they had been in the box coming down here; I took the telegrams which had reference to the county Dublin election.

6999. Did you restore to that box the papers that you took out the day before yesterday?—I did.

7000. Are you enabled to say that when you thus restored these papers, that box contained the identical papers which had been originally in it?—It does.

7001. Without any subtraction or diminution?—It does, and contains every document which was in it when it came from the committee-rooms in 47 Dame-street.

7002. Have you the key?—It is there.

Cross-examined by Mr. *Heron*.

7003. Did you ever speak to Mr. Bond when upon the subject?—I did; before the box was taken away, I signified to him I wished they should be taken away.

7004. Why did you not mention the clerk before to day?—My memory at the time was very confused. I was labouring under very, very, great illness at the time, and I really had not a just idea, I think, of what I was saying.

7005. You kept the key?—I kept the key.

7006. Why not tell that to the court?—I was not asked the question.

7007. Did you consider it of importance that you had kept it?—I was not capable of considering anything at the time.

7008. Did you speak to Mr. Bond when you went home?—No.

7009. When you went home from court after you had been examined?—No.

7010. Did you speak to the clerk (Robinson)?—No.

7011. Did you know where the box was when you were examined, upon your oath?—I did not.

7012. Did you believe it to be in Dublin or the county Longford?—I could not tell whether it was in the office or out of it; all I know was it was not in my possession.

7013. Do you remember the day you were examined?—I do.

7014. Did you open the box that evening, upon your oath?—No.

7015. Upon the following day, upon your oath?—I think so.

7016. What hour of the day?—In the morning.

7017. Who was present?—The clerk.

7018. Robinson?—Yes.

7019. And you took some papers out of it?—Yes.

7020. What did you do with them?—I put them in my press.

7021. Your private press, your safe?—No.

7022. The private press to which none of the clerks had access?—I locked them up and kept them there.

7023. How long had you them in the press?—Till next day.

7024. Did you give your evidence to Mr. Sutton or give him any idea as to what you were going to say?—No.

7025. Did you take advice about restoring anything you had abstracted from the box?—I told Williamson.

7026. Then you told him what would be the purport of your evidence?—No.

7027. When did you tell him you had taken the papers out of the box?—Thursday or Friday, I am not sure.

7028. Friday was yesterday; what day did you take the papers out and lock them in your private press?—I cannot charge my memory; the clerk will be able to tell you, it will be either Wednesday or Thursday.

7029. Probably Wednesday?—I cannot tell.

7030. Perhaps it was Thursday?—I think Wednesday.

7031. Where had you a conversation with Williamson?—In his office.

7032. Then you went to his office to tell him what you had to say?—To know whether, when sending the box down, the documents I had put into it should be taken out of it or not, the documents connected with the county Dublin election, which had nothing to say to the documents when they were brought to me from the committee.

7033. Did you not say there were other forms connected with the city of Dublin; did you take them out?—I did.

7034. Why did you do so?—Because they were blank paper, which you will see.

7035. Do you swear to the court, you took out the papers because they were blanks?—I do positively; and your Lordship will see it when the box is opened.

7036. What harm is there in blank forms?—Encumbering the box.

7037. Do you mean crowding the box?—Yes.

7038. What do you mean by encumbering the box?—I was under the impression that there was not any occasion to send them down.

7039. What do you mean by encumbering the box?

box?—I can give you no definition of the words; I am not a Johnson nor a Walker.

7040. Did you believe there was any harm in the blank papers?—No.

7041. Why take them out and lock them up?—Because—

7042. Answer, sir?—My Lord, if this is not bullying—

Mr. Justice *Keogh*.] It is in every way justified by a witness being subject to cross-examination, and you are not justified in using the word “bullying” to anything done in my presence; I am not likely to allow any counsel to do so. Mr. Heron has been justified in everything he has said; he might have gone further; he is far and away within the limits.

Witness.] I have given every explanation, my Lord, with regard to the blank-papers, and I cannot satisfy him.

7043. Mr. *Heron*.] How many blank forms did you take out?—There are 300 of them.

7044. How many blanks did you take out?—I cannot tell, but I can account for everything in the box; I looked upon them as waste-paper.

7045. Why lock them up, then?—Because they were connected with the election.

7046. Did you take them out of the box because they were waste-paper?—Because I looked upon them as of no use either to petitioner or respondent, because they were connected with the election papers.

7047. Look at these figures (*handing document to Witness*).—These figures are mine.

7048. Is the handwriting that of Frazer?—I do not know.

7049. Do you see these figures going the whole way; are they not yours?—They are.

7050. See the observations after the name, 40 and 41?—Here (*pointing to paper*); I do.

7051. Is this in your handwriting?—No.

7052. Whose name is it?—I do not know.

7053. Did you keep the list?—No.

7054. Did you put the numbers?—I cannot tell you at present.

7055. Look at this, No. 41, “Execution against him for 70 L., but if expenses paid, try to come.” Whose handwriting is that?—It is not mine.

7056. What is the meaning of the figures?—This I cannot tell you at present, but it is very likely I shall be able to do so.

7057. Then, No. 40, “Wants expenses and cab to meet him at the train.” In whose handwriting?—It is not in my handwriting.

7058. Can you form a belief?—I cannot form a belief whose it is.

7059. Mr. Justice *Keogh*.] Are your figures upon it?—Yes, the figures upon the margin along the side of the paper are mine.

7060. Mr. *Heron*.] These lists at the head of each sheet of paper, as “require expenses,” or require expenses, &c.; you have left off the numbers; these are not in consecutive numbers, they are 16, 17, 13, 19, 20, upon this page. Do these figures in your handwriting refer to any book?—No, I would say not, unless it would be that of out-voters; I cannot at present tell.

7061. Do you not know that the numbers 41, &c., do not refer to it?—I cannot at present tell to what they refer.

7062. Whose business was it to write out that list?—Frazer or Mortimer.

7063. The handwriting is different?—I would not know the handwriting; it appears to be all in the same; I cannot tell whose it is.

7064. Are these the lists that went backward and forward between No. 48 and No. 24?—I never saw that sheet since I put the figures upon it, and what was done with it I cannot tell; I fancied that my own lists had passed, for I missed them in the box.

7065. Then your own sheets passed between the places?—Where they went to I do not know.

7066. Did they not go to J. Wilson Johnstone?—My suspicion is they did, but I do not know anything about it.

7067. In whose handwriting are these words: the Rev. Mr. —?—This appears to be the same, but I do not know.

7068. Was it the business of Frazer or Mortimer to make out these lists?—

7069. Mr. Justice *Keogh*.] He has already stated that it was. (*To the Witness*.) I want to call your attention to the evidence you gave on a previous day; you were asked, “What did you do with the letters?” you replied, “I do not know what became of the letters.” “What did you do with the letters?” you answered, “I put them into a box in a room, and left them there.” “Did you desire that box to be sent to your office?” “No, I do not recollect having done so.” “Is that all you will say before the court?” “That is all.” Then the examination proceeds; you are asked, “Where is your office?” you state in reply, “My office is in No. 3 Palace-street.” “Did you see that box there since, on your oath?” “I did.” “That is the box in which you left the letters?” “Yes.” “Where is that box?” “I cannot tell.” “When did you see it?” “Not for some time.” You are asked, “How long?” you answered, “I cannot say exactly.” Then comes the question, “Did you give any directions about that box?” and you answer, “No;” you recollect having been put that question?—I recollect that.

7070. And you answered distinctly, “No.”—Well, in that I was quite wrong.

7071. The examination goes on, “What sort of a box was it?” “A small tin box.”—Yes, I think I said it was about half the size of a box that was on the table at the time.

7072. But you said distinctly that you gave no directions about the box?—I did.

7073. You are asked, “Where are the letters?” and you swear, “I do not know.” “Who has access to your office, to steal the box with the election papers in it?” and your answer is, “I cannot tell.” You are asked, “Was the tin box with the election papers taken from your office against your will?” you reply, “I should say not; I do not know who took it.” Is that the box (*pointing to the box on the table*) as to which you swear you did not know who took it?—It is; I did not know who took it. I gave directions about its being taken away, but I did not see it taken, and I could not tell who took it.

7074. Do you know Francis Robinson?—I do, but I was not in court when he was examined.

7075. If he swore that you gave him the box, and retained the key, would he swear falsely?—No, perfectly true.

7076. Then you persist in saying that you do not know who took it?—No; because I do not know whether he took it, or directed some person else to take it; I gave it to him.

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Mr. W. 7077. And he took it?—I do not know whether
Johnstone. he took it away or not.

— 7078. Did you not give it to him?—I showed
30 January him the box; but whether he took it away or not
1869. I cannot say.

7079. Then that is what you meant by saying
that you did not know who took it?—It was.

7080. You are asked, "Could it have been
taken without your consent"? and you say, "It
might have been." Is that possible to be true,
you having requested him to take it?—A person
might get into my office, and take it without my
knowing anything about it.

7081. You cannot tell whether it was taken
with or without your consent?—I cannot tell.

7082. You were asked as to whether you
knew what had become of the box, and you re-
plied that you expressed a wish some time ago
that it should be taken away, and you swear
distinctly you expressed it to Mr. Bond, and not
to any other person; had you the key in your
possession when giving the evidence here upon
the last day?—I had.

7083. Was it in your pocket?—No; I had it
in my office.

7084. And did you consider you were telling
the truth when, knowing you had that key in
your possession, you made that statement?—
With respect to giving that box away?

7085. With respect to what became of that
box?—I did not know what became of it, except
it was taken from my office. I was not aware
whether it was in No. 3 Palace-street, or not, or
whether it might have been carried away to the
residence of any other person.

7086. Why did you not go to the place next
day to examine where the box was?—The next
day I asked Mr. Bond what had become of the
box, and he did not tell me.

7087. (To Mr. McDonogh, Q.C.) You have
told Mr. Heron that your figures are upon each
of these pages?—So far as I see, they are my
figures. I want your memory to assist me in
this point.

7087*. Did you ever authorise this (*showing
document*) paper to be handed over to Mr. Fitz-
gerald, the attorney?—Certainly not; I did not
know where that paper was.

7088. Did you know how it got into his pos-
session?—No; and but that my figures are upon
it, I would be inclined to say I had never seen it
before.

7089. Looking at the figures and names, is
your memory recalled in any way, or re-touched,
as to what the document was?—I would say it
was for the purpose of communicating with per-
sons resident in different places, inquiring after
their names so as to see that they voted.

7090. Look to the handwriting; try if you
can recognise the handwriting of Mortimer or
Frazer?—I would not know the handwriting of
either gentleman.

Mr. McDonogh, Q.C.] We propose now,
my Lord, to open the box and see what is in
it.

Mr. Justice Keogh.] If you like, you may.

(*Witness here opened the box*).

7091. Show the blank papers you refer to?—
(*Papers produced*.)

7092. Are these they?—They are.

7093. Show the telegrams connected with the
county Dublin election?—Here they are (*papers
in blue covers produced*).

7094. What are these documents that remain?
—These are all connected with the city of Dublin
election; all that I got from Dame-street.

7095. Do you see the name Thomas J. Cran-
field, Enniscorthy, on the paper?—That is in my
handwriting.

7096. What is the meaning of these red and
blue marks?—You have brought the matter to
my recollection. Circulars were sent out to
each of these gentlemen, and according as the
names appeared, a circular was marked for one,
then another, and, as well as I recollect, Mortim-
er kept a book in which the names were checked
off.

7097. Which circular was signed by Sutton,
which by John Wilson Johnstone?—Neither of
them was signed by John Wilson Johnstone; not
from 47 Dame-street; no circular was signed by
him.

7098. Did you hear or know of one going?—
No, I did not hear or know of it.

7099. Do you mean to say that document
refers only to the circular sent by Mr. Sutton?
—I do swear that.

Mr. Justice Keogh.] I wish to know
whether this box is the same as that to
which Mr. Mortimer referred; recall him;
he is here.

RODOLPHUS MORTIMER came on the Table.

R. Mortimer. 7100. Mr. Justice Keogh.] Do you recollect
— in your evidence, so clearly and so frankly given,
speak of a box that had mysteriously disappeared;
these were the words you used: "Is that the
box"?—No, it is not.

7101. It was another box?—Another box.

7102. Of which you have the key still?—I
have.

Mr. McDonogh, Q.C.] I now ask Mr.
Fitzgerald to come upon the table.

MR. D. FITZGERALD, sworn.*

Mr. D. 7103. You are Solicitor for the petitioner?—
Fitzgerald. Yes. (*Documents handed to Witness*.)

7104. You produced that paper to-day?—
Yes.

7105. Where did you get it?—I got it in
Capel-street yesterday evening.

7106. From whom?—From Frazer.

7107. He who was the clerk of J. W. John-
stone?—Yes.

7108. How much did you pay him?—Nothing.

7109. Have you given him any money?—None.

7110. Any promise?—None.

7111. Did you know it was a document that
had been kept in the Conservative rooms?—
Yes.

7112. And you knew that belonged to the
gentleman conducting the election for the Con-
servatives?—Yes.

7113. And

7113. And you thought it right to procure that paper from one of the persons employed in that office?—Yes.

7114. Let me ask you did you meet Frazer, and did he ask him for it?—He came to me about three weeks ago. He wrote me a letter in the name of Thompson, seeking an interview with me in my own house upon that evening. He showed me that document yesterday; he gave it to me in Capel-street as I was walking from the Court, having told me that he would.

7115. Have you the letter which the clerk wrote to you in the name of Thompson?—I have it in my office; two or three letters.

7116. Did you know him to be Frazer?—No.

7117. Did he say he was the clerk that gave information?—He came for the purpose of giving information in support of the petition.

7118. Did you know him?—I did not know

him till the night he was called in Court; a gentleman told me he was in the gallery.

7119. Did you ask him for the document?—I did not ask him to give the document, because he said when he came back next evening he would bring more important documents.

7120. Did you promise him anything?—I did not.

7121. Did he express any expectation of getting payment?—In his first letter he said he expected to be paid; he asked for an interview. I wrote back replying that he could see me next evening at eight o'clock, and he called that evening.

Mr. *Bond* was then called to give evidence, but

Mr. Justice *Keogh* said that it was not necessary to examine him, as the evidence was consistent, so far as consistency went.

Mr. *D. Fitzgerald.*
30 January
1869.

Mr. J. S. GOODMAN, sworn; Examined by Mr. *Purcell.*

7122. You are the Secretary of the Conservative Registration Society?—One of the honorary secretaries.

7123. How long have you been connected with the society in that capacity?—In that capacity somewhat over two years.

7124. You conducted the Parliamentary revision in Dublin?—I had the principal management of it.

7125. The offices of the society are in No. 3 Dame street?—Yes.

7126. And I believe Mr. Hodgson is your assistant secretary?—Yes.

7127. Was Sir Arthur Guinness a subscriber to the fund?—Yes.

7128. To whom were those subscriptions paid, by whom received?—By me.

7129. How much altogether did you receive from Sir Arthur Guinness as his subscription towards that object?—I received altogether during the present year 3,850 *l.*, for the purposes of the revision.

7130. In what way was that payment made?—I received 150 *l.* in the early part of the year.

7131. About what time?—February, I received a sum of 100 *l.*, 600 *l.*, 1,000 *l.*, 2,000 *l.*

7132. Were those payments made to you personally?—Yes.

7133. By whom?—All, except one, by Sir Arthur Guinness himself.

7134. Who gave the other?—The other was from the hand of his brother.

7135. When you received those monies from time to time, what did you do upon receipt?—They were lodged.

7136. To whose credit?—To mine.

7137. At your own bank?—Yes; Guinness and Mahon.

7138. Besides the sum contributed by Sir A. Guinness there were other funds, I believe?—Yes; there are a good many subscribers who contributed small amounts; these were received by a collector.

7139. But, in addition to what you mention about Sir Arthur Guinness, you received another sum of 100 *l.*?—Not from Sir Arthur Guinness.

7140. Was that also lodged to the same account?—Yes.

7141. Were the monies subscribed by Sir Arthur Guinness and his brother subscribed *bond* 29.

fide for the purpose, the exclusive purpose of the revision?—Certainly.

7142. Were those monies paid by you, with the exception of the blanks which you hold, to the credit of the society?—Yes.

7143. But out of that fund did you pay the revision of the last election?—Yes.

7144. How much was expended for that purpose?—2,800 *l.* odd.

7145. Within what period was that expenditure made?—Made from time to time, commencing at the revision and ending after it had closed.

7146. Do you recollect when the last expenditure was made?—I do not.

7147. About what time?

7148. Mr. Justice *Keogh.*] I have allowed you to go into this matter just so far, but I am afraid it would tax our time too much were you to go into all the intricacies of this revision and expenditure: how much were subscribed by all the rest of the world to the revision?—I have mentioned a sum of 100 *l.*; in all about 400 *l.* or 520 *l.*

7149. Mr. *Purcell.*] Did you apply any portion of the fund subscribed to any other purpose but that of the revision?

Mr. Justice *Keogh.*] If you want to know my state of feeling on the subject, I am quite sure the money did not find its way into any other quarter. Having left the pocket of Sir Arthur Guinness, the money was not diverted from its original intention.

Mr. *Purcell.*] There was a charge made.

Mr. Justice *Keogh.*] It would be hard to convince me of that

Mr. *Purcell.*] I understand.

Mr. Justice *Keogh.*] I am quite sure the gentlemen who got the money kept it, and did not apply it to any other purpose of Sir A. Guinness.

7150. Mr. *Purcell.*] Have you acted as agent for Sir Arthur Guinness?—Not exactly as agent; but I gave all the assistance in my power from the position I hold as honorary secretary.

7151.—The last revision was a laborious one?—Yes.

Mr. J. S. Goodman.

Mr. J. S.
Goodman.

30 January
1869.

7152. After it was completed, and the work in Court was completed, did you still find any work for your assistants to do?—Of course I was bound to submit to the society the work that had been done to show whether and in what manner the relative position of the wards had changed, and I directed a large portion of the staff to be retained; I directed one for each ward, say twenty.

7153. Were any of them employed by you, or their services given while so employed for any but election purposes?—No.

7154. Did you carry on a portion of the revision work at 47 Dame-street?—No, I was obliged to go to Sessions after that (the revision); I had other business to attend to, and I do not know what was done.

7155. Had you any authority to appoint canvassers?—Certainly not.

7156.—Upon behalf of Guinness and Plunket?—No.

7157. Have you any knowledge whatever, or had you until it appeared here, in the course of the petition matter, of any proceedings at 76 Capel-street?—A few days before I had heard about it, but I have no knowledge of what took place there before.

7158. You know Foster?—Yes.

7159. How long?—A few years.

7160. Do you know of any connexion that Foster had, or may have had, with 76 Capel-street?—None whatever.

7161. Was any portion of the fund in your hand given to Foster or received by him for you?—No.

7162. Had you any authority to give money to any voter, or to hold out any inducement to bring him up to vote?—Certainly not.

7163. Have you any knowledge of any case of the kind?—No.

7164. Do you recollect any box being sent to No. 3 Dame-street?—I do not, except that it was mentioned the box was to leave and go to No. 3 Dame-street, and I asked Williamson or some one whether they had made arrangements that the assistant-secretary should take them over, and I was told "Yes."

7165. Did you see any box broken open at No. 3 Dame-street?—I did not.

7166. Or any papers?—I was away at the time.

7167 (*A document handed to Witness*). Did you ever see a document like that?—Not to my knowledge.

7168. Were you aware as to arrangements having been made to bring home out-voters?—No.

Cross-examined by Mr. Heron, Q.C.

7169. I believe that the address of Mr. Guinness was issued in July or August?—Yes.

7170. Immediately after that the subscriptions began to come in?—About that time.

7171. You were at the head of the department in conducting the affairs of the election?—I had control.

7172. You had the money, and appointed different people under you?—I had the appointment of persons.

7173. Of the 3,850 l., how much was spent in the payment of rates and taxes?—Not a shilling, to my knowledge.

7174. Do you mean to say that they were not being paid?—I do not.

7175. And that was not in your department?—I know they were tendered.

7176. Who did it?—Somebody in my office.

7177. Paid for voters?—Yes.

7178. How much?—I do not know how much, but all were refused.

7179. Do you know the name of the man who tendered them?—I do not.

7180. But that was the money of the association?—Yes.

7181. What was the name of the clerk whose business it was to tender the taxes?—I do not know, but I directed the tender to be made.

7182. Was there not a list of non-taxpayers made out?—The books are always searched.

7183. Did you not find out by the list that numbers had not paid their taxes?—Yes.

7184. Do you not know that 1,500 l. were tendered?—I would say considerably under 30 l. or 40 l.

7185. Was a list kept?—1,500 l. was not tendered; 20 l. would be the outside.

7186. You know Mr. Robinson, of the loan-office?—I saw him upon two occasions before, to my knowledge, when he came and got the letter; I had not seen him before—I had never seen him before.

7187. He said he got the letter upon the second occasion?—That is so.

7188. You had never seen him before?—I had; he got the letter on the second occasion.

7189. Tell his Lordship the conversation that took place between you?—As far as I can remember he came with an introduction from Mr. Purcell, Mr. Theobald Purcell; he said he knew him.

7190. Had Mr. Purcell been a member of the Conservative Registration Society?—Yes.

7191. And was counsel to it?—He was not counsel that I knew of.

7192. The introduction was in writing?—Yes.

7193. What became of it?—I have not the slightest idea.

7194. You recommended him as a handy man?—No.

7195. What became of it?—Perhaps I have it.

7196. Did he come to you at 3 Dame-street?—I think he came to my private office; it was written to me, and brought to my office by Robinson.

7197. What was on it, according to your recollection?—It was simply saying he had been badly treated by the opposite side, and was anxious to vote and do all he could for us; that, I think, was the whole thing.

7198. Did Robinson speak to you on the occasion of the first interview about the freemen?—No, nor upon any occasion.

7199. Are you certain?—Positive he did not; I did not intend him to be paid.

7200. Did you intend him to go to every ward?—Yes.

7201. And he had authority to canvass?—He had no authority to canvass from me, as far as I understand the meaning of "authority to canvass."

7202. You know Campbell?—Yes.

7203. He was employed in the Registration Society?—Yes, for years.

7204. Was it not Campbell who tendered the taxes to the collector-general?—I dare say it was, but I cannot say whether it was he or Cooper; I dare say it was.

7205. Do you swear that Robinson never mentioned

mentioned about the freemen?—No, as far as I remember; if he had mentioned about the freemen, I would not have given that letter; the freeman's list is a separate thing from the wards altogether.

7206. Do you know George A. Young?—I know an old gentleman of the name of Young.

7207. He is a clerk in the Registry of Deeds Office?—I do not think I know him.

7208. In the list of the Inns Quay Ward the names of Samuel Faulkner, G. E. Williams, and George A. Young appear?—I know the appearance of Williams, but I cannot say I know him personally; I cannot say that I know Young.

7209. Do you know Henry Foster?—Yes.

7210. Did you ever give Mr. Henry Foster any money?—No.

7211. Did you ever give any money to any person for him?—No.

7212. Do you know Mr. John Judkins Butler?—I do, well.

7213. Did you give or lend him any money?—I do not think I did; I think he asked me one day for a pound.

7214. I am not speaking of that at all?—Except a pound, I did not ever give or lend Mr. John Judkins Butler any money.

7215. Did any one give Mr. Butler any money to your knowledge?—Nobody gave him any money for any purpose connected with this election, nor anything of the sort, that I know of.

7216. Did anybody give him any money at all in your presence about this time?—No.

7217. Did Mr. Bradburn give him any money?—I never saw Mr. Bradburn give Mr. Butler a shilling.

7218. Did you pay weekly the men employed on the staff in Dame-street?—I myself did not.

7219. Who was the paymaster?—Mr. Hodgson.

7220. He is in court?—He is, or he was.

7221. Do you remember, before the gratuitous declarations were signed, the payments in 3 Dame-street, when voters were paid in 3 Dame-street and I O U's taken from them?—I heard of it since; I did not hear of it at the time.

7222. Who took the I O U's from them?—Mr. Hodgson.

7223. How many?—They are entered in a list that I got him to give me.

7224. Have you the list?—He has it, I think. He put into my hands I O U's, exactly as the transaction stood, and I adopted it, and gave Mr. Hodgson credit for it.

7225. That is credit for the invention?—Not credit for the invention, but credit for the amount so paid.

7226. Mr. Justice Keogh.] When were those payments made?—The payments were made as well as I remember, on the 17th and 24th of October; the I O U's entered amount to the sum of 38 l. 15 s. 10 d.

7227. Mr. Heron.] To amount forward 825 l. 2 s. 2 d.; paid clerks, 674 l. 9 s. 1 d.; I O U, 38 l. 15 s. 10 d.?—Yes.

7228. Not I O U's at all?—That is a mistake, because that is the amount. There are several I O U's in it.

7229. Those seem to be without date (*showing some papers to the Witness*)?—There are receipts for every shilling here.

7230. It is books without date?—Books without date.

7231. And this document is without date?—Yes, and without names too.

7232. What I wanted was the list of the names?—I directed them to have the I O U's themselves in court.

7233. Have you a list of the names when the I O U's were paid?—I have not.

7234. How do you fix the date?—That is the last entry in the book; that is the last page that is written on in the book.

7235. Does that represent all the expenditure?—No; it does not.

7236. What is that book?—This is the book; the expenses of clerks, the expenses of car-hire, the expenses, I see, of furniture and all those small things which were paid through Mr. Hodgson, are entered in this book; but independently of that, I paid several sums myself.

7237. Did you keep a book yourself?—No; I paid them by cheques.

7238. Does that represent what Mr. Hodgson paid?—That represents what Mr. Hodgson paid.

7239. Now, give the explanation about the I O U's?—The explanation about the I O U's was this: my business commenced immediately after I had been occupied with the revision about the 10th of October. All the hands were away from the office after the 6th, and before that day, and I directed that the work of ticking them off should be done in a shorter time than usual, and I directed that at least one man should be kept for each ward. Among those men kept on, there were a good many voters, and it being spoken of that voters should not be paid for services at the election, Mr. Hodgson thought it better to pay them for *bonâ fide* work for two weeks, and take their I O U; I said that he had done perfectly right, and I would adopt that payment and enter it in the book as a payment.

7240. Were the men who were now electors and were employed in 48 Dame-street, paid in 47 Dame-street?—I do not know; I suppose they were; I understood that some of those men had been so kept on at work at 47 Dame-street during that fortnight; and there is a question whether revision work is strictly election work, and I believe that that raised the point in Mr. Hodgson's mind.

7241. The men comprised in the I O U were working at 48 Dame-street?—Some of them.

7242. And paid for two weeks?—They were paid for two weeks.

7243. When did you last see Mr. Henry Foster?—Well, I do not remember; it is a considerable time since.

7244. Have you seen him since the election?—I think I did.

7245. When first did you get information about the hole-in-the-wall business, in Capel-street?—I should say perhaps two days before this inquiry commenced, and a good while too after being engaged in the defence of Sir Arthur Guinness.

7246. Have you heard it was alleged by the men that they had been paid 5 l. there?—I did.

7247. And that Mr. Foster was mixed up in it?—I did not hear Mr. Foster's name until I heard of his being mixed up.

7248. And Campbell's name?—I heard Campbell's name before.

7249. How long before this trial?

Mr. McDonogh objected to the question.

Mr. J. S. Goodman.

30 January 1869.

Mr. J. S.
Goodman.

30 January
1869.

Mr. *Heron* said that the Witness was not an attorney in the case.

Witness.] I am not the attorney on the record, but I am acting with Mr. Sutton.

7250. Do you claim any privilege?—I do not; but I do not think it would be fair to ask me those questions.

7251. Mr. Justice *Keogh*.] Are you acting as the agent of Sir Arthur Guinness?—I am assisting Sir Arthur Guinness's agent.

7252. Are you acting as the agent of Sir Arthur Guinness?—Along with Mr. Sutton, and Mr. Williamson, and Mr. White, in defence of this petition.

Mr. Justice *Keogh* remarked that anything that the witness might have heard, for the purpose of maintaining the case of his client, was privileged.

7253. Mr. *Heron* (to the *Witness*).] You say you saw Mr. Henry Foster after the election?—I think so.

7254. Did you see him before the election?—Both before and after the election.

7255. Did you know him to be acting in Inns Quay Ward?—I did not.

7256. Do you mean to say you did not know him to be acting in the election at all?—No.

7257. Were you on the previous election of Sir Arthur Guinness, when he was unopposed?—No, I was not.

7258. Did you know Mr. Henry Foster then, at the time of the previous election?—Of course I did.

7259. Did you know him at the election of 1865?—I think I did.

7260. Did you not know on each of these occasions that he was acting for the Conservative side?—I did not.

7261. Are you a member of the Amicable Club, with him?—I am.

7262. And is Mr. Bradburn a member?—He is.

7263. And is Mr. Falconer a member?—Not that I know of; I think not.

7264. Is Mr. Davenport Crosthwaite a member also of that club?—He is.

7265. Is Mr. John Bradburn?—I do not know anybody of the name of John Bradburn.

7266. Where does the Amicable Club meet?—At the "Gresham" hotel, in Sackville-street.

7267. It is a dining club, is it not?—It is.

7268. Are you also an alderman of Skinner's-alley?—I am an alderman.

7269. And Mr. Henry Foster is an alderman?—He is.

7270. And Mr. Bradburn is an alderman?—I cannot say that he is.

7271. When did you last see Mr. Davenport Crosthwaite?—Well, I cannot really say I see him particularly often.

7272. When was the last meeting of the Amicable Club?—I think it was in December.

7273. At that meeting were all these gentlemen I have mentioned there?—I recollect Mr. Crosthwaite was; I do not know about the others whom you have mentioned.

7274. Was Mr. Foster?—I do not know.

7275. At the last meeting of the aldermen, were all these people there?—I was not at the last meeting of the aldermen.

7276. When was the last meeting?—In January.

7277. Were all these same people at the same meeting?—I think both Mr. Crosthwaite and Mr. Foster were at the December meeting of the aldermen.

7278. And Mr. Samuel Tudor Bradburn?—I do not think he was an alderman of Skinner's-alley.

7279. Have you been in Mr. Davenport Crosthwaite's house?—Never.

7280. Have you been in Mr. Henry Foster's house?—I was.

7281. When were you last there?—I do not exactly recollect.

7282. Have you been there since the election?—I do not think I was.

7283. Is Mr. Foster married or single?—I do not know; I believe him to be single, in fact I think he is.

7284. Were you ever in 76 Capel-street?—I was in 76 Capel-street.

7285. Before the election and since the election?—Never, to my knowledge, before the election; I was in it since the election.

7286. Did you see the little hole in the door?—No, I did not, but I saw the door.

7287. And when you saw it it was a perfect door?—It was.

7288. And the door was going to be produced here, was not it?—I do not know what you mean.

7289. The door was going to be produced in court as a perfect door, was it not?—I do not understand that question, really.

7290. Was not the door going to be taken off the hinges and brought before the court as a perfect door?—By whose advice?

7291. Yours.—Certainly not.

7292. You say you went into 76 Capel-street after the election; how soon was it after the election?—It was within the last few days.

7293. You have known Mr. Forrest a long time?—No, I do not think I knew him at all until the last few days.

7294. You were never in 76 Capel-street until within the last few days?—Not to my knowledge.

7295. Do you know Thomas Williams?—I do not think I do; I know the gentleman standing there that I have seen from the Register of Deeds Office, but more than that I do not know.

Re-examined by Mr. *Purcell*.

7296. Were the I O U's given for wages for work done for the revision?—Certainly, *bonâ fide* work done, and very well earned.

[The Witness withdrew.]

Mr. Justice *Keogh* stated that Mr. O'Connell, the Chief Registrar of Deeds, had a communication to make to the court with reference to Mr. Henry Foster.

Mr. *McDonogh* demurred.

Mr. *Heron* applied that Mr. O'Connell might be examined.

After some discussion Mr. *McDonogh* acquiesced.

MORGAN O'CONNELL, Esq., sworn.

7297. MR. Justice *Keogh*.] A GENTLEMAN of the name of Henry Foster has been mentioned in this inquiry, who is stated to be a clerk in your office; do you know anything as to his present abode, or where that gentleman at present is?—No, nothing more than from the date of a letter which has just reached another clerk in my office from him, asking to get his salary from me during his absence; the salaries are payable this day.

7298. Are you acquainted with Mr. Foster's handwriting?—I am not, but Mr. Matson is.

7299. Do you produce that letter now?—I do (*producing a letter*).

7300. Has it come in due course of post?—It was dropped in the letter-box of the office, I

understand, by Mr. Foster's sister, directed to Mr. McCartney, who is a clerk in my department, and he handed it to Mr. Ray, second Assistant Secretary at the office.

7301. Does that communication enable you to say where Mr. Foster is?—Well, he dates from Torquay; it bears no post-mark; it came by the post to his sister.

7302. That is the communication?—That is the communication.

7303. Is Mr. Foster absent by your permission from his office?—He is on sick certificate.

[The Witness withdrew.

M.
O'Connell,
Esq.

30 January
1869.

JOHN MATSON, Esq., recalled; and further Examined.

7304. MR. Justice *Keogh*.] ARE you acquainted with Mr. Foster's handwriting?—I am.

7305. That letter states that he is at Torquay?—That letter states that he is at Torquay, I presume in England; there was no post-mark on the letter; the envelope was addressed to one of the junior clerks in the office.

7306. When was this letter put into the box?—This letter was brought down to the court not 10 minutes ago.

7307. When was it received?—It was received in the registry-office about a quarter of an hour

since; Mr. Foster's sister was seen dropping it into the letter-box, and one of the gentlemen communicated that fact. When the letter was opened, the clerk who got it communicated the contents to the assistant registrar, and he directed it to be brought into the court for your Lordship's information.

Mr. Justice *Keogh* remarked that the letter and envelope were not in the same handwriting.

[The Witness withdrew.

J. Matson,
Esq.

DAVID FITZGERALD, Esq., sworn; Examined by Mr. *McDonogh*.

7308. WAS the first letter which you received from Mr. Fraser on the 29th of December?—Yes.

7309. Had you written to him before that?—No.

7310. "Strictly private and confidential; 29th December 1868; Re-petition; Sir, the writer —"

Mr. *Hemphill* objected that this was going into a collateral issue, and that this was a privileged communication.

Mr. *McDonogh* urged that the communication was not privileged.

Mr. Justice *Keogh* ruled that it was too late to claim the privilege, as the letter had been already handed over.

7311. Mr. *McDonogh*.] "The writer could give most valuable information, facts and names of witnesses to summon; but will not be a witness himself. The information will be supplied to you in writing, upon your writing a guarantee to pay a certain sum upon the information which will be given, or part thereof turning out correct on the hearing of the petition (the payment to be in proportion). If you think this worth notice, a line addressed, Mr. Thompson, General Post-office, Dublin (to be called for), will receive attention from me." Did you not write him two letters?—Yes.

7312. Those are the copies of them?—Yes.

7313. This was the first. "Re-petition, 1st January, 1869; Sir, in reply to yours of the 29th

December, I have been out of town until yesterday; I shall be glad to see you, upon the understanding mentioned in your letter. An affair of this nature cannot be arranged in correspondence." I quite agree with you there. The next letter is as follows:—"6th January, 1869. Sir, In reply to your note dated 5th, but received this evening, as you prefer it; please call at my residence to-morrow evening at eight o'clock. Yours obediently, David Fitzgerald." In this other letter of the 5th of January, he says, "I have just received both your letters." How could he, on the 5th of January, have received yours of the 6th? Must there not have been another letter?—There was another letter, now I recollect.

7314. Have you that other letter?—No.

7315. What has become of it?—He wrote me a letter, as well as I recollect, stating that he had missed getting this first letter of mine of the 1st, and there was a second letter making an appointment.

7316. You wrote that second letter?—Yes.

7317. Have you a copy of that second letter?—Unless it is here now, I have not; but it was merely making an appointment.

Mr. Justice *Keogh* remarked that it was Mr. Fitzgerald's duty to receive these letters and to reply to them.

[The Witness withdrew.

D.
Fitzgerald,
Esq.

JOHN M. WILLIAMSON, Esq., recalled; and further Examined by Mr. Butt.

J. M.
Williamson,
Esq.

30 January
1869.

7318. Do you ever remember going into No. 3 Dame-street, the office of the Registration Society, to look for any papers?—I do.

7319. Will you tell the Court upon what occasion you went there?—Upon the 1st of January last.

7320. When you went there did you search for any papers?—I did.

7321. Had either you or Mr. Sutton to your knowledge before that time asked for any papers from the registration office?—We both had.

7322. Had you got them?—We got over some two or three or four boxes (I cannot exactly state the number) from No. 3. They were brought by Mr. Hodgson, the assistant secretary of the society.

7323. Did those boxes contain all the papers that you wanted?—They did not.

7324. Did you ask for any more?—I did.

7325. In consequence of that you went to look for them yourself?—I did.

7326. When you went there, state what room you went to to search for them?—I went to the front bedroom, the room in which I understood, and had been informed, that all the papers belonging to the City of Dublin election of Sir Arthur Guinness should have been removed to. I found two children in the room, and I knocked at the door, and went in. I went on to examine, and I found the boxes in the room all broken open, and the books and papers lying strewed about in different parts of the room. In another part of the room I saw a heap of paper torn up which evidently appeared to be the remains of papers belonging to Mr. Sutton.

7327. Do you remember a book that Mr. Mortimer spoke of as having been in the box that mysteriously disappeared?—I found this book (*producing the same*) among the papers.

7328. Where did you find that book?—I found that lying on the floor under a mass of papers.

7329. Not in any boxes?—No.

7330. And the boxes broken open?—And the boxes broken open. There was one box evidently forced open, and the padlocks had been taken off all the others, and they had been opened.

7331. What did you do with the fragments of papers that you found upon the floor?—On my own responsibility, acting on Mr. Sutton's behalf, I bundled all the papers of every kind and description that were in the room, and removed them to 70 Middle Abbey street.

7332. Are they there now?—I believe they are.

7333. As to these fragments of torn paper; have you taken any pains to ascertain what they are?—Yes; I have looked through them generally. A number of them were the *débris* of the papers used at the election on Sir Arthur Guinness's side.

7334. Had Mr. Fraser access to that room?—I really do not know who had access to the room.

7335. Did you at any time discover that any of these election papers were in any other place?—I did not; I heard afterwards.

7336. You cannot say what you heard; did you make inquiries to ascertain whether they were in any other place or not?—I did not. I mentioned the fact to those that ought to have made the inquiries.

7337. You recollect the bit of paper we had some discussion about yesterday?—You may remember that yesterday his Lordship asked for some information as to that paper; Mr. Hewitt has had the custody of that paper since; I have since looked among all the papers that were sent to the printer, and if your Lordship will test that piece of paper (*producing a paper*), you will find that that will correspond with the other, and I think it will speak for itself. The man Hogarty, whose information was taken down after he had finished that statement, gave information as to other matters which had connection with Mr. Plunket's petition, and not the case which is now before your Lordship. It is now quite evident to my mind, that in making up the briefs in order to identify the evidence for the two petitions, we cut off that portion, and that the one part referred to Mr. Plunket's petition, and the other part to Sir Arthur Guinness's petition. You will find that it relates to the same man, Hogarty, and that Hogarty gave information as to such and such a person.

7338. Mr. Justice *Keogh*.] It appears to fit exactly?—It does, no doubt.

7339. Mr. Butt.] Did you get the first portion of that evidence printed in a brief?—We did.

7340. In what brief?—In the brief of the present petition.

7341. In the second case have you briefed it at all?—We have that also in Mr. Plunket's petition.

7342. In the brief in the petition of which Mr. Plunket is the petitioner and Mr. Pim the respondent?—Yes, we have, with the addition of the bit fastened on with gum.

7343. Mr. Justice *Keogh*.] The bit fastened on with gum does not belong to the sheet at all?—It does not.

7344. The underneath portion appears to belong to the other sheet of paper?—I may state that I received that from a printer in a parcel which I never opened till this morning.

7345. If you had been able to say that you had seen that cut off originally I should never have dreamed of asking you a question about it, because I have known you long enough to place the most implicit confidence in you?—I am much obliged to your Lordship.

[The Witness withdrew.]

FREDERICK SUTTON, Esq., sworn; Examined by Mr. McDonogh.

F. Sutton,
Esq.

7346. You were the conducting agent for Sir Arthur Guinness at the election?—I was.

7347. Were you the person who engaged the other professional gentlemen—the attorneys, Mr. Williamson and Mr. White?—I was. I requested them to assist me in the conduct of the election.

7348. During that election did you give the most peremptory instructions, that not a single shilling should be spent in bribery, and not a single promise made?—I did, and I said on several occasions that if one farthing would save the election it should not be given nor promised.

7349. Mr. Goodman was also assisting you and

and Mr. Williamson?—Mr. White and Mr. Williamson; Mr. Goodman was not an agent, but as a friend he did come in.

7350. And he has been now assisting in the defence of this petition?—He has.

7351. As one of the attorneys?—As one of our staff; he has been for some time assisting.

7352. During the whole period of the nomination before the election, or during the election on the polling day, did any case of an improper character of bribery, either by money or promise, came under your knowledge or not?—Not one; nor did I believe that there was any such case.

7353. Have you any knowledge of that house, 76 Capel-street?—Not in the least; not the most remote.

7354.—Nor any improper transaction going on there?—Not the most remote; in fact, if I had been asked whose house it was I would not have known until I heard it. Of course, on reference to the Directory I should have seen it, but I never heard one word about it.

7355. Did you give any authority to any human being to expend money, or to make a promise for votes, or to influence a voter?—I did not; but I gave express authority that none should be given.

7356. You have heard the election expense agents examined?—I have.

7357. Did you place any sum of money whatever in the hands of the election expense agents, or any other person's hands for the purpose of the election?—I did not; I never expended a shilling on the election, nor one farthing except my own personal car hire, which I never charged to any one.

Cross-examined by Mr. Hemphill.

7358. Do you happen to know a gentleman of the name of Captain Grey, of Sunnyside, Westport?—I do not.

7359. Now that I mention his name, do you know who I mean?—I think I saw a person outside the door who told me his name was Grey, either yesterday or the day before; I do not recollect having seen him.

7360. Are you aware whether Captain Grey voted or not at the late election for Guinness and Plunket?—I am not.

7361. Did you send any telegrams to voters at the late election?—Not myself, nor was I aware of the nature of any of the telegrams at all.

7362. Would you just look at this telegram (*handing a telegram to the Witness*); perhaps that may refresh your recollection; is your name Frederick Sutton?—My name is Frederick Sutton; this purports to come from me, but I never saw it before.

7363. "Westport Station. Received the following message from F. Sutton, Dublin——"

Mr. McDonogh objected that this was not evidence, as the Witness had denied its authenticity.

Mr. Justice Keogh ruled that this line of examination was inadmissible unless it could be shown that the telegram was from the Witness.

Witness.] I never sent that telegram; I may mention that I did not know that there was a Captain Grey living there at all.

29.

7364. Were there any telegrams sent from your office (I am not speaking now of John Wilson Johnstone's telegrams at all) on the 16th of November?—I did not see them myself, but I may add that I understand that telegrams will be produced here in court that did go from the office.

7365. From the office in 47 and 48 Dame-street?—Yes.

7366. In reference to the business of the election?—In reference to the election; I did not see one of the telegrams, and I am very sorry that I did not.

7367. Did you authorise any one to send any telegrams?—I did not give any authority, nor was I aware that they were going.

7368. That any telgrams were going at all?—I might guess in the general way of business that some telegrams might go, but I had no idea that so many would go as did go.

7369. Do you know Dr. Barker in Dublin?—I know a Dr. Barker of Hatch-street.

7370. Did he, two or three days before the election, hand you a letter which he had received under cover to him from Captain Grey, of Sunnyside, Westport?—I have not the smallest recollection of it.

7371. Did any one hand you a letter in reference to coming up to vote for Guinness and Plunket?—I have not the smallest recollection of the letter being given me; but I may add that in the multiplicity of letters that come at election times, such a thing might happen.

7372. That is a telegram, dated the 17th November 1868 (*handing a paper to the Witness*); do you know anything about that telegram?—I never heard the name of "J. Wilson Johnstone" before the election at all; I disown everything of that kind.

7373. Do you know Mr. Henry Foster?—Very little.

7374. Did you know him?—I do know him, but very little, I say.

7375. Previous to the election?—Previous to the election, of course; as a public officer; I know him.

7376. Have you been concerned in the Dublin election for the Guinness family?—I was concerned in the election of 1865 for Sir Benjamin Guinness; and also I was concerned for the election in June for Sir Arthur Guinness.

7377. I believe that you are the law agent for the family?—I am the law agent.

7378. Are you aware that Mr. Henry Foster was one of the committee?—I was not, indeed.

7379. Was not a book kept?—That book was in Dame-street, but I never looked into it; I admit that his name is in the book.

7380. Do you know his appearance?—I would know him if I saw him.

7381. Did you ever speak to him?—I have spoken to him.

7382. Are you an acquaintance of his?—No.

7383. Do you know Mr. Foster?—My acquaintance with him is very slight indeed.

7384. When did you hear last of him?—Well, I cannot say.

7385. I am not speaking of what occurred in the progress of this trial; but when did you hear last of him before this trial commenced?—I really could not say that I have heard of him for a long time, but I really could not say how long, because he is no acquaintance of mine; or, at least, I mean that he is no acquaintance that

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I am

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I am in the habit of communicating with. As a public officer, I know him, and have seen him.

7386. Do you know James Forrest, of Capel-street?—No, I never knew him before I saw him here the other day.

7387. Did you not know that the printing went to him?—I knew that some of the printing went to Forrest's, and the amount of it I saw.

7388. Was that printing connected with the election?—It was printing connected with the election.

7389. Are you yourself an alderman of Skinner's-alley?—I am; I attended one meeting, and but one.

7390. Where did they generally meet?—I dined once, and that was in the concert-rooms in Brunswick-street.

7391. Do you know Mr. Davenport Crosthwaite?—If I saw him there I would not know him. The only time I ever dined at Skinner's-alley, or rather with the aldermen, he was there; that is all I know about him.

7392. Did you see him?—I am told that he was there, but I would not know him if I saw him.

7393. Was not he a musical gentleman?—I did not hear him or his name.

7394. Mr. Justice *Keogh*.] Mr. Johnstone, who has been examined here to day, was assisting at the committee-rooms in Dame-street?—He was.

7395. In a room, I think he said, upstairs?—He was on the third storey, in No. 48, and I think Mr. White, Mr. Williamson, and myself had a small back room on the fourth storey in 47 Dame-street.

7396. Above him?—Above him.

7397. Then you availed yourself of his services to assist in some matters connected with the election?—He was brought in to assist.

7398. In the general management?—In the general management, because I could not do everything myself.

7399. You knew of his assisting, and so far as was necessary you gave him authority to

assist?—I knew of his assisting, and of course he had authority, but not to do anything that was not strictly correct.

7400. Did you know those gentlemen who acted as clerks of his there, one of them being Mr. Mortimer?—Mr. Mortimer I knew, and I saw very constantly, because he was with me nearly every day; Fraser was in the room, and I had heard of him there, but I would barely have known him.

7401. Did you occasionally go into what we will call Mr. Johnstone's room?—Very seldom; I have been in two or three times, but every morning I would generally be in the committee-room from nine o'clock to half-past nine o'clock. I opened all the letters, and Mr. Foster handed me all the letters, and I gave him a large part of them.

7402. For Mr. Johnstone?—Well, they were entered in the book.

7403. Were you in the habit of sending those letters to Mr. Johnstone?—Yes; they went down to his room.

7404. Was he in the habit of making reports to you upon any matters if he thought necessary to do so?—He did not; he never made a report to me at all.

7405. Nor conversed with you upon the subject of the election?—I do not think he spoke to me of the election.

7406. But still he had full access to you?—He had full access to me, but still I am very sorry he did not come more frequently; everybody in the house had full access to me.

7407. Then he was aiding and assisting you at the time of the election?—There is no doubt that he was, but I must say that he had no authority.

7408. I assure you that if anybody told me that you gave him authority to do anything in the world of a doubtful character, I should be more surprised than I can express, having known you for so many years.—I feel that in the conduct of an election it is quite necessary to be perfectly pure.

[The Witness withdrew.]

Mr. WILLIAM J. CAMPBELL, sworn; Examined by Mr. *Butt*.

Mr. W. J. Campbell.

7409. HAVE you been long in the employment of the Conservative Registration Society?—Well, some 10 years.

7410. In what capacity were you employed by the Conservative Registration Society?—I have been employed in many ways; I have been employed as chief clerk in the Conservative Registration Society.

7411. How long have you been chief clerk?—For 10 years.

7412. Was that your last employment?—That is my last employment.

7413. You are still in that employment?—I am, certainly; I have been permanently there for the last 10 years.

7414. Of course you were in that employment under the Conservative Registration Society at the time of the last Dublin election?—Yes, I was.

7415. Were you desired by any officer of the Conservative Registration Society to do anything in relation to the election?—Quite the reverse.

7416. Did you do anything in relation to the election?—Never, emphatically never.

7417. Did you take any part at all in helping or assisting at the election?—I did, certainly.

7418. Were you preparing any books, or doing anything of that kind?—I was.

7419. Where were you doing that?—In 47 and 48, Dame-street.

7420. When did you go to 47 and 48 Dame-street to do it?—To the best of my recollection I was transferred from 3 Dame-street to 47 and 48 Dame-street, on or about the 8th or 9th of October: it was as soon as the revision was over.

7421. By whom were you so transferred?—Mr. Hodgson, the assistant secretary, came and told me to go over there.

7422. What were you to do in 47 and 48 Dame-street?—My duty in 47 and 48 Dame-street was to make out a street list of the freemen; I had upwards of 18 or 20 clerks under me.

7423. Was that the same kind of business that you have been doing in the registration office?—For years.

7424. Did you in point of fact in the registration office, as part of your duty there in former years,

years, make out the same list?—I did always; in fact, I succeeded a man, Mr. Keating, who died.

7425. Did you do that for very long?—I did that for eight or nine years.

7426. Was it the same work that you did in 47 and 48 Dame-street which you had been in the habit of doing for the Conservative Registration Society?—Certainly.

7427. It was after each revision that this list was made out?—Always.

7428. And were the 20 clerks the clerks of the Conservative Registration Society?—Some of them, some of them were not; I knew nothing about how they were employed if they were there.

7429. Did you receive any appointment, as agent during the registration, from the candidates?—Certainly not, quite the reverse; I have been at a very serious loss.

7430. Did you apply for it?—I did not apply; I have been at very serious loss in consequence of being there, because I had other business to attend to.

7431. You did not receive it?—I certainly did not.

7432. Were you in any way paid for any services at the election distinct from the registration?—I was not.

7433. I suppose you receive your salary as clerk to the Conservative Registration Society as usual?—Yes, I do.

7434. You have been in court during a good deal of this trial, and have heard the evidence?—I have heard some of it, and read other portions of it.

7435. Were you in Green-street or Halston-street on the day of the election?—I was in both places.

7436. What were you doing there?—I was endeavouring to see that every man who was a voter was brought up to his proper booth to vote, because there were a number of freemen, and consequently a number of booths. It was my duty, knowing those freemen, to bring those men, or to see that the parties who were employed brought them up to the proper places to record their votes.

7437. Did any one send you to do that on that day?—No, no one sent me; I did it of my own accord.

7438. At that time did you know anything of what you have heard has been going on at 76 Capel-street?—I have heard so much that I cannot answer that question; I have heard of a great many things, and I was really astonished at them.

7439. Did you ever send any voter to 76 Capel-street?—I never heard a word about 76 Capel-street that day.

7440. On the day of the election did you send any voter to 76, Capel-street?—On my solemn oath, I did not, nor was I aware that 76 Capel-street was in existence that day, or at least that such a thing was going on; I swear that positively.

7441. On the day of the election had you any knowledge whatever that any voter was paid at 76 Capel-street?—I had not the slightest or the remotest idea of it.

7442. Or that any money was paying there?—Well, I heard that there was money paying there; I tell you the truth.

7443. Mr. Justice *Keogh*.] At 76 Capel-street?—No; but by Pim and Corrigan.

29.

7444. Mr. *Butt*.] Did you hear that any money was paying at 76 Capel-street?—I never heard a word about 76 Capel-street the whole day, upon my solemn oath.

7445. Did you know any one of the name of Molloy in Green-street that day?—I did.

7446. Do you know for whom Molloy was acting?—Well, he is Mr. Davids' (now Alderman Davids) clerk or traveller; I know that man was there all day; he was Mr. Davids' representative.

7447. Are you aware that it was sworn here that you went to a freeman and asked him what he would give you if you could get him 5*l*., and that you sent him to a person, and that you brought him back part of the money?—Certainly not; emphatically, no.

7448. On your solemn oath, did anything of that kind occur?—On my solemn oath, as I hope to approach Heaven, if it were my dying moments it never occurred; never.

7449. Did you direct, by sign or gesture, any voter to a fair-haired man?—Never.

7450. Did you do anything, directly or indirectly, by sign, or gesture, or word, to send any person to be paid for his vote?—Quite the reverse.

7451. Is Molloy here?—Yes, I saw Molloy here; I can recollect he was there the whole day; a tall man.

7452. Did you upon that day, directly or indirectly, promise money to any voter or freeman?—Never; quite the reverse, as I told you before; I can tell you this, that I told them to go to the deuce; I must tell your Lordship this, that a great many did apply to me, and I told them to go to the devil or to hell, or to some place else, because they were annoying me.

7453. But you never assented to any such application?—No, certainly not.

7454. And you never sent any person to get money?—Neither directly nor indirectly; I was not aware that there was any money going, except from Pim and Corrigan's side; I was told that, and there is no question about it.

Cross-examined by Mr. *Heron*.

7455. Are you an alderman of Skinner's-alley?—I have not the honour of being an alderman of Skinner's-alley.

7456. But you were ten years chief clerk?—Chief clerk and inspector.

7457. And inspector of freemen?—Certainly, I must tell the truth; I am the principal man for the freemen; I succeeded the man that was there before me in the same position.

7458. And you know every freeman in Dublin?—Well, I do not know every man, but I know a great number of them.

7459. And you know how much they will take?—Certainly not; I do not know anything about that.

7460. That is not in your department at all?—I know nothing at all about it.

7461. Were you an inspector of freemen in 1865?—I was; I do not know what you mean; I have been inspector of freemen, with an assistant, for many years.

7462. Who is the assistant?—I really cannot tell you.

7463. Who is your assistant now, your head beadle?—That is, assisting me in looking after —; you must put the question properly, if you please.

Y 2

7364. Who

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7464. Who is the man, not named, but who you said was your assistant?—I have had a great number of assistants, because why? I will tell your lordship; the Conservative Registration Society only keeps three or four permanent clerks; I am certain to tell you the truth; I have the charge of the freemen.

7465. And you may appoint an assistant one year, and dismiss him after the revision, and appoint another next year?—That is the fact.

7466. Who is your assistant?—Who is my assistant when; what do you mean?

7467. Who is your assistant now?—Mr. Cooper was my assistant.

7468. At the last election?—At the last election.

7469. What is his Christian name?—William.

7470. Was he at Green-street the day of the election?—He was not.

7471. Where was he?—On my oath, I believe he was in North City Ward, and was not at all with the Freemen.

7472. What is your salary as chief clerk?—My salary as chief clerk is about 100 *l.* a year.

7473. And perquisites?—Oh, perquisites! what I mean is that perquisites and salary is about that; but then I have a great many other things; poor law and municipal matters.

7474. For the poor law, how much?—About 150 *l.*

7475. For municipal matters, how much?—It might be less or more; suppose you stood to get in the Corporation, you might give me 20 *l.* for my day.

7476. In addition to your permanent salary; that is about 200 *l.* a year?—I did not say my permanent salary was 200 *l.* a year; quite the reverse.

7477. What do you mean by perquisites?—I mean, if you came to me, and asked me to get you into the town council, as Mr. David frequently did, you might give me a small sum for acting for you on the day of the revision and election, or give me 10 *l.* for the whole.

7478. How much did you get from the candidates on that day?—Not a penny.

7479. You would not take it?—All I can tell you is that, on the contrary, I have been money out of pocket by the present candidates from the 1st of October till the time of the election.

7480. You are like Dogberry; you have had your "losses"?—A great many losses since the end of the revision.

7481. Do you mean to say that you are the only man in this expenditure of £13,000 by Sir Arthur Guinness who has lost a pound a week?—I mean to say, upon my oath, that I have from the time I was transferred from 3 Dame Street up to the time of the election, and including the day of the election, never received one penny; but, on the contrary. I am a married man; I had to dine in town; I should remain in town to dine there and to be back at my office; I was there at seven o'clock in the morning and I had to be back at six o'clock coming from my dinner, and I say that I have been at a loss from the time of the election, regulating the election up to the time of the polling day.

7482. Do you know Kirk, a freeman?—No, I do not.

7483. Had you never heard his name before?—I did hear his name.

7484. Do you know Richard Butler, a freeman?—I do not.

7485. Do you know Bailey, a freeman?—I do well.

7486. Do you know Thomas Walker, a freeman?—I do not.

7487. Do you know Michael Steed, a freeman?—I do not.

7488. Do you know Hagarty?—I do well.

7489. Do you know Cathrens, a freeman?—I do not.

7490. Do you know Gilligan?—I do not; I never heard of him before.

7491. Did you ever call at his house?—Never in my life.

7492. Did you canvass the freemen?—I do not know what you mean by canvassing the freemen?—You will have to ask me that question in another way?

7493. Do you know the meaning of "canvassing"?—In what way?

7494. At an election?—I do; but I never did canvass at an election, and that is your mistake.

7495. Did you never ask a man for his vote?—I do not believe I ever did.

7496. Do you know Robert Wilson, a freeman?—I do not.

7497. Do you know John Wilson?—I do not.

7498. Will you swear that of those 10 men that I have named to you?—You have not named 10, with great respect to you.

7499. There is Kirk, Butler, Bailey, Walker, Steed, Hagarty, Caterens, Gilligan, and two Wilsons?—Ten.

7500. Did I not name the 10 men to you?—Yes.

7501. You were transferred to number 48 Dame Street, and you had 20 clerks under you?—I had at least, I may say, from 10 to 20.

7502. Who paid those clerks?—Mr. Hodgson; he is the assistant secretary.

7503. In what month were you transferred?—Well, I think it was about the 8th or 9th of October, immediately after the revision in the Four Courts; I was very actively engaged there, and immediately after that I was transferred from 3 Dame Street, to 47 and 48 Dame Street.

7504. Then down to the 18th of November the payment in the office was conducted by Mr. Hodgson?—Certainly.

7505. How long after the 18th of November did Mr. Hodgson continue to pay them?—I cannot tell that Mr. Hodgson was the paymaster of every person there.

7506. Were you to be paid by Mr. Hodgson?—Never; I tell you, upon my solemn oath, that I was 1 *l.* per week at my own expense in place of being paid; I never received one penny from Mr. Hodgson, or any other person there; quite the reverse.

7507. You said that you did not know Kirk or Butler?—Not to my knowledge.

7508. Do you know Bailey?—Yes, I have very good reason to know him; he was tormenting me for about a fortnight or so.

7509. And Hagarty?—Yes, I saw Hagarty the day of the election, but not since.

7510. And you know none of those men?—On my oath, I do not.

7511. Did you see a young man with an eyeglass upon the day of the election?—I may have seen a young man with an eyeglass; but really I cannot swear that I saw a young man with an eyeglass.

7512. Up

7512. Up to what hour did you remain at Green-street?—On the morning of the election I left my own house at seven o'clock. I drove in a car from there to 47 and 48 Dame-street. I met Mr. Goodman at 47 and 48 Dame-street, who was the honorary secretary of the Conservative Registration Society there; he was assisting a Mr. Welch, who was also in the office, in folding and directing a number of objections to parties who had been previously admitted by the court. Lodgers, that is when they came up to the court, they were objected to by the inspector. He was in the act of doing that, and I assisted in doing that, and when I ceased doing that, I went straight to Green-street.

7513. At what hour did you arrive there?—I should say about a quarter before eight o'clock.

7514. At what hour did you leave?—I should say at all events it was about five o'clock, because I did not leave till the last moment.

7515. Probably it was a little after five?—It may have been, because I certainly remained there a little at the last.

7516. Do you know Mr. Bradburn?—Certainly.

7517. Do you know Mr. George A. Young?—I do not.

7518. Do you know Mr. Henry Foster?—I do.

7519. How long have you known him?—I have known Mr. Foster for the last ten years.

7520. How have you known him?—In the first place I had known him when I worked as inspector: Shortly after my employment as inspector in the Conservative Registration Office, I called on Mr. Foster in my duty as inspector. The first time I ever saw Mr. Foster was in his own house.

7521. You have known him ever since?—I have.

7522. And he has assisted you in the business of the society?—Never.

7523. How have you known him ever since; did you speak to him?—Always; he is an affable gentleman, and always salutes me when he meets me in the streets, but nothing more.

7524. Have you never been in his house since?—I have never been in his house these last nine years, upon my oath.

7525. Do you know Mr. Davenport Crosthwaite?—I never heard of him until I heard of him here, nor would I know him this moment.

7526. Do you know Mr. Thomas Williams?—I do not.

7527. Do you know Mr. John Bradburn?—I really do not. I know a brother of Mr. Bradburn's, but I cannot tell whether his name is John or not.

7528. A young gentleman?—I really cannot tell whether he is young or old.

7529. Do you know Mr. Edward Lawler?—I do.

7530. How did you know him?—Because he lived within a few doors of me; that is some years ago. When he lived next door to Mr. Gibson, I lived next door to Mr. Gibson myself.

7531. Did you see any Midland Railway ticket?—Never.

7532. Never in your life?—I think I did on one occasion.

7533. That is when you travelled on the line?—Decidedly.

7534. And you remember that?—I do. I do not know what the ticket was, but I suppose I

got a ticket, but I would not swear that I did, it was a long time since.

7535. Do you know what "giving the tip is"?—Well, I really do not know.

7536. Oh, Campbell?—On my oath I never gave a tip to any man, according to what I heard sworn here.

7537. Do you know what "giving the tip" means?—Really, it appears from what I have heard sworn here—

7538. Do you know what it means?—I do not.

7539. Do you know what "the hole in the wall" means?—I do not.

7540. Who gave the tip in 1865?—In 1865; what do you mean?

7541. You know what I mean?—I do not.

7542. Do you know Dr. Duncan?—I have heard of a gentleman called Duncan. There are two Dr. Duncans, father and son; but I really never saw either of them to my knowledge, on my oath.

7543. Do you know Watkins, the policeman?—I do; I have known him for some years.

7544. Do you know the two gardeners who were examined?—I never saw them in my life, until I saw them examined here.

7545. How long have you known Watkins?—Well, I have seen Watkins on many occasions.

7546. Have you seen him in the Conservative Registration Society?—I have.

7547. As what?—Coming in as a canvasser, and giving me his list. Mr. Watkins was the canvasser of the freemen, and Mr. Watkins, on one or two occasions, came to me and showed where such-and-such a man was, and whether he could be got here or any other place.

7548. How long has Watkins been a canvasser of the freemen?—I think never before the last election, to my knowledge.

7549. But he was at the last election?—Certainly.

7550. Was he paid?—I know nothing about that.

7551. Used he to call at 48 Dame-street?—He called in to me to show me his list that he had to canvass.

7552. How many had he?—He had the district to which he was appointed.

7553. What was it?—Finglass, and other places round about.

7554. How many were there, 200?—I believe not.

7555. One hundred and fifty?—I believe not.

7556. One hundred?—I really cannot say, upon my oath.

7557. Do you know Mr. Marquis?—I heard of the name, but really I do not know the gentleman.

7558. Did you see any of Marquis's placards on the day of the election?—I can tell you this, that I was much surprised at hearing of such a thing.

7559. You do not believe that it occurred?—I would not swear that it did not occur, but I was certainly much surprised to hear of its occurring.

7560. Did you never hear the name of Marquis before?—I have heard the name of Marquis before, but not in connection with the election.

7561. It is not a tip?—I know nothing about tips.

7562. Where is Bailey's ticket?—I cannot tell you that.

7563. Do you know what I mean?—Indeed, I do not.

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7564. You do not know?—Certainly not.
7565. You do not know anything about Bailey at all?—I do know a great deal about him.
7566. Did Bailey speak to you on the day of the election?—He did.

7567. Look here, did you do that (*making motions with his hand*)?—Certainly not.

7568. Did he speak to you at Green-street?—He did.

7569. Was there a young man watching you?—There might have been a good many young men watching; that man might have been watching me for all I know.

7570. Do you mean that you gave him the tip that day?—Well, I don't know; you might get a tip in another way.

7571. What did you say to Bailey that day?—Am I to enter into an explanation of what occurred between Bailey and myself; because, if your Lordship wishes, I will enter into it?

7572-3. Mr. Justice *Keogh*.] Was it anything about the election?—Yes, it was on the day of the election.

Mr. Justice *Keogh*.] Then answer the learned counsel's questions?—

7574. Mr. *Heron*.] Did Bailey speak to you on the day of the polling?—He did.

7575. At what hour?—I really cannot tell what hour.

7576. Had you seen him vote?—I had not.

7577. Did you know he had voted?—I did not.

7578. Did you know he had voted before he spoke to you?—Certainly not.

7579. Did you see Bailey the day after the election?—I cannot say; I certainly saw him after the election, but whether it was the day after or ten days, I could not swear.

7580. Was Hopkins with him?—No; I never saw Bailey with any one, except by himself.

7581. Did you not hear Hopkins examined?—I did; but Hopkins never swore that he came to me.

7582. Were you with Bailey at the committee-rooms, at 48 Dame-street?—I never saw Bailey until the day of the election.

7583. But I mean the day after the election?—Nor the day after.

7584. Do you mean to say that you did not get poor Bailey's ticket from him?—Certainly not; most positively not.

7585. You had no such conversation?—There was a good deal of conversation occurred between Bailey and myself, but certainly not about a ticket.

7586. Do you know Hopkins?—I did not know him until I saw him in court.

7587. Do you know who he is?—Now, I know who he is.

7588. Do you believe that Hopkins told the truth?—I do not know whether he did or not.

7589. About you?—I do not believe that Hopkins said a word about me; you must be misinstructed. I believe he did not; not that I heard; I read the paper, and I did not see anything at all of the kind.

7590. When did you see Mr. Foster last?—Well, I really can not tell you when I saw Foster last.

7591. Did you see him after the election?—I think I did.

7592. Where?—I think I met him in Westmoreland-street.

7593. What did you talk to him about?—I did not talk at all. Mr. Foster saluted me and

I saluted him. Mr. Foster and I are not friends, at least we are not intimate.

7594. Did you see Mr. Foster in any of the committee-rooms?—Never.

7595. Have you now the lists which you had prepared of the freemen?—Well, they are in a box in my office.

7596. Were they not given over to Mr. Sutton?—I do not know whether they are or not; but there is a box, wherever it is, and I have the key of it up to the present moment.

7597. Where is the box?—The box is kept in my office.

7598. Do you know Walker?—Really, I do not know any one of the name of Walker; that is to know him personally.

7599. Did you go to Henrietta-street to look for Mr. Foster?—Never.

7600. Were you in No. 76 Capel-street, since the election?—I was.

7601. When?—It may have been probably the week after the election.

7602. What brought you there?—I happened to be the secretary of some clubs.

7603. What clubs?—Of several clubs.

7604. Will you name them?—I will address myself to his Lordship.

7605. Mr. Justice *Keogh*.] You must answer the question?—I will. I had got to 76 Capel-street, probably a month after the election.

7606. You said, that you were secretary of several clubs; you were asked, what clubs; state them?—The Rotunda and Mountjoy.

7607. What clubs are they?—Municipal clubs.

7608. Mr. *Heron*.] A month after the election, you were in Capel-street?—Probably; I really cannot say upon my oath.

7609. Did you go into the front-parlour?—That is where I always go, in all the places where I do go.

7610. Did you see a hole in the door?—Never.

7611. Was the panel in all right then?—I know nothing about the panel; I have not the remotest idea of a panel, either inside or outside.

7612. Go on now and state your business there?—My business there was, that I called on Mr. Forrest. The Rotunda Municipal Club owed me some money, and I was endeavouring to get a meeting called for the purpose of getting myself paid, and Mr. Forrest printed some circulars for the club; and, previous to the meeting being called, I called for his bill, so that I might be able to produce that bill.

7613. On the previous election of 1865, were you at Green-street from eight o'clock to five o'clock?—I was.

7614. And at every election since, you have been appointed chief clerk; have you been there from ten o'clock to five o'clock?—I do not know what you mean; there have been only the two elections.

7615. Was that the only occasion on which you were there since the election?—Certainly.

7616. Where did you first hear of the hole in the door?—I heard it here with great astonishment.

7617. Did you give your evidence to Mr. Sutton?—I did not; I gave it to Mr. Williamson.

7618. How long before the trial?—Well, I will tell you; I was actively engaged in assisting in compiling a poll-book of the voters, who voted at

at the last election. After the compiling of that in manuscript —

7619. Was your department there, the free-men's department?—Certainly; but this is independent.

7620. Independent of what?—I am endeavouring to state what was previous to that: Mr. Goodman called on me, and said, I had better go to Mr. Williamson and state what I knew, and Mr. Williamson then took down my evidence in black and white.

7621. Did you know that you were charged with being the man that gave the tip?—I heard them; Mr. Goodman told me previous to going.

7622. That you were charged with "giving the tip"?—As you call it, but I really do not know what it means.

7623. You are charged with being the man that intimated that it was all right?—So it appears.

7624. How long was that before the date of the trial here?—It cannot be long; I verily believe that it is not more than a fortnight ago.

7625. Who did you hear tell of your having given him the tip; was it Hagarty?—I cannot tell that.

7626. Was it Bailey?—I cannot tell that.

7627. Do you know Thomas Gilligan?—I do not.

7628. I thought you knew almost every freeman?—I know a good number of them, but really I do not know Thomas Gilligan.

7629. How does it happen that out of 10 men named you only know two?—If you will read them over again I will answer it.

7630. Kirk?—I know there is a freeman on the list of the name of Kirk.

7631. Butler?—Butler I do not know.

7632. Bailey?—Bailey I do.

7633. Walker?—I don't know him.

7634. Michael Steed?—I don't know him.

7635. George Hagarty?—I do know him.

7636. You say you were at Green-street attending to your duty; did any one define your duty to you?—There was no definition; only my duty.

7637. Did any one tell you to do anything on that day?—Certainly not.

7638. Then you acted of your own accord?—I did.

7639. What was your duty?—There was a lot of gentlemen who had a list of the booths, and my duty was to see that they brought up the various voters into the proper booths, because there was 15 or 16 booths (if I do not mistake) in Green-street in compartments, and it was not easy for every person to know where to bring a person to; and my duty was, knowing the freemen and knowing the locality, to bring them, in fact, into their proper booths.

7640. How long have you known George Hagarty?—I never saw him until I saw him on the day of the election.

7641. Did you speak to him then?—I did.

7642. What did you say to him?—I said nothing to him, but he said something to me.

7643. Did he speak to you?—He did several times.

7644. Did he ask you for something?—He did, decidedly.

7645. For money, or the way to get it?—Well, he did not exactly say money, but he said that he had voted, and he thought that he ought to be paid, or something like that.

7646. Did you hear Hagarty examined?—I did

not hear Hagarty (as you call him) examined, because I was out of court, for which I am very sorry.

7647. But he asked to get paid for his vote, did he not?—He did, decidedly.

7648. You were shocked?—Well, I really was astonished.

7649. You never heard of such a thing in Dublin before?—I did hear it; I heard it that day.

7650. Only on Pim and Corrigan's side?—Decidedly, that is quite right.

7651. You never heard of bribery in Dublin until Pim and Corrigan stood?—I have heard of a great many briberies in reading the papers.

7652. What did Hagarty say to you; did Hagarty say, "There is something good going"?—He said something similar to that, but, upon my oath, I never knew the man before.

7653. He came to you?—He did not come to me; he was introduced to me.

7654. By whom?—By a man of the name of Digges.

7655. What Digges?—Well he is the sexton of Trinity church.

7656. You have been the first gentleman to mention his name.—I am telling the truth; of course I don't care about mentioning any gentleman's name.

7657. Is he a freeman?—He is.

7658. Is he an alderman?—I do not know; I have not the honour of being an alderman.

7659. Do you not know that the freemen still keep their old guilds?—I believe they do not; quite the reverse.

7660. You heard about St. Loy here?—I heard a great deal of trash here.

7661. You do not believe in St. Loy?—I do not believe in anything of that kind, because I do not believe there is anything of the kind going.

7662. You knew of no money?—Money I say nothing about.

7663. You scorn the action?—I scorn the action certainly.

7664. Digges, I suppose, is a gentleman of the old school?—I do not know; I know him, and that is all about it; I have known him several years.

7665. Is he an inspector of freemen too?—I do not know.

7666. Did he come up and say "Allow me to introduce Mr. Campbell to Mr. Hagarty? Mr. Campbell, Mr. Hagarty, Mr. Hagarty, Mr. Campbell"?—He came up, and said, "This is Hagarty, a freeman"; and I said that he and Mr. Hagarty might go to the devil if they liked; Hagarty wanted to be paid for his day, I suppose.

7667. Digges said nothing, I suppose?—Not to my knowledge.

7668. What is his Christian name?—I really cannot tell you his Christian name, but he is Mr. Digges.

7669. "Henry Digges, Trinity Church, 637, Guinness and Plunket"?—I know he is the sexton of Trinity Church very well.

7770. Do you not know that he voted for Guinness and Plunket?—I do not; when a man is certain to vote for Guinness and Plunket there is no necessity for looking after the man.

7771. You knew Digges was certain?—Yes.

7772. Digges came to the diggins, did he not?—Hagarty came to me about 20 times that day, and every time that day he came to me I told him I did not know what he wanted me for, and that

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that he was to go to the devil or to some other place.

7673. Did any of the other men I have mentioned speak to you that day?—You will want to mention them again, if you please.

7674. Mr. Justice *Keogh*.] The names have been read three times.

7675. Mr. *Heron*.] Do you know Mr. John Judkin Butler?—Particularly well.

7676. Was he at Green-street that day?—I did not see him; I believe he was there because he was a freeman; but I never saw him.

7677. Do you know young Mr. Butler, that is in the Midland Railway Office?—I do.

7678. Well?—Perfectly well.

7679. Did you see him there that day?—Certainly not.

7680. Will you describe that young gentleman's appearance?—He is a grandson of Mr. Butler; I know he is a grandson of Mr. Butler, and he is a young gentleman who is married, and, if I do not mistake, has two or three children.

7681. You did not see him there?—I did not.

7682. Do you know another Midland Railway clerk of the name of Malley?—I never heard of him before.

7683. You do not know him?—I do not.

7684. And of course not hearing of him, or knowing him, you did not see him there?—Certainly not.

7685. Where did you go to from Green-street that day after five o'clock; the battle was over at five o'clock; was it not?—It was; I will tell you; I got on my car and drove from Green-street into Capel-street; there were about 2,000 people collected there; a mob.

7686. On the wrong side?—When I got into the centre of the mob they said, "That is Guinness and Plunket's agent." The horse was stopped, and I was beaten in this way that my leg was for a fortnight afterwards not able to walk; a rug off the car, worth 30s., was stolen and I had to stand up and say, "Hurrah for Pim and Corrigan," and I believe were it not for that I should have been murdered; that is upon my oath a solemn fact, and was is not that a man brought me round by Ryder's-row out of the mob I would have been murdered.

7687. You passed by 76 Capel-street?—No, you have to go to Ryder's-row before you come to 76, Capel-street.

7688. Did you go after that to the committee-rooms?—I will tell you where I went; I took this young man who afterwards told me he was a Roman Catholic.

7689. And saved your life?—I believe he did upon my oath; I took him up on the car, and I said, "My dear fellow, how can I thank you for so doing?" and I gave him half-a-crown.

7690. You went and had a drive?—Yes.

7691. Did you go to the committee-rooms?—I was at the committee-rooms, but I could not get up; I had no communication with the committee-rooms after that.

7692. Did you never go to the committee-rooms after that?—I was there the next morning; I remember from being maltreated.

7693. You are quite recovered now?—Decidedly.

7694. I am very glad to hear it; whom did you see there the next morning?—I cannot tell exactly whom I saw, but they were vacated.

7695. And you are vacated now?—What do you mean?

7696. What do you mean?—You ask me what I mean; I say that the committee-rooms on that morning were vacated, there was nobody there.

Re-examined by Mr. *Butt*.

7697. You were asked, and you did not answer the question, as to what Bailey said to you in Green-street on that day; just tell what passed?—I will; Bailey came up to me, I knew before that Bailey had voted had voted for Mr. Pim, and he says, "I'm after voting for Guinness and Plunket"; a thing I did not scarcely believe. He then says, "There is a Mr. Butler in the hospital with a broken leg"; and he says, said he, "If you will get me a cab I shall go for Butler who is certain to vote for Guinness and Plunket. I then called a man, of the name of Lowndes, and I put Bailey and Lowndes into a cab, and they both went for Butler; and Butler voted, as far as I understood for Guinness and Plunket. Bailey afterwards came to me and I thanked him very much, because it was a thing I did not expect. He came to me several times to my own house, and also to the office, and I told him I could not do anything for him; it was really impossible. He asked me for the loan of 5 s., because he said his child had died, and he came crying to my house in North Strand; I said, "Bailey I should very much like to, but I cannot do it, if you will come afterwards, I will do it"; and I did not do it, and this man has been hunting me for months; that is the only transaction I had with Bailey.

7698. And the only time you were in 76 Capel-street was to get cards for the Rotunda Club?—I was there getting printing done for the municipal elections.

7699. You had no conversation with Mr. Forrest about the election then?—I had no conversation with Mr. Forrest about the election.

7700. Is this the first time that you were ever charged with "giving the tip"?—I really did not hear it until I came into the court.

7701. Mr. Justice *Keogh*.] The only question I want to ask you is with reference to one which Mr. Butt has just put to you: you were asked whether you did not go into the front parlour in 76, Capel-street, and you said, "It is there I always go"; are you in the habit of going to 76 Capel-street?—Certainly.

7702. How long have you been in the habit of going there?—Mr. Forrest has been in the habit of doing printing for me in the municipal elections for many years, because he is a voter of the Rotunda Ward, and I gave him the printing.

7703. But you have been in the habit of going to 76, Capel-street for some years?—I have.

[The Witness withdrew.

GEORGE COOKE, sworn; Examined by Mr. *McDonogh*.

G. Cooke.

7704. ARE you from the "Telegraph" office?—I am.

7705. Do you produce several telegrams?—I

do; I hand in 25 telegrams (*producing a bundle of papers*).

[The Witness withdrew.

JAMES CREED MEREDITH, Esq., LL.D., recalled; and further Examined by Mr. *Exham*.

7706. Do you recollect after the election the witness Bailey having come to you?—I do.

7707. Did he make any application then to you for money as expense agent?—He did.

7708. What did he say?—He stated to me that he had performed some service in reference to bringing a voter (whose name I now remember he mentioned to me at the time) to the poll; some sick man.

7709. Did he say where he had brought him from?—I think he said a hospital; but he said he brought a sick man to poll.

7710. Did he ask for money for that?—He did.

7711. Did you give it to him?—Certainly not; I told him I had no authority to do so.

Cross-examined by Mr. *Heron*.

7712. Is the amount of Forrest's account 125*l*.? —I think it says 125 *l* 5 *s*.

7713. Is that paid?—No.

7714. How much is paid?—The 100*l*. which you saw in the other receipt; we simply got written at the foot of most of the bills that we paid, "Paid, with stamped receipt;" and the stamped receipt shows the amount actually paid. This bill was reduced by deductions to the amount of 100 *l*.

*J. C.
Meredith,
Esq.*

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[The Witness withdrew.]

RICHARD TUCKER, sworn; Examined by Mr. *Exham*.

7715. ARE you a voter for the city of Dublin? —I am.

7716. Did you hear a man of the name of McDonnell state that you were under the Post Office the night before the election?—I saw it in the newspaper, and heard it also.

7717. Was it a fact that you were under the Post Office the night before the election?—It is not.

7718. At any time that evening?—Never; I never met him at all.

R. Tucker,
—

Cross-examined by Mr. *Litton*.

7719. Is there any other Richard Tucker in Dublin that you know?—No.

[The Witness withdrew.]

JAMES TUCKER, sworn; Examined by Mr. *Exham*.

7720. ARE you a voter?—Yes.

7721. Is it a fact that you were with McDonnell under the Post Office the night before the election?—No.

7722. Nor at any time that evening?—I was not.

Cross-examined by Mr. *Hemphill*

7723. Were you in the Sackville-street rooms that evening?—I was not.

Re-examined by Mr. *Exham*.

J. Tucker
—

7724. Do you know McDonnell at all?—I do.

[The Witness withdrew.]

Sir ARTHUR EDWARD GUINNESS, Bart., a Member of the House of Commons, sworn;
Examined by Mr. *McDonogh*.

7725. YOU are the sitting Member for the city of Dublin?—I am.

7726. Was Mr. Sutton your confidential and conducting agent?—He was.

7727. Did you give instructions to that gentleman that he should transmit instructions to all the subordinates that there should be no manner of bribery at this election?—Decidedly.

7728. By word or by promise, or by money? —In any way.

7729. So far as your knowledge extended, were those instructions carried out on the day of the election?—So far as I am aware or believe, they were fully so.

7730. Were you aware of any such transactions as those at 76, Capel-street?—I was not.

7731. I believe you have been in court, listening to all the evidence?—I have.

7732. Were you aware that any single one of the alleged acts of bribery occurred at that election?—I was not.

7733. And you neither sanctioned nor autho-

rised them?—On the contrary, I forbade them in every way that was in my power.

7734. You have heard the two expense agents state the amount of money entrusted to them?—I have.

7735. Were those the only sums of money for either of the candidates which were applied by you for the election?—That was all.

7736. Were the monies which you gave to Mr. Goodman during the course of the year for registration purposes?—Solely.

7737. And not to be used at the election?—Certainly not.

7738. Did you know, besides those monies, of any money being advanced for the purposes of the election?—I know of none being advanced.

7739. By any person whatsoever?—By any person whatsoever.

Cross-examined by Mr. *Heron*.

7740. Who has the power of drawing cheques?
Z —There

*Sir A. E.
Guinness,
Bart., M.P.*
—

Sir A. E.
Guinness,
Bart., M.P.

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—There is no one that has the power of drawing cheques for money except myself, and my brother now; he had not then.

7741. He had not then come of age?—My brother has since come of age.

7742. And he has now the power to sign cheques?—He has now the power to sign cheques.

7743. Do you know Mr. Henry Foster?—I believe I have seen the gentleman, but I would not know him again.

7744. Where do you believe that you have seen him?—I think on one occasion I met him when canvassing, or in company with some one or other, but I merely knew his name; I had no idea who it was.

7745. You knew his name as having been mentioned as one of the gentlemen canvassing with you, and assisting you?—Certainly not; I believe I met him on one occasion, and was introduced to him, but I will not positively swear even that.

7746. Do you remember who introduced you to him?—I have not the slightest idea.

7747. Nor where it was?—Nor where it was.

7748. Might it have been on the occasion of your being at the Inns Quay Ward committee-room?—It might have been.

7749. Did you yourself look over those lists of the working committees?—I did not.

7750. Did you ever see this book (*handing a book to the Witness*)?—I do not know what the book is; I never saw this book before.

7751. Do you know the president?—Very well.

7752. Who is the president?—John Norwood, Esq.

7753. Who is the vice-president?—The Rev. Benjamin Gibson.

7754. Do you know him?—I do.

7755. Do you know the next two?—The assistant secretary is Samuel Falconer, G. A. Young, and T. Williams.

7756. Do you know those gentlemen?—I do not know Mr. Falconer; there is a Queen's Counsel of that name.

7757. That is Mr. Frederick Falconer?—I may have met the other gentleman, but I do not attach their names to their appearance in any way.

7758. Then comes the honorary secretary, Samuel Tudor Bradburn?—I know that gentleman.

7759. He is your private secretary?—He is; the occasion on which I may have met Mr. Foster at the Inns Quay committee was at the time of the revision; it was not at the time of the election if I did meet him.

7760. Do you know Mr. Davenport Crosthwaite?—I do.

7761. How long have you known him?—Well, it might be two years that I have known him; I have met him on two or three occasions.

7762. Have you met him in society in the position of a gentleman?—I met him at a club.

7763. At what club?—At the Amicable Club.

7764. Are you an alderman of Skinner's-alley?—I am not an alderman, but am a member of the Amicable Club.

7765. When did you last see Mr. Davenport Crosthwaite; was it at the last meeting of the Amicable Club?—The last meeting that I attended; I may have seen him in the street since, but not to speak to him.

7766. You saw him at the meeting in December?—It was shortly previous to the election, not very long before; it may not have been the last

meeting previous to the election, but it was one previous to the election.

7767. And you have not seen him since?—Never; unless I may have met him in the street, but not to speak to; I have not in any way recognised him since.

7768. Were you also during your own canvass taking an interest in the county election?—Yes; I do take an interest in the county.

7769. Were you over in No. 24, Dame-street?—I went there to ask whether my vote was duly registered.

7770. Were you aware of the arrangement of the car hire being paid for you by the county gentlemen?—I was not.

7771. Did you think you paid your own car hire?—No; I did not think I paid my own car hire; I believed that it was defrayed by the subscriptions of the public, or of the parties on the Conservative side.

7772. On the occasion that you went over to Mr. Parkinson's, did you see the painting on the wall, "To Mr. Wilson Johnstone"?—It was; I may tell you, on the morning of the county election that I went to No. 24, Dame-street, for the purpose of knowing whether my vote was all right, and whether I might go to Kilmainham to vote; that is the only occasion on which I was at 24, Dame-street; I beg your pardon, I was there some fortnight or three weeks, or perhaps a month, previous to the county election, at least as soon as the contest was expected.

7773. How much did your uncontested election cost you?—I cannot answer that off book, but I can easily let you know.

7774. How many thousands?—I doubt if it cost 1,000*l.* at all; I cannot answer the question, I will answer it from book, if it is required.

7775. You do not remember?—I do not.

7776. Was Mr. Sutton your conducting agent then?—He was.

7777. I will not ask you whether you know the man Campbell, but did you ever see the man Campbell?—Oh, frequently,

7778. In the committee-rooms?—Yes; I may mention that I was the secretary for some time of the Conservative Registration Society, and in that way I have seen him frequently practising as a clerk.

7779. Did you ever speak to him about the the business of the Association?—I have.

7780. You knew that he was the inspector of freemen?—I knew he was one of the inspectors; I believe there was more than one inspector.

7781. During the last contest that you conducted and won, did you see Campbell at 48, Dame-street?—I did.

7782. Did you know that he had a room?—I was not aware of that.

7783. But you have heard him say that he had 18 to 20 men under him, and of course you have no reason to doubt that is true?—I have no reason to doubt that is true.

7784. In conducting the election, did you ever go into that room?—What room was it he said it was in?

Campbell.] The front drawing-room.

Witness.] It is very possible I might have done.

7785. You knew that he was then acting as the agent for the freemen?—I knew that he was acting for the Conservative Registration Society in preparing lists which were always used for the election.

7786. Used

7786. Used for you?—Used for all elections.

7787. And that he then was in 48, Dame-street, working for the election as hard as he could?—He was working for the revision; compiling the list of the revision.

7788. For the purposes of the election?—The revision is altogether for the election purposes.

7789. But for the election?—He was working for the Conservative Registration Society, and the object of that work would be that it should be used for the election.

7790. Then your money was paid both for the revision and the election?—Well, I cannot say that it was altogether mine.

7791. Do you know 76, Capel-street?—I never saw the house.

7792. Did you know that printing was being done there for you?—I did not.

7793. Did you ever see that bill before which Dr. Beatty kept?—No; there were two agents, and I had enough to do without that.

7794. Was there 2,000 *l.* worth of poetry, songs, and ballads?—I was not aware of that.

7795. Was the last time you saw Mr. Crosthwaite, at the meeting of the Amicable Club that you referred to?—I would not say that it was.

Mr. *McDonogh* objected that this had been already referred to three times.

7796. Mr. *Heron* (to the *Witness*).] Was the last time that you saw him at the Amicable, or did you see him since the election?—I did not see him since the election, and to my knowledge I believe the Amicable dinner party was the last time I saw him.

7797. Had you ever received a letter from Mr. Crosthwaite?—I have.

7798. When was the last letter?—The last

letter was asking me to dine on that day (and I did dine there), mentioning that he was in some way connected as an officer with the club, and notifying to me that the dinner-party was to be on such an evening.

7799. Did you ever receive a letter from Mr. Henry Foster?—Never.

7800. Mr. Justice *Keogh*.] Where does this Amicable Club meet?—I believe it generally meets at the Gresham.

7801. Do you happen to know what is the number of members; is it large, or is it small?—It is over 60 certainly. Colonel Taylor and Mr. Hamilton are both members.

Mr. *Sutton* stated that he believed the cost of Sir Arthur Guinness's uncontested election was under 300 *l.*

Witness.] It cost me the same amount that Mr. *Sutton* returned; I paid it by cheque.

7802. Mr. *Heron*.] You said it was under 1,000 *l.*?—It was 300 *l.*; any information that I can give you upon the subject I shall be happy to give.

[The *Witness* withdrew.

Mr. *McDonogh* stated that that was the case for the Respondent, but that with the permission of the Court, he would reserve the right to call further evidence, if it should be necessary.

Mr. Justice *Keogh* assented to this, and said that he should be perfectly prepared on Monday morning to hear from Counsel on either side anything that they might think proper to offer, as regarded Mr. Henry Foster.

[Adjourned to Monday next, at half-past Ten o'clock.

Sir A. E. Guinness, Bart., M.P.

30 January 1869.

Monday, 1st February 1869.

WOODLOCK and FOLEY - - - - - Petitioners,
AND
GUINNESS - - - - - Respondent.

JAMES CREED MEREDITH, Esq., LL.D., recalled; and further Examined.

J. C.
Meredith,
Esq., LL.D.

1 February
1869.

7803. Mr. Justice *Keogh*.] Do you produce the book for which I asked you on Saturday?—I do (*handing in a book*).

7804. I see an entry here, “A. T. B., do.”, amongst the inspectors; what is the meaning of those initials?—I entered those from the receipts. I could not read the handwriting of the gentleman who signed it.

Mr. *McDonogh* stated that the expenses of Sir Arthur Guinness’s uncontested election had amounted apparently to 300 *l.*, but that the real expense had been 233 *l.* 1 *s.* 1 *d.*, and that Mr. Sutton had handed to Sir Arthur Guinness the balance of 66 *l.* 18 *s.* 11 *d.*

Mr. *Heron* applied for Mr. Meredith’s banking book.

Mr. Justice *Keogh* having ascertained that the banking book contained no private matters, ordered that it should be produced.

7805. Mr. *McDonogh* (to the *Witness*).] The

entire amount of Forrest’s account was 125 *l.*, was it not?—Yes.

7806. And you stated that you taxed it down to 100 *l.*?—I taxed it down to 100 *l.*

7807. The first item is “To account rendered”?—£. 40. 15 *s.*

7808. He asked for that, and there it is?—Yes.

7809. Then there are two items of sums of 15 *s.*?—Yes.

7810. Did you find that in a subsequent account he included those two sums of 15 *s.*?—In a subsequent account those two sums of 15 *s.* were entered as if they had not been included in the 40 *l.* 15 *s.*

7811. That made you look sharp and tax his bill?—Every printer’s bill was taxed.

[The *Witness* withdrew.

Mr. *McDonogh* stated that he now proposed to prove that Mr. Forster was not a member of the Amicable Club, as had been stated.

JOHN WILLIAM GREGG, Esq., sworn; Examined by Mr. *McDonogh*.

J. W. Gregg,
Esq.

7812. MAY I ask you what position you fill with respect to the Amicable Club?—I am merely a member; formerly I was president.

7813. Is that (*handing a paper to the Witness*) a list of the members of the Amicable Club?—Yes.

7814. Are you able to state whether this gentleman called Foster was a member of that club?—He is not.

Cross-examined by Mr. *Heron*.

7815. Are you also an alderman?—Of what?

7816. Of Skinner’s-alley?—No.

7817. Mr. Justice *Keogh*.] Mr. Davenport Crosthwaite is a member of this club, I see?—Yes.

7818. I see that there are in all 71 members of this club?—Yes.

7819. Then Mr. Foster is not a member, nor was he in that year?—No.

7820. He has never been a member?—He has never been a member.

7821. What is the nature of the Amicable Club; is it merely a social club?—It is loyalty and good feeling principally.

7822. But it has no special object connected with elections?—Certainly not; it is generally of one political feeling.

7823. But beyond that, it is not a club instituted for registration, or anything of that kind?—Certainly not.

7824. It says, “Business to be transacted”; what does that mean?—The election of members, and so forth.

[The *Witness* withdrew.

JAMES CREED MEREDITH, Esq., LL.D., recalled; and further Examined.

J. C.
Meredith,
Esq., LL.D.

7825. Mr. *Heron*.] I DO not see any 4,500 *l.* entered in this book?—I do not believe that that book was written up by the bank since the last lodgment. There are several cheques drawn by me since it was last written up by them. Out of this book, by cheque, I paid I believe to the 18th or 19th of January.

7826. Mr. Justice *Keogh*.] But as to the lodgments?—The last lodgment is not written up,

7827. I thought you said that the 31st of December was the last lodgment?—On the 31st of December the book was written up, and about two or three days after I believe I lodged the last cheque that Sir Arthur Guinness gave me. I only got the money from Sir Arthur Guinness from time to time as the bills came in. I would have had it written up, but I only got the subpoena to produce it the night before the trial.

7828. Mr.

7828. Mr. Justice *Keogh*.] I understand that in the aggregate, Sir Arthur Guinness had made deposits by different cheques in favour of Mr. Meredith and Dr. Beatty for 6,000 *l.* each, and that of that there was expended up to the time when Mr. Meredith gave his evidence, 10,174 *l.*, and that the balance of the 6,000 *l.* was paid back to Sir Arthur Guinness?—It was; I handed a cheque to Mr. Bradburne for the balance, and Dr. Beatty did the same.

7829. Then the difference between 12,000 *l.* and 10,174 *l.* was paid back to Sir Arthur Guinness?—It was.

7830. Then so far as either of the election officers have up to this time paid, the election through your hands has cost merely 10,174 *l.*, and not 12,000 *l.*?—That is so.

7831. Mr. *Heron*.] How do you ascertain the balance, without striking it in the book?—Because I always know what I have to my credit at the bank; I do not depend upon the bank account to know what credit I have; my lodgements were always a day or two after I got the cheques, and sometimes the same day. On the 18th September, there was 300 *l.*; on the 23rd October, 700 *l.*; 16th November, 250 *l.*; 23rd November, 1,750 *l.*; and the 7th December, 1,500 *l.*; and as I mentioned before, the remaining 1,500 *l.* was about the 2nd or 3rd of January.

7832. Mr. Justice *Keogh*.] In fact there was 1,250 *l.* before the election, and the rest since?—Yes.

[The Witness withdrew.

JOHN GUINNESS BEATTY, Esq., re-called; and further Examined.

7833. Mr. Justice *Keogh*.] WHEN were the dates upon which you received the cheques?

—Almost upon the same dates as Mr. Meredith. *J. G. Beatty, Esq.*

[The Witness withdrew.

SAMUEL TUDOR BRADBURNE, Esq., re-called; and further Examined by Mr. *Heron*.

7834. WERE you ever in 76, Capel-street?—Never.

7835. Do you know who the person is who called himself “Marquis” on that day?—I do not.

[The Witness withdrew.

Mr. Justice *Keogh* inquired whether the

Counsel for the Petitioners proposed to withdraw any of the cases of bribery.

Mr. *Heron* replied, that he did not intend to withdraw any case.

Mr. *Butt* was heard to address the Court on behalf of the Respondent.

[Adjourned to To-morrow, at Eleven o'clock.

J. C. Meredith, Esq., LL.D.
1 February 1869.

S. T. Bradburne, Esq.

Tuesday, 2nd February 1869.

WOODLOCK and FOLEY - - - - - Petitioners,
AND
GUINNESS - - - - - Respondent.

2 February
1869.

Mr. *Butt* was further heard to address the Court on behalf of the Respondent.

JAMES CREED MEREDITH, Esq., LL.D., re-called; and further Examined.

J. C.
Meredith,
Esq., LL.D.

7836. Mr. Justice *Keogh*.] I SEE in your book the names of canvassers with a large "B" after them; what does that "B" mean?—Those were some that were on a list of the different wards that were sent to me after the election was over; different lists.

7837. But why is "B" put after those names? —I merely added that distinctive mark; to some of the others there is a date put; that means "canvassed up to such a date," or something of that kind. The "B" meant that it was one of a class appointed to get a certain fixed sum.

7838. The "B" indicated the amount of payment?—It referred to a list that I had that was sent to me.

[The Witness withdrew.

Mr. *Hemphill* was heard in reply.

Mr. Justice *Keogh*.] The evidence in this

case is of immense extent, ranging, I think, over nearly 2,000 pages of the shorthand-writer's notes; and I feel it to be my duty, before I come to any conclusion on the case, carefully to read and examine every passage in that evidence, not trusting to mere memory. Though I am anxious to determine the case as soon as may be, still I do not think I could give it the consideration it requires, form a conclusion, and give judgment upon the matter sooner than Friday morning next. If, in considering the case, anything that requires further consideration should present itself to my mind, I will not hesitate to postpone my decision, but I hope to give judgment at that time.

[Adjourned to Friday next, at half-past Ten o'clock.

Friday, 5th February 1869.

PLUNKET - - - - - Petitioner,
AND
PIM - - - - - Respondent.

5 February
1869.

Mr. *McDonogh* stated, that notice of intention to withdraw this Petition had been lodged in the Court of Common Pleas, and that application for leave to withdraw would be duly made to the full Court, with the assent of the Counsel on both sides.

Mr. Justice *Keogh* stated, that as the Court of Common Pleas was not now sitting in banco he would himself hear the application on Saturday the 13th instant.

[Adjourned to Saturday the 13th instant, at Twelve o'clock.

DUBLIN CITY ELECTION.

C O P Y

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

DUBLIN CITY ELECTION
PETITION.

(1869.)

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(1869.)

*Ordered, by The House of Commons, to be Printed,
17 February 1869.*

REPORT - - - - - p. iii

MINUTES OF EVIDENCE - - - - - p. 1

R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify—

1. That upon the 14th day of January instant, and several days following, I duly held a court at Norwich for the trial of, and did try, the Election Petition for the City of Norwich, between Jacob Henry Tillett, petitioner, and Sir Henry Josias Stracey, respondent.

2. And in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Sir Henry Josias Stracey, being the member whose return and election were complained of in the said petition, was not duly elected, and that his election was void, and I do hereby certify in writing such my determination to you.

3. And whereas charges were made in the said petition of corrupt practices having been committed at the said election; in further pursuance of the said Act, I report as follows :

4. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election; and further, that it was proved to my satisfaction that neither the said Sir Henry Josias Stracey, or the other candidates at the said election, had any personal knowledge or connection whatever with bribery or any other illegal or corrupt practice.

5. And I further report, that the names of persons who were proved at the trial to have been guilty of corrupt practices are Robert Hardiment, Arthur Hunt, Robert Callow, and Thomas Hutchins.

6. And I further report, that corrupt practices did prevail at the said election, and that there is reason to believe that corrupt practices did extensively prevail at the same, and that they were of the nature stated in my special report, which follows.

7. And I do further, in pursuance of the said Act, make this special report as to matters which arose in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

At the middle of the day of polling, Sir William Russell and Mr. Tillett, the Liberal candidates, had a considerable majority, and there is no reason to believe that up to this time any corrupt vote had been given on either side, but from thence until the close of the poll I believe that bribery was extensively committed, in order to procure the election of Sir Henry Josias Stracey. So far as the evidence went, the voters who were bribed were of one class, viz., workmen, or labourers for daily wages. These people did not go to work that day, but collected in considerable numbers in and about public-houses and beer-

shops, and there waited to be bribed. Some of them either of themselves thought, or it was suggested to them by others, that it was reasonable and just they should be paid their day's wages by the candidate for whom they voted. It may be that in some instances this feeling was honestly entertained, but in the great majority of instances it was a mere pretext in order to obtain bribes. A number of these voters went to the poll in a gross state of drunkenness, some of them so drunk as not to know for whom they came to vote; and I have no doubt that a very considerable number of bribed voters gave their votes between two and four o'clock of the day of polling. I expected that there would have been a scrutiny, but it was abandoned on behalf of Mr. Tillett, and I am therefore unable to state the number of the bribed voters. I am also unable to state who the bribers were, with the exception of the man Hardiment, who absconded after the petition was presented, and the man Arthur Hunt, who was examined at the trial. Another man, called Warledge, also absconded after the petition was presented, and he probably was extensively employed in bribery. The sum paid to each bribed voter was small. One pound to each was the sum proved to have been paid by Hardiment, and seven shillings and sixpence each to the voters bribed by Hunt. I am also unable to state what amount of money was spent in bribery, and I failed to obtain any information as to the source from whence the money came, or the persons by whom it was supplied to the bribers, but I believe that there was a corrupt agency at Norwich by which the money was supplied. Both Sir H. J. Stracey and a gentleman (Mr. Patterson), who was an active supporter of his, and also Mr. Chittock, the election agent for Sir Henry, all stated upon their examinations that they did not know, and had no suspicion, from what source or quarter the money used in bribery came. I regret that I am unable to give further information upon this matter, but the trial before me was confined to evidence as to bribery (one instance being sufficient) on behalf of Sir H. J. Stracey, or an agent for whom he was responsible, or by Mr. Tillett, or an agent for whom he was responsible. The case of general bribery therefore arose only incidentally. If it be deemed right to have this matter further investigated, it can only be done under the provisions of the 15 & 16 Vict. c. 57.

The claim to the seat by Mr. Tillett was abandoned for reasons satisfactory to me, and I believe the election was on his part perfectly pure.

A copy of the evidence taken by the deputy of the shorthand writer of the House of Commons accompanies this, my certificate.

22 January 1869.

SAMUEL MARTIN.

SUPPLEMENTARY REPORT.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

NORWICH ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, the judge who tried the said election petition, and made my report to you of my determination thereon, dated 22nd January 1869, further report, that I determined that Sir Henry Josias Stracey, Bart., was not duly elected, and that his election was void, because he, by his agent, was guilty of bribery at the said election.

SAMUEL MARTIN.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE

TAKEN before the Honourable Mr. Baron *Martin*, on the TRIAL of the ELECTION
PETITION for the BOROUGH of NORWICH, at the Shire Hall, Norwich.

Friday, 15th January 1869.

TILLET	-	-	-	-	-	-	-	-	-	Petitioner.
STRACEY	-	-	-	-	-	-	-	-	-	Respondent.

Mr. Serjeant *Ballantine*, Mr. *Keane*, Q.C., and Mr. *Simms Reeve* appeared as Counsel for the Petitioner. Messrs. *Ashurst* and *Morris*, and Mr. *Abel Tillet* appeared as Agents.

Mr. *Rodwell*, Q.C., Mr. Serjeant *Sleigh*, Mr. *E. L. O'Malley*, and Mr. *Cooper Wyld* appeared as Counsel for the Respondent. Mr. *Thomas Knox Holmes*, Mr. *James S. Skipper*, and Mr. *A. J. Collins* appeared as Agents.

Mr. Serjeant *Ballantine* was heard to open the allegations of the Petition.

Mr. GEORGE ALDEN STEVENS, sworn; Examined by Mr. *Keane*.

1. You were engaged in this election in ascertaining the state of the poll from time to time?—I was.
2. In each of the wards?—I was about from ward to ward. I was agent to Mr. Tillet.
3. There were eight wards?—Yes.
4. And the state of the poll was made up half-hourly?—Half-hourly.
5. Have you looked through the poll and compared it with the poll register?—Yes; I have in each ward.
6. Will you tell me what was Tillet's majority at 11 o'clock, if he had a majority then?—He had.
7. What was his majority at that time?—According to our return his majority was 470.
8. What was it at two o'clock?—At 2.30 it was 300 and three or four.
9. And at half-past three what was it?—100 and one or two more; I am speaking of general figures, without the units.
10. Can you say how many had polled for Sir Henry Stracey during the half-hour before three o'clock?—Between half-past three and four I can tell you; 540 votes were polled for Sir Henry Stracey.
11. Was there any portion of that day during which the half-hourly polling for Sir Henry Stracey declined?—It was declining until about one o'clock; about one.
12. From what time?—From about eleven.

13. And then from half-past one?—It gradually increased.
14. Until the last half-hour?—Yes; 540 votes were polled.
15. Was the declining in particular wards or generally?—More especially the increase was most noticeable.
16. I am coming to that presently; but tell me about the increase you spoke of?—The increase was more especially in the Third, Sixth, Seventh, and Eighth Wards.
17. In the Third Ward, can you tell me the number that polled for Sir Henry Stracey between three and half-past three?—Forty in the Third Ward.
18. And between half-past three and four?—One hundred and twenty-one.
19. Take the Sixth Ward; how many polled for Sir Henry Stracey between three and half-past three?—Forty-three.
20. And between half-past three and four?—One hundred and three.
21. In which of the half-hours of the day before three o'clock had the polling in that ward been the most numerous for Sir Henry Stracey?—At half-past ten in the morning.
22. How many had polled?—There had been eighty.
23. Mr. Baron *Martin*.] What?—Votes polled for Sir Henry Stracey.
24. In the Sixth Ward?—Yes.

Mr.
G.A. Stevens,
15 January
1869.

25. Mr.

A

8.

Mr.
G.A. Stevens.
15 January
1869.

25. Mr. Keane.] Now take the Seventh Ward between three and half-past three; in the Seventh Ward, how many polled for Sir Henry Stracey?—Sixty-six.

26. And between half-past three and four?—One hundred and twenty-three.

27. In which of the half-hours of the early part of the day, before three, had there been the highest polling for Sir Henry Stracey?—At 10.30; eighty-four votes.

28. Now take the Eighth Ward; in the Eighth Ward, how many votes were given for Sir Henry Stracey between three and half-past three?—Twenty-one.

29. And between half-past three and four, how many?—Seventy-three.

30. In which of the earlier half-hours of the day had he the highest number?—At nine o'clock; the number then polled for him was thirty-four.

31. Had you anything to do with the canvassing for the election?—I assisted in keeping the canvass books.

32. Can you tell me what was the feeling in those wards before the election?—As far as the whole of the city generally is concerned there was, according to our canvass books, a considerable majority in favour of Mr. Tillett and Sir William Russell.

33. Did you compute the number?—It was something like 4,600 which they had marked, I think, for Tillett and Sir William Russell. I do not think that we could make more than 3,000 and some odd numbers for Sir Henry Stracey, according to our canvass books.

Mr. Rodwell.] I must ask for the canvass books.

Mr. Baron Martin.] You will cross-examine upon them.

Mr. Rodwell.] Yes.

Witness.] The numbers were about 4,500 or 4,600.

34. Mr. Keane.] For Mr. Tillett; there were about 4,500 or 4,600 for Sir William Russell and Mr. Tillett, and for Mr. Tracey something over 3,000. (To the Witness.) There were less than 4,000?—Yes.

35. According to your knowledge and acquaintance with Norwich, were those wards Conservative or Liberal—the Sixth, Seventh, and Eighth Wards?—The Sixth, Seventh, and Eighth have always been considered Liberal wards. I should qualify that by saying, as far as the Sixth Ward is concerned, that, prior to the last election, it was considered a Conservative ward, but at the election previous to this one there was a majority, I think, in favour of the Liberals in that ward; at the last election I think there was a slight Liberal majority.

36. In the Seventh and Eighth Wards, how was it?—They have always been considered Liberal Wards.

37. What was the Third Ward?—At the election before this there was a considerable majority Liberal in the Third Ward; it always has been considered, for some time past, a Liberal ward.

38. What was the result of the polling in the Third Ward, comparing the Liberals with the Conservatives?—According to the sheriff's return, 1,200 in 1868 for Russell, 1,249 for Tillett, and 1,163 for Stracey.

39. Now, the Sixth?—855 for Russell, 883 for

Tillett, and 665 for Stracey. I should say, respecting that Sixth Ward, that in the last few years a large manufactory has been established there, and they employ something like 400 or 500 or 600 or 700 persons who were voters, and the Messrs. Colmans are supporters of Mr. Tillett and Sir William Russell, and a large majority of their men would be with them; and that has made that ward much more Liberal in the last few years than it was before.

40. Now, the Seventh?—The Seventh Ward, 886 for Sir William Russell, 864 for Mr. Tillett, and 879 for Sir Henry Stracey.

41. Now, the Eighth Ward?—488 for Sir William Russell, 467 for Mr. Tillett, and 369 for Sir Henry Stracey.

42. You were going about from ward to ward in the day?—Yes.

43. I presume you passed several public-houses?—I did.

44. Did you notice how things were going on at the public-houses?—I saw many houses that I knew to be Conservative pretty full, and a great excitement going on about the doorways.

45. Were the people there drinking?—I cannot say whether they were drinking; I did not go into any of them.

46. Could you tell from their appearance whether they exceeded?—They appeared to be doing a very good business.

Cross-examined by Mr. Rodwell.

47. Did your curiosity lead you to look into the state of the persons at the Liberal public-houses?—Yes; I was backwards and forwards there several times.

48. Was there a good business going on there?—Yes.

49. It was not merely Conservative?—Certainly not.

50. Much the same thing was going on on both sides?—There was more excitement in the Conservative houses than in the Liberal, both outside and inside.

51. You did not go in?—As far as I could see.

52. There was much more going on, a little more excitement, in the Conservative houses?—There was no great difference between the two.

53. Did you go into a public-house which was kept by a person of the name of Mackley in Barrack-street?—Yes.

54. Was there a good deal of excitement there?—No, there was not; very little.

55. What did you go in there for?—(No answer.)

56. Was it the "Marquis of Granby"?—Yes.

57. What time did you go in there?—I think it was about two or three in the afternoon.

58. Close upon three, was it not?—I was down there close upon three; I had been there prior in the course of the day, earlier.

59. How many times had you been there during that day?—I think I was there twice that day.

60. For what purpose did you go?—On the first occasion, a report came from the Eighth Ward, I think it was to the then committee-room, that certain suspicious votes had been polled in the Seventh Ward, and they were fearful that some bribery was going on in the Seventh Ward.

61. I was

61. I was asking you about the Seventh Ward?—The “Marquis of Granby” is in the Seventh Ward; I went down to the committee-room in the Seventh Ward first.

62. Where was the committee-room?—In Magdalen-street; the Liberal committee-room.

63. When you got there, what did you do?—I inquired about it, and they said I should hear something of what was going on if I went down and saw a man of the name of Mackley who lived at the “Marquis of Granby.”

64. That was the first time?—Yes; I went down to the “Marquis of Granby,” and inquired for Mackley: I was told that he was up in the city. I afterwards went down again and saw Mackley, and he told me that he had a considerable number of men either in his house or about his premises who would come and vote for the Liberal candidates; they only wanted to be paid some money; and I told him it was not our intention to do anything of the kind. I left him and went down again, and I inquired what had become of all those men.

65. Of whom did you inquire?—Of Mackley; and he said they were dispersed.

66. At the time that you were at the “Marquis of Granby,” did you see any of your friends there?—Yes; either the first or the second time, I forget which; I saw two or three gentlemen standing by the “Marquis of Granby” outside.

67. Who were they?—I saw Mr. Daynes who went down with me.

68. Who was he, and what had he been doing?—He was assistant to Mr. Coaks, who was Sir William Russell’s legal agent.

69. Had he been acting for Mr. Tillett in the election with Sir William Russell?—Yes; there was a joint action between Mr. Tillett and Sir William Russell, to a certain extent.

70. I suppose that Mr. Daynes went with you down to the “Marquis of Granby” to look after the voters?—Certainly not; we went to see if there was any truth in the reports that we had heard, that bribery was being committed by the Conservative party.

71. Was Mr. Womersley there?—Yes.

72. Did he go with you?—He did not; I saw him when I reached there.

73. Did he take an active part in this election?—I should say he did for Mr. Tillett.

74. He is connected with Mr. Colman, is he not?—He is.

75. As manager?—In some department.

76. Where was Mr. Womersley when you went down to the “Marquis of Granby”?—He was standing there with two other gentlemen, also supporters of Mr. Tillett; Mr. John Kitten and Mr. Joseph Smith.

77. Were they in the house?—No; they were outside.

78. Did you see them go in?—No.

79. Did you see them in the house at all?—I did not; they were standing just past the doorway of the house when we drove up; I got out of my cab and went up to them.

80. Did you go into the “Marquis of Granby” then?—After talking with them they dispersed, and I went into the “Marquis of Granby.”

81. Into a back room?—No; merely into the bar, I think, with the door open, and stood by the counter; I had a bottle of lemonade, I think.

82. Did you see any voters there?—There were two or three, but I did not inquire.

83. Did you see Mr. Fisher Campling there?—I do not know him.

84. Do you not know Mr. Fisher Henry Campling?—I know the Camplings, several of them, but I do not know the one you allude to; I saw no one whose name I knew to be Campling.

85. Did Mr. Daynes stop there after you got there, or did he come away before you?—He went with me and returned with me. I think on the second occasion Mr. Daynes was with me, and when we had an interview with Mackley, he asked us to come into his yard, and he took us into it to a skittle-ground; and then he said that he had a number of voters about his place that he could get if we wanted them. I said, in the first place, that I strongly objected to anything of the kind, and, in the second place, that my instructions were positive to do nothing of the kind.

86. Did Mr. Daynes return with you then?—Yes; we went in together and came out together, and got into the cab together, and drove to the committee-room together.

87. Did you leave Womersley there?—I think not; I think he was standing there when I went in, and he had left when I came out.

88. You have given us these returns, and you have stated that these were the numbers you had given, which appear by your returns; have you compared these returns with the poll clerk’s checks?—I have done this; I had an analysis of our poll books prepared, and I checked that with the poll books themselves, with the ward poll registers.

89. You have given us the numbers?—The numbers I have given; the votes in the wards are from a memorandum that I made when I cast up the sheriff’s poll book; I attended with him, and cast up the official poll books, and I then took notes of the numbers in the different wards.

90. You say that there were about 4,600 promises for the Liberals, and 3,000 and something for Sir Henry Stracey?—Yes.

91. The whole number of voters, I believe, is 13,000?—It so appears on the register, but that has to be reduced by the double entries; I should say the number was about 11,000.

92. Is it not notorious that, upon the canvass, there were many voters who said they would not promise at all?—Yes; I think in every canvass at Norwich that it would be so.

93. Was not the difficulty found in ascertaining the views and opinions of the voters increased by the number of new voters on the register?—Clearly so.

94. The number of 4,600 and 3,000 is quite a loose estimate, is it not?—Yes; our canvass on both sides must be loose.

95. Is it not the fact that at 11 o’clock, and during the day, the Liberal party put out a false number?—They put out an incorrect number, not a false number, and it arose in this way: that the gentlemen who kept the central poll received returns every half-hour from the ward committee-rooms, where the ward polls were kept, and they totted up the numbers from the different wards into one book, which, of course, contained then the whole numbers; those returns were to have come half-hourly, to have given the half-hour’s poll, but by a mistake of some of the poll-keepers they sent the gross poll, and the number of voters that had polled at the half-hour instead of giving the number of votes

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that had polled within that time; consequently the numbers got wrong, and a statement of a larger number was put out than had actually voted, but that was corrected immediately the mistake was discovered.

96. It was placarded, was it not, that there was a majority at 12 o'clock of something like 600 for Tillett?—Something like that, but ultimately the mistake was corrected.

97. It was sent round the city on a carriage, was it not?—I did not see it, but I know it was posted up.

98. When you gave us the number of votes which had been polled for Sir Henry Stracey at a later period of the day, did you know that there had been 70 plumpers polled for Tillett within the last half-hour?—I have heard so; I think it was between 60 and 70.

99. In the last half-hour there were 60 or 70?—I have been told so.

100. Have you any reason to doubt it?—No, but I have no immediate knowledge of it.

101. Had he polled anything like that in any half-hour before in the day?—That I cannot tell you.

102. What is your recollection about it?—I should say that he did not poll as many plumpers before as he did in the last half-hour.

103. At what hour did you vote yourself?—I voted, I think, between half-past 10 and 11; as soon as I could spare time to go, I went down and voted.

104. How many committee-rooms had Mr. Tillett?—Ten or 12.

105. With regard to those gentlemen; Mr. Daynes, for instance; did he attend a committee-room, or which did he attend?—The central committee-room.

106. And Mr. J. D. Smith?—The central room in the Seventh Ward.

107. Mr. Joshua Womersley?—I think the Seventh and occasionally the central.

108. And almost every one?—I saw him in the Seventh and in the central; he was very active.

109. Mr. Robert Dawes, where was he?—He would confine his attention, I suppose, to the Third; he is a town councillor of that ward.

110. Then Mr. Edward Natthias Ballard?—I saw him several times in the central committee-room.

111. What was he doing there?—I think he was assisting there.

112. Then Mr. S. W. Berry?—He was engaged in the Third Ward.

113. Mr. William Gilbert, where was he?—In the Eighth Ward.

114. W. S. Gilbert, where was he?—Also in the Eighth Ward.

115. Mr. Joshua Harper?—In the Seventh or Eighth Ward, but I think the Seventh.

116. Mr. Henry Colman?—I do not know; I never saw him in the course of the election, that I am aware of; I know him, and I should think he would have been engaged in the Second Ward.

117. Then Mr. Copeman?—Mr. John Copeman, everywhere.

118. Mr. Thomas Hitchen Palmer?—I never saw him in connection with any election.

119. You told my learned friend that the Third Ward had the character of being a very Liberal ward; is that so?—It is so; a considerable Liberal majority, I said, was at the election previous to the last; there was a considerable Liberal majority then.

120. It had the reputation of being a Liberal ward, and it got that reputation in consequence of there being a Liberal majority at the election prior to the last?—Yes.

121. When was that?—In 1865.

122. Who were the Members then?—Sir William Russell.

123. And Mr. Warner?—Yes.

124. Is it not the fact that out of six town councillors there are five representing the Conservative interest now?—I think there are that number, but the constituency for electing town councillors is different from the constituency for electing Members of Parliament.

125. Is it not the fact that in that ward there are five out of six town councillors who represent Conservative views?—I think that that is the case; I know that there is a preponderance.

126. Are there more voters now of the same class who vote for municipal elections than there used to be in former days; prior to the present Act of Parliament?—That has made no difference in what has taken place in municipal matters yet.

127. Are there not more voters now for the borough who were previously only voters for municipal offices than there were before the present Reform Bill?—That I cannot say.

128. What was the name of the poll-keeper at the central room?—Mr. Coaks.

Re-examined by Mr. Serjeant *Ballantine*.

129. You had an opportunity of seeing these men at the "Marquis of Granby"?—Yes, I saw several there, but who they were, or what they were doing, I do not know.

130. Do you know how any of them voted?—I cannot tell you that.

131. You have been asked by my learned friend about plumpers being given for Mr. Tillett, I suppose that would leave him practically with Sir William Russell?—Yes, it would; there was an idea that they should be kept, if possible, level.

132. So that when the position was altered between them, one or the other had a good many plumpers?—That is how I understood it.

133. You told Mackley that you would not be a party to paying any money, that you were forbidden to be so, was that the fact?—Entirely, most decidedly. My instructions were most positive to do nothing that might be illegal, or to sanction anything that might be illegal.

134. As far as you know, was there a single farthing laid out except upon the proper expenses of the election on the part of Mr. Tillett?—I know of nothing that can be called in question.

135. Mr. Baron *Martin*.] You are an attorney?—I am not an attorney, but I am under articles, and will be admitted, I hope, shortly.

[The Witness withdrew.]

Mr. JOHN ABBOTT, sworn; Examined by Mr. Serjeant *Ballantine*.

136. WHAT are you?—I am a Clicker or Manager to Worledge.

137. What is his Christian name?—Thomas.

138. Where does he carry on business?—In Colegate-street, St. Clement's.

139. Does he live there?—No, he lives in St. Saviour's-lane, St. Saviour's parish.

140. Was he a supporter of Sir Henry Stracey on the last election?—I believe he was. I happen to differ from him in politics, that is the reason I said believe.

141. You know him to be a warm supporter of Sir Henry Stracey?—I saw him on the election day.

142. Do you know him to be a warm supporter of Sir Henry Stracey?—From what I have heard.

143. Do you know him to be a warm supporter of Sir Henry Stracey?—I cannot say.

144. Is he a warm supporter of Sir Henry Stracey?—He is a warm supporter of Sir Henry Stracey.

145. Where is he?—I cannot say.

146. Do you know that an endeavour was made to serve him with a notice?—No.

147. Have you not heard of it?—Yes.

148. You have heard of it; when did he go away?—I cannot say.

149. But about when?—I saw him on the 22nd of December myself.

150. Was he in good health then?—Yes.

151. Mr. Baron *Martin*.] Is he a man in business as a leather cutter?—He is a shoe manufacturer.

152. Mr. Serjeant *Ballantine*.] Have you never seen him since?—No.

153. Is he a married man?—Yes.

154. Is his wife at home?—Yes.

155. Mr. Baron *Martin*.] Have you never seen him since?—No, I have not.

156. Mr. Serjeant *Ballantine*.] It will come sooner or later, where is he?—I cannot say.

157. When did you hear from him last?—I have not heard from him; Mrs. Worledge receives all letters.

158. Have you seen no letters from him?—I have seen some from him.

159. Mr. Baron *Martin*.] You have seen letters from him?—Yes.

160. Mr. Serjeant *Ballantine*.] In his own name?—Yes.

161. All of them?—Yes.

162. All of them?—Yes.

163. Have you never seen letters from him in another name?—No.

164. Mr. Baron *Martin*.] Where did the letters come from?—From London.

165. Mr. Serjeant *Ballantine*.] That probably leads you to think that at the time the letters were sent he was in London?—I do.

166. London was not the only address; his wife, of course, would want to know something about her husband; where is he?—I cannot say.

167. What was his address in the letter from London?—I have seen some others besides London.

168. What others?—Manchester.

169. Mr. Baron *Martin*.] Do you mean that the address in the letter, or the date of it, was

simply "London," without the street?—There was no street.

170. Was the other date simply "Manchester"?—Yes.

171. Mr. Serjeant *Ballantine*.] When did the Manchester one come?—I saw one yesterday from Manchester.

172. What did it say?—It contained an order that I was to get executed as soon as possible.

173. He carried on his business at Norwich, but he is staying at Manchester; is that convenient?—I do not know his reason.

174. Did he ever carry on his business in that way before?—No.

175. Cannot you tell me anything more; pray do say a little more?—No.

176. Try; for instance, have you received a telegram from him?—No, I have not.

177. Have you seen one from him; you must speak the truth?—I do not wish to conceal the truth.

178. Have you seen a telegram from him?—I have.

179. What was it, when was it first of all?—I cannot say.

180. About when was it?—I received one at the shop, the other day.

181. What day was that?—Monday, I believe.

182. What did it say?—"Do not communicate at present," not knowing the address; I believe they were the words, but I will not be sure.

183. Mr. Baron *Martin*.] Was it addressed to you or to his wife?—To Thomas Worledge, the telegram was.

184. Mr. Serjeant *Ballantine*.] Who is he?—My employer.

185. Was the telegram from "Worledge" to "Worledge"?—No, it was from "Squires" to "Worledge."

186. Mr. Baron *Martin*.] Has Worledge any partner?—No.

187. Mr. Serjeant *Ballantine*.] What did you understand by "Squires"?—That was the person who sent it.

188. From where?—London.

189. Mr. Baron *Martin*.] You said it came from Squires?—I was asked if I had received a telegram

190. Mr. Serjeant *Ballantine*.] Have you received a telegram from him?—No.

191. Have you the least doubt that that telegram came from him?—I have no doubt that it came from Squires.

192. Who is he?—He is a machinist in Graham-street, Macclesfield-street, London.

193. Mr. Baron *Martin*.] To whom was the telegram addressed?—To Thomas Worledge.

194. Mr. Serjeant *Ballantine*.] Who opened it?—Mrs. Worledge.

195. Was it sent to the shop?—Yes.

196. Was it a telegram to the house, or a telegram to the shop?—A telegram to the shop.

197. Directed to whom?—To Thomas Worledge.

198. Who opened it?—Mrs. Worledge.

199. How came that?—

200. Mr. Baron *Martin*.] Do you suppose that Squires fancied he was at home?—I cannot say that I know that Squires believed it.

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201. Mr. Serjeant *Ballantine*.] How came his wife to open this telegram which was sent to the shop?—She opens everything.

202. Does she come to the shop?—Yes.

Mr. Serjeant *Ballantine*.] I must ask your lordship for an order to compel her attendance.

Mr. Baron *Martin*.] I do not think I have any power to grant you an order; you must reach this woman by a subpoena; you may have a subpoena issued from this court.

203. Mr. Serjeant *Ballantine* (to the Witness).] Give an example to your fellow townsmen of candour, and tell us whether Worledge told you why he was going away?—He said that he was going to buy some cheap lots.

204. Did you know at that time that the subpoenas were issued?—I did.

205. He told you that he was going to buy some cheap lots?—Yes.

206. That you heard?—Yes.

207. Did he tell you nothing else?—He said that he should try and get some orders.

208. Nothing else?—No.

209. Nothing was said about the election, not a word?—No.

210. Did you ever know him to be away for that length of time before?—No.

211. Did you ever know him to be away without knowing his address?—No.

212. Should you have known where to write to him?—Yes.

213. Where?—To Squires.

214. You were to write to Squires, were you?—Yes.

215. So that when he sent the telegram not to communicate at present, you quite understood what that meant?—There was no further address for me to write to.

216. You were not to write to Worledge?—I was not to write to Squires.

Mr. Baron *Martin*.] It is clear enough now.

217. Mr. Serjeant *Ballantine*.] When do you expect him back again?—I wish he was here now.

218. You could not get him here, could you?—I did not try.

[The Witness withdrew.

Mr. HENRY TAYLOR, sworn; Examined by Mr. *Keane*.

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H. Taylor.
—

219. Is your Christian name Henry?—Yes.

220. What are you?—A shoemaker.

221. Living at Norwich?—Yes; in Coburg-street.

222. Are you a voter?—Yes.

223. Which way did you vote?—I voted for Tillett and Russell.

224. Do you know the "Trumpet" public-house?—Yes.

225. Which is kept by a man of the name of Fuller?—Yes.

226. Were you near the "Trumpet" in the afternoon of the day of the election?—Yes.

227. What time were you there; from what time to what time?—Pretty well all day.

228. Did you see what was going on there?—Yes.

229. I suppose you know Sir Henry Stracey?—Yes.

230. Did you see him there?—Yes.

231. At what time?—I should think about two o'clock, as near as I can tell; it might be a little later; but that is about the time, I think.

232. Did he come alone?—No; some more gentlemen came with him.

233. Did you know them?—I heard them say one was Mr. Bignold; there was another gentleman or two with them.

234. You did not know them?—No.

235. Where were you when Sir Henry Stracey came?—In a room.

236. Mr. Baron *Martin*.] In the house?—Yes.

237. Mr. Serjeant *Ballantine*.] What room was it?—What they call the market-room.

238. Were there many there?—There were 24 or 25 persons; there might be more.

239. What were they doing?—Drinking beer.

240. Anything else?—No.

241. Who supplied them with the beer?—It was brought into the room by two or three different ones.

242. Did you see it paid for?—No.

243. Was it ever paid for within your observation?—That I cannot say.

244. Did you see anyone pay for the beer which was supplied to him?—No.

245. Were they drinking at the time Sir Henry came in?—Yes.

246. What did he do?—He spoke to them, and asked them "Why they did not come and vote."

247. Did any of them say anything?—A few remarks were made that they had to pay rates, and so on.

248. Do you remember any other remark being made?—"You know what we want," that is what they said.

249. Did Sir Henry say anything?—He said, "Come and vote, it is no use stopping here."

250. What became of Sir Henry Stracey then?—He walked outside in the passage.

251. With the other gentlemen?—Yes.

252. Did you go out also?—Yes, I went out.

253. Did you see anything occur in the passage?—No; I only heard them talking; whispering together.

254. Who were the persons that were speaking together?—I know Sir Henry Stracey and the others; I do not know only what I was told, and what I heard them say when they came into the room; Bignold was one.

255. Did you know any of the others?—Mr. Stracey.

256. The son of Sir Henry?—No, the old gentleman, Mr. Stracey the Member.

257. Sir Henry you mean?—Yes.

258. Did you hear any words that fell from them; I suppose you were trying to hear?—I did not hear any particular words, because I was not close enough.

259. What occurred after the whispering?—Some of them came into the room again, and said what we could have for the votes.

260. Did you return to the room?—Yes.

261. Who was the somebody?—Mr. Smith.

262. Do you know his Christian name?—Samuel, I believe.

263. What

263. What is Samuel Smith?—A fowl dealer; he asked us whether we would take 5*l.* for our votes with him in the room.

264. That means the lot?—Yes; about 25 were in the room, and whether they would take 5*l.*

265. Mr. Baron *Martin*.] Do you mean 5*l.* a-head, or 5*l.* for the lot?—£. 5 for the lot.

266. Mr. Sergeant *Ballantine*.] Had you heard anything about the 5*l.* before Mr. Smith made that observation?—No.

267. Nothing at all?—No.

268. Had you seen Smith speaking to anybody?—Yes; I saw him speaking to several gentlemen.

269. Did you see him speak to Sir Henry, or to Mr. Bignold?—When they went out of the room he followed them, and was talking in the passage.

270. And then he came back and offered the 5*l.*?—Yes.

271. Did anybody make an answer to that?—Yes; they said they should not take it; all of them in the room said they should not take it.

272. Did they take the offer politely, or use any particular expressions?—Some expressions were made use of.

273. What were they?—Some of them said, "It is not bloody likely. You don't buy us for that."

274. What became of Smith then?—Then they told us we need not stop for beer.

275. Who said that?—Mr. Smith and others too.

276. What happened then?—Then they went out again, and then young Mr. Stracey came in.

277. Do you know his Christian name?—No, I do not.

278. Did he say anything?—He spoke to us.

279. What did he say?—I do not know exactly; there was so much noise in the room.

280. Can you tell us anything you heard?—He asked us why we did not come and vote, and they made the same reply to that as to his father.

281. Mr. Baron *Martin*.] What was it?—About "We have to pay rates."

282. Mr. Serjeant *Ballantine*.] Well, what then?—Some gentlemen with them made a little sort of speech to us, and they retired from the room.

283. Just give us what it was?—That I cannot recollect.

284. Cannot you tell me any part of it?—It was something about Tillett and others as well.

285. Praising Tillett?—No; not that.

286. It was expressing an opinion about Mr. Tillett?—Just so.

287. Did they go out again?—Yes, they went out again; they all retired from the room, and then we were offered three half-crowns then.

288. By whom?—By Smith.

289. Do you mean that he came about

290. Mr. Baron *Martin*.] Do you mean three half-crowns a man?—Yes.

291. Mr. Serjeant *Ballantine*.] Did you take that?—Yes.

292. They accepted that?—Yes.

293. Do you know anything of its being paid?—Yes, I saw it paid.

294. By Smith?—No; Smith kept watch upon them it was given to.

295. Who gave it?—Mr. Hunt.

296. Did you get 7*s.* 6*d.*?—Yes.

297. Which way did you vote?—For Tillett and Russell.

298. Had you gone to that house for any purpose, or what had taken you there?—I was asked to come in.

299. By whom?—By a great many.

300. You accordingly went in; had you ever voted before for the city?—Yes.

301. In the same way?—Yes.

302. Were there any others that you knew who had voted there before on former occasions?—That I am not able to say.

303. Is that all you saw that day?—Yes; I believe that is pretty well all I saw.

Cross-examined by Mr. *Rodwell*.

304. What time did you go into the "Trumpet" that morning?—About nine.

305. Did you stop there till you saw those people come in?—I stopped there till a quarter-past three.

306. Drinking all the time?—Yes; I did not drink a sight myself.

307. I suppose you had had quite enough beer?—I had had what I wanted.

308. Did you get a little fresh?—No, I never get so.

309. Did you hear persons ask Sir Henry Stracey for money; did they in terms say to him we want so much for a vote?—No; I heard them say, "You know what we want."

310. Do you remember what Sir Henry Stracey said?—He said, "Come on together, it is no use stopping here."

311. Did not Sir Henry Stracey say, "I will not give a glass of beer or one single farthing"?—I did not hear him.

312. Will you swear he did not say so?—I will swear that I did not hear him.

313. Will you swear he did not say so?—I cannot swear to what I did not hear.

314. Did you hear him say anything, beyond what you have said, about going to vote?—No; I did not hear him say anything more; he retired.

315. How long was he there?—I think about not five minutes, I do not think; that is the furthest, I believe, as far as I can think.

316. Had Smith been there the whole morning?—Yes, except at intervals.

317. And Hunt?—Yes, the same.

318. The whole morning?—Yes.

319. I suppose they had both been drinking?—They had been drinking, I dare say; I did not see them drinking much in the room where I was.

320. Who gave you the 7*s.* 6*d.*?—Mr. Hunt.

321. What did you say to him before he gave it you?—I did not say anything to him.

322. What did he say to you?—Smith came up and said, "Come up in this room together, and we will pay you; don't make a noise."

323. What were you paid for?—I do not know what I was paid for.

324. Do you mean to swear that?—I was paid for, I suppose, to go and vote for them.

325. Why then did you say you did not know what you were paid for?—To go and vote for them.

326. When did you vote?—About half-past three

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three, it might be five minutes different; from a quarter to half-past.

327. Had you always made up your mind to vote for Tillett and Russell?—I had so.

328. What did you go into the "Trumpet" for that day?—I went into the "Trumpet," because people said there was not going to be any bribery; I thought perhaps I should see something.

329. What was going on?—I believe so.

330. Who sent you there?—No one; I went of my own accord. I should not have known that there had been any, if I had not been asked to go.

331. Did you see any one of Tillett's or Russell's people before you gave your vote?—Not one.

332. When did you tell anyone what you had seen and heard at the "Trumpet"?—I cannot say; it was after the election; it might be a day or two after, or pretty well a month, I dare say.

333. When was it that you told anyone about what you had heard about Stracey, and Smith and Hunt at the "Trumpet"?—I think it was about three weeks ago.

334. Whom did you tell first?—I did not tell anyone in particular; it was mere talk in my own room.

335. To whom?—To parties that came there who were concerned in it; I did not give the information to anybody.

336. To whom did you speak about it?—I did not speak to anyone at that time; they did not know which way I had voted; some clerk came to me.

337. This was about a month ago?—Yes; a month ago.

338. What is his name?—I do not know that; I think his name is Lane.

339. Had you spoken to no one from the time it took place till a month ago?—No; I do not know that anyone knew how I had voted; a man of the name of Grimshaw, I believe, went down to Tillett's house to ascertain how I had voted; he thought I had voted for the Tory party.

340. How had you voted before?—For the Liberal party.

341. Always?—Yes.

342. When this gentleman came to you, did he take down in writing what you said?—There was only a word or two; I did not say anything to him particularly, only told him how I voted.

343. Who was the first person that you told, till you have told it here to-day?—This clerk, Mr. Lane.

344. At your own house?—Yes.

345. Until you told him, you had told no one what you had seen and heard?—No.

346. How came he to come to you?—I do not know; I was at work when he came.

347. What are you?—I make up the shoes.

348. You make them up to sell?—Yes.

349. You do not know why he came to you?—No, I do not know.

350. Did you expect that he was coming?—No; I did not know that he was coming.

351. Had you told him what you have told us to-day?—No, I did not say anything to him.

352. When did you tell anyone what you have told us to-day?—I told that down at Tillett's.

353. When?—A fortnight ago, or something like that.

354. Was it at Tillett's office?—Yes.

355. Did you go of your own accord there?—Yes.

356. What for?—I went to see how I had voted, because they contradicted me.

357. Who was the first person to whom you told what had happened at the "Trumpet"?—Lane was the person I told, first of all; I suppose that is the name.

358. Did Lane tell you to go to Tillett's?—No; not to the best of my knowledge, I do not think he did.

359. You must be able to tell his lordship what took you down to Tillett's?—Grimshaw asked me to go, and I went down with him.

360. He took you there?—Yes.

361. Who is he?—He lives not far off from me.

362. He came, and took you down to Tillett's?—Yes.

363. There you said what you have told us to-day?—Yes.

364. And that is a fortnight ago?—Yes; or three weeks.

365. Some time after you saw Lane, and told him about your voting?—Yes; I know it was after; how long I cannot tell, but several days.

366. When Grimshaw came, what passed between you and him?—Several questions upon this subject.

367. What is he?—A shoemaker.

368. When he came to you, what did he say to you about going down there?—He asked me whether I was going down about my vote; he said, if I was, then I should go and make a clean breast of it, and tell all I knew; and then I went.

369. And you told them what you have told us to-day?—Yes.

370. That is, about taking the 7 s. 6 d.?—Yes.

371. That is what you mean by making a clean breast of it?—Yes.

372. Did Grimshaw tell you that they knew all about what you were going to say?—Yes.

373. Did you talk it over with him going to Tillett's?—To the best of my knowledge, I did not.

374. In your house, did you not tell him?—No.

375. Did you tell Grimshaw what you have told us to-day, before you came to Tillett's office?—No.

376. It was of your own will that you gave this statement to Tillett?—No.

377. Were you asked any questions there?—I do not know that I was asked any particular questions; he asked me what I had seen, just what I have been asked now.

378. I ask you again; you say you do not remember Sir Henry Stracey saying that he would not give a glass of beer or any money; did you hear him or anybody else say that?—No; not to the best of my belief.

379. How many times did those people say, "You know what we want;" did they not say so three or four times?—No; I believe they did not say it, only once.

380. What was the answer given?—The answer was, "Why do not you come and vote, it is no use stopping there;" that is about what I can tell you.

381. Was not this added, "You will get nothing"?—I never heard it.

382. Upon your oath?—I am upon my oath.

383. It

383. It was said, you will go and vote?—Yes; “Come and vote” (those were the words), “it is no use stopping there.”

384. I ask you again, and particularly, this question, whether it was not added to that, “You will get nothing for your vote; you had better come and vote at once; I cannot give you anything”?—If it was spoken, I did not hear it; there was so much confusion in the room after that, they said they had to pay rates, the same words as I said before.

385. It may have been said and you may not have heard it, owing to the noise?—It might and it might not.

Re examined by Mr. Serjeant *Ballantine*.

386. When did you receive the subpœna?—I think about a fortnight ago.

387. Was it after that that you made a clean breast of it, after or before you received the

subpœna?—Well, sir, I think it was about the same time.

388. Had you spoken of the matter among your friends in the town?—I do not let anyone know my secrets, not even my own wife.

389. When any one applied to you, you say that you did not tell him this; what did you tell him?—I said that I voted for Tillett and Russell.

390. Anything else?—Not anything. He said that that was not the proper place; and he said, “You will have to be subpœnaed, and then you will be forced to tell.”

391. You were subpœnaed, were you not?—Yes.

392. Mr. Baron *Martin*.] As I understand you, you voted for Tillett and Russell?—Yes.

393. You took the 7 s. 6 d., they expecting you to vote for Sir Henry Stracey?—Yes.

394. Were you challenged for not having voted for him?—Not at all.

[The Witness withdrew.

Mr. ROBERT CALLOW, sworn; Examined by Mr. *Keane*.

395. WHAT are you?—I am a shoemaker.

396. Were you at the “Trumpet” public-house on the day of the election?—Yes.

397. At what o’clock did you go there?—About 10 o’clock in the morning.

398. How long did you stay there?—Till about three o’clock in the afternoon.

399. Where did you go then?—To the Guild-hall, in the market-place, to vote.

400. For whom did you vote?—For Mr. Stracey.

401. Sir Henry Stracey?—Yes.

402. Had you seen Sir Henry Stracey in the course of the day?—Yes; I saw him in the “Trumpet.”

403. What room were you in when you saw him in the “Trumpet”?—In the market-room.

404. What room was he in?—He was in the market-room too.

405. What time was it when he came?—I should say it was between half-past one and half-past two; I would not be sure to a minute.

406. What were you doing between 10 o’clock in the morning and half-past one?—Smoking, drinking, and talking.

407. Were other persons there?—Yes.

408. About how many?—I should say about from 14 to 16, or something like that.

409. What were they doing?—The same as I was, drinking.

410. Did you pay for what you had?—No.

411. Did you see any of them pay for what they had?—I saw one or two pints paid for in the first of the morning.

412. Then the paying ceased?—Yes.

413. For how long did the drinking and smoking go on; till three o’clock?—Up to the time when I went away, three o’clock.

414. Was it going on when Sir Henry Stracey was there?—Yes.

415. When Sir Henry was there did he say anything?—Yes, he said something; he leant on the table and said something; I do not remember what it was; I was rather elevated at the time.

416. You do not remember what he said?—I do not know a word that he said.

417. Mr. Baron *Martin*.] You mean, I suppose, that you were a little drunk?—Yes.

418. Mr. *Keane*.] I understand you to say that

drinking was going on while Sir Henry was there?—Yes.

419. Who was with him?—Several gentlemen, but I cannot recall any by name.

420. Did you know any of them?—No.

421. Did they go away with him, or stay?—They went away with him.

422. While you were there, was anything said about money?—Yes.

423. What was it?—At first some one offered them a crown to vote for Mr. Stracey.

424. Do you mean a crown a-piece?—Yes.

425. Was that before Sir Henry came there, or after?—After.

426. Do you remember who made that offer?—I believe it was Mr. Hunt.

427. When that offer was made, was any answer made to it?—We all said we would not take it.

428. Was it said pleasantly, or indignantly, or how?—Not indignantly exactly.

429. Was there any swearing about it?—No particular swearing.

430. Was there a general swearing?—No particular swearing.

431. Was there a general swearing?—I do not know that there was any swearing at all at the time.

432. When you said that you would not take the crown, was any other offer made?—Yes.

433. By the same persons?—Yes; three half-crowns.

434. What was the effect of adding the half-crown to the first offer?—We went into another room, and I took it.

435. Mr. Baron *Martin*.] Was that up-stairs?—Yes.

436. Mr. *Keane*.] Did you go all together or singly into the room up-stairs?—All together; as fast as we could get up-stairs.

437. When you got to the room, whom did you then find there?—Mr. Hunt, and two men of the name of Smith.

438. Did you get the three half-crowns?—Yes.

439. Did they all get them?—I do not know; I took mine first, and left immediately.

440. Who was the person who gave you yours?—Mr. Hunt.

441. The Mr. Smith who you saw there was one of them; a cow dealer?—Yes.

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442. You

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—

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442. You knew him?—Yes.
443. Did you see any money there besides that which was given to you?—When I first entered the room I saw a quantity of gold on the table.
444. Mr. Baron *Martin.*] In the room upstairs?—Yes.
445. Mr. *Keane.*] Was it left on the table?—It was removed as soon as we entered.
446. Who removed it?—Mr. Hunt.
447. What did he do with it?—I think he put it into his pocket.

448. Did you see the gold?—Yes.
449. What gold was it?—I could not say whether it was sovereigns or half-sovereigns.

Mr. *Rodwell* stated that he had no question to put to the witness.

450. Mr. Baron *Martin.*] How soon did this occur after Sir Henry Stracey left the room?—Not more than half-an-hour.

[The Witness withdrew.]

MICHAEL GEORGE GILBERT, sworn; Examined by Mr. *Simms Reeve.*

M. G. *Gilbert.*

451. You live in Starling-place, St. Stephen's?—Yes.
452. In the Fifth Ward?—Yes.
453. On the day of the election, did you see Robert Walker?—Yes.
454. And Granville Bygrave?—Yes.
455. Did you go with them to the "Trumpet" in the afternoon of the election day?—Yes.
456. At what time?—Somewhere about half-past two and three.
457. Do you know George Gowing?—Yes.
458. While you were at the "Trumpet" did you see him?—Yes.
459. Did you see Hunt at the "Trumpet"?—Yes.
460. Did you see Gowing and Hunt together?—Yes.
461. Did they go anywhere?—Yes, they went into a back room from the bar; we were standing at the bar.
462. How long did Gowing and Hunt stay together?—I should say about 10 minutes; somewhere about 5 or 10 minutes, or something like that.
463. Did you see Gowing leave?—Yes.
464. After Gowing left, did you see Hunt?—Yes.
465. Did Hunt say anything to you?—He said, "My boys, now look here, come on, here is something to drink together."
466. Mr. Baron *Martin.*] Addressing the people in the room?—Yes.
467. Mr. *Simms Reeve.*] Where you and the others were?—Yes.
468. Can you tell me about how many persons there were in the room with you?—There were about 16 persons.
469. What did Hunt say?—He said, "Have any of you voted?"
470. Did he get any answer?—We said, "No, we have not."
471. Did Hunt then say anything?—He said, "I tell you what I have; I have 5s. each for you."
472. Did he count the money there?—Yes.

473. Did he say anything more than "I have got 5s. for you"?—They grumbled at the 5s., and said that they would not have it.
474. During that time was Smith, the fowl-dealer, in the room?—He was.
475. Upon the grumbling taking place, did Smith say anything?—He said, "My boys, I shall be a sovereign out of my own pocket, and give you 2s. 6d. each more, which will make it 7s. 6d.; I will be 2s. 6d., and make it up 7s. 6d. each for you."
476. You are sure that he made use of the word "boys"?—Not exactly; I was in the room, and heard them talk; it was something to that amount.
477. That he would make up the 7s. 6d.?—Yes.
478. Upon Smith offering to make up the amount to 7s. 6d., did any persons in the room accept it?—They then said that they might as well take it, for if they did not take it they should get nothing.
479. Can you tell me how many of them took the three half-crowns?—No, I cannot.
480. Did you?—No.
481. Did any of them?—That I do not know.
482. Mr. Baron *Martin.*] You did not take it yourself?—No, my lord.
483. Mr. *Simms Reeve.*] After that, did some of the voters leave the room?—They did.
484. Do you know whom they left with?—Smith.
485. Which way did they go?—Some went down St. Stephen's, and some St. Peter's Ward, which is at the back of the fields.

Cross-examined by Mr. Serjeant *Sleigh.*

486. What was it that Smith said about the sovereign; that he would be a sovereign out of his own pocket?—Yes.
487. Where was it that Smith was making this offer to you; was it in the market room?—Yes.
488. How did you vote?—I did not vote at all.
489. You are a voter?—Yes.

ARTHUR HUNT, sworn; Examined by Mr. Serjeant *Ballantine.*

A. Hunt.

490. WHAT are you?—A Dealer.
491. Where do you carry on your business?—In the country and the city as well.
492. Where is your house?—In St. Peter's.
493. You deal in what?—Fowls and pigs.
494. Have you a vote?—Yes.
495. Did you vote for Sir Henry Stracey at the last election?—Yes.
496. You never canvassed any voters for him?—No.
497. You never asked anybody to vote for him at all?—I did not.

498. You know the "Trumpet" public-house?—I do.
499. Were you there on the day of the election?—I was.
500. Was Smith there?—I cannot say.
501. Do you know Smith?—I know two or three Smiths.
502. Was any man of the name of Smith there?—I cannot say; there might be.
503. Samuel Smith; was he there?—I saw him there.
504. You remember that now?—Yes.

505. Did

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505. Did you see Sir Henry Stracey there?—
I did.
506. Did you see young Mr. Stracey there?—
I saw him out of doors, outside.
507. Did you see him inside?—I did not.
508. Do you know Mr. Bignold?—I know
Mr. Bignold of Surrey-street.
509. Mr. John Bignold?—I do not know his
surname.
510. Did you see any Mr. Bignold there?—I
did not.
511. Should you know him if you saw him?—
I know him in Surrey-street, and Mr. Bignold in
Ipswich-road; I did not speak to Mr. Bignold.
512. Who was with Sir Henry?—Mr. Patter-
son; they told me it was Mr. Patterson; I never
saw the gentleman before.
513. Who told you it was Mr. Patterson?—I
was told afterwards it was Mr. Patterson.
514. By whom?—By the people in the house,
by the landlord, and other people.
515. Any other gentleman?—Not that I am
aware of.
516. Where did you see Sir Henry Stracey?
—I saw him come into the “Trumpet” Inn.
517. Come into the public room?—Yes.
518. Were there many people there?—Six-
teen or 20 of them.
519. What were they doing?—Enjoying them-
selves, I presume; they were drinking and
smoking.
520. Did Sir Henry Stracey say anything
when he came in?—I do not know what he did
say; I never heard him speak; I took no notice
of him at all; I was tipsy at the time; I do not
remember what he did say.
521. You were tipsy at the time?—Yes.
522. Did you get tipsy at the “Trumpet”?—
I did.
523. Who paid for it?—I, myself.
524. Out of your own pocket?—Yes.
525. With your own money?—I did.
526. And you cannot remember what Sir
Henry Stracey said?—I cannot.
527. How long did he remain in?—Perhaps
three or four minutes.
528. He said something?—What he said I do
not remember.
529. You remember that he did say something?
—He did speak, but what, I am not aware.
530. Have you no idea what it was?—No, I
have not.
531. What were the people waiting there for?
—I cannot say.
532. Was there any talk about money?—Not
that I know of.
533. Do you swear that?—I do.
534. There were a great many people there?—
Yes; there were from 16 to 20.
535. Some of whom have been called. You
say there was no talk about money, upon your
solemn oath?—I do not remember it.
536. Will you, upon your solemn oath, say
there was no talk about money?—I do not re-
member.
537. May there have been, and you forgot it?
—I was tipsy when Sir Henry Stracey came in.
538. May there have been some talk about
some money?—I do not remember there were.
539. Will you swear there was not?—I do not
remember there was any talk about money.
540. Did you have any conversation with Sir
Henry Stracey?—Not a word.

541. You never spoke to him?—Not a word.
542. You did not go out into the passage to
him?—I did not.
543. Did you speak to him outside the house?
—I did not.
544. You say that you were very drunk?—I
were drunk.
545. Mr. Baron *Martin*.] Did you say you
were drunk, or very drunk?—I were drunk, and
very drunk.
546. Mr. Serjeant *Ballantine*.] Were you too
drunk to remember anything that took place, or
to notice any thing that took place; is that what
you mean to represent?—I was so drunk that I
did not know what I was a-doing of myself.
547. Being so drunk that you did not know
what you were a-doing of, may you have spoken
to Sir Henry Stracey without knowing it?—I did
not speak to him at all.
548. But you say you do not know what you
did do?—I did not speak to him; I do not re-
member speaking to him.
549. You are certain you do not know what
you did do; will you swear you did not?—I do
not remember it; I do not think I did.
550. Will you swear you did not?—I would
not like to swear anything; I was so drunk.
551. You may have talked to him and have
forgotten it?—I do not remember.
552. You will not swear you did not?—I will
not swear I did not, and I will not swear I did;
I do not remember speaking to him at all; I was
drunk at the time.
553. If you spoke to him, it is gone out of
your head?—It is; but I do not think I did.
554. Why do not you think you did, if you
have no memory?—I remember seeing him
come in.
555. And say something?—He said some-
thing, but I do not know what he did say.
556. What were you there for?—That is the
place I have; I hire a stable at that place; that
is my home, I consider.
557. The public room, or the stable, which?—
I use no other house than that; I entirely use
this house, and no other.
558. That is why you were there?—I was there
enjoying myself along with other people.
559. Did you see the other people pay for what
they had?—I believe we clubbed a penny or
two-pence each around.
560. Did you club a penny or two-pence each?
—I believe we did; first glass we did.
561. You swear that?—Yes.
562. You remember that?—Yes.
563. What did you club?—It was a penny or
two-pence, I will not say which.
564. You remember that?—I do.
565. When did your memory go?—That was
about half-past 9 or 10 in the morning.
566. When did your memory go; just before
Sir Henry Stracey came in?—Before dinner; I
was tipsy before dinner, and it was after dinner,
I believe, that Sir Henry Stracey came in.
567. Did you go up into an upper room?—
Yes.
568. Did you walk up?—Yes.
569. Your legs were all right?—Yes, most
decidedly.
570. It was only the head that was effected?—
It was affected, I can assure you.
571. But your legs were all right?—Yes.

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572. What did you go upstairs for?—I very often go upstairs.

573. Tell us like an honest fowl dealer?—I am an honest fowl dealer.

574. What did you go upstairs for?—There is a room up stairs; anybody may go upstairs.

575. Had you any particular business up stairs?—Yes, I hung my harness upstairs.

576. You went to hang your harness upstairs, did you?—No, I did not.

577. There is no harness there?—Yes, there is.

578. You did not go to hang your harness upstairs?—I very often go upstairs; there is a bagatelle table up there.

579. Did you go to play bagatelle?—I did not.

580. Then we have got rid of the harness and the bagatelle; what did you go there for?—It is a public room; there was people drinking upstairs as well as below.

581. Did you go to drink?—Yes.

582. Did you drink when you got up?—Yes.

583. Out of the penny?—I did not pay for it out of the penny; perhaps I might get a pint to myself, or half a pint.

584. Did you?—I did.

585. Who brought it up?—The landlady.

586. Mrs. Fuller?—Yes; she or her sister; I don't know which.

587. You ordered it?—Yes.

588. They brought it up?—Yes.

589. And you paid for it?—Yes.

590. You remember all that?—Yes.

591. Cannot you remember some things on the other side; you had paid for the beer; who else went up?—Lots of people.

592. All of them?—Not all of them; some four or five, or six or seven, perhaps.

593. What for?—I don't know.

594. Did they have beer?—I cannot say.

595. Had they harness there?—I cannot say.

596. Did they play bagatelle?—Sometimes they do.

597. Did they that day?—I cannot say; it was before dinner time; that was in the morning time.

598. Did you go up in the afternoon?—Very likely.

599. Were you not speaking of the afternoon; do not put morning before it?—I did not go up in the afternoon.

600. You just now swore you did?—I did not go up in the afternoon.

601. Did you go up in the afternoon?—Very likely I did; I was tipsy in the afternoon.

602. Did any go up?—I cannot say whether I did go up in the afternoon or not; I was drunk after dinner, and did not know what I was doing of.

603. You have not the slightest conception of the risk you are running at this moment; do you mean to swear before my Lord that you do not know whether you went up in the afternoon, or not?—I do not.

604. What do you think; you know your fowls will be left without a master if you do not take care?—I came to speak the truth.

605. What do you think; do you think you went up or not?—I do not like to expose things; there is a water-closet upstairs; we are obliged to go up there for that.

606. I see you are an intelligent and thoughtful man; you went up, did you, to the water-

closet?—Yes, two or three times during the day, during the forenoon.

607. You went up in the afternoon, did you?—Very likely I did; I cannot say.

608. Why did you mention that?—I was tipsy, as I said before; I was drunk.

609. Why did you mention the water-closet?—Because I do go up there very often.

610. Did you go up this afternoon in question?—Very likely I did; I did in the forenoon; I will not say I did or did not.

611. Then it was not the harness, and it was not the bagatelle, but it might be the water-closet?—Very likely.

612. There is no other reason that could have taken you up?—I think not.

613. Do you think you went up?—Very likely I might do; I cannot say I did not.

614. Do you think you went up?—I would not say; I was drunk.

615. What do you think; that you did or did not?—I cannot say.

616. You remember a great many people say they saw you there?—That might be; there were people there all day.

617. Were you in the room upstairs?—Yes, in the morning.

618. In the afternoon?—I might go up, or I might not; I was tipsy.

619. Might somebody have put some half-sovereigns in your pocket while you were tipsy?—I wish they would; I should have found them the next morning.

620. Not necessarily; that depends upon whether you parted with them in the afternoon?—I parted with some, I am well aware.

621. That afternoon?—It was in the afternoon; I should not do it when I was sober.

622. You become liberal when you are drunk?—Yes, that is quite right.

623. What money had you?—£. 8 or 9 l.; 9 l. or 10 l., perhaps, in my pocket.

624. Bless my soul and body, fowls sell well in the neighbourhood of Norwich?—I have a good friend.

625. So I should think?—Who lends me 10 l. when I want it.

626. For my own sake, tell me who did it; I want to know who it is?—Lots of people.

627. Who did?—Mr. Fuller, at the "Trumpet," where I was at.

628. Did Mr. Fuller, at the "Trumpet," lend you this 10 l.?—It was my own.

629. Why did you mention the 10 l.?—Because you might think I had not the money in my pocket.

630. Do you think I doubt you at all?—I do. That was money of my own which I had in my pocket.

631. Had you any the next morning in your pocket?—Some.

632. How much?—Between 5 l. and 6 l.

633. How much had you in the afternoon?—Between 9 l. and 10 l.

634. Then 4 l. or 5 l. went?—Yes, 3 l. or 4 l. went somewhere.

635. Where did that go; down the water-closet?—I will tell you where it went; I come here to speak the truth; I acknowledge that I did give men money.

636. Mr. Baron *Martin*.] How much did you give?—I cannot say; I had between 9 l. and 10 l., and the next morning I had between 5 l. and 6 l.

637. Mr.

637. Mr. Serjeant *Ballantine*.] How much did you give away?—£. 3 that I thought about. I messed it away somewhere.

638. Have you no notion where?—People tell me that I gave money to vote.

639. You know that you gave money?—I acknowledge that I gave money.

640. In the room upstairs?—I cannot say where, nor when I give it.

641. Mr. Baron *Martin*.] You gave money for what purpose?—They were talking about electioneering after Mr. Stracey came in.

642. For what purpose did you give money?—I gave it to those people. I did not give it for the vote particularly. I said, "Go vote for Stracey, and I will give you so and so."

643. Did you give them money to vote for Stracey?—Certainly not; I said, "Will you go and vote for Stracey," and I said, "Go on, and I will give you so and so"; I will give you 7 s. 6 d. a piece.

Mr. Serjeant *Ballantine*.] Three half-crowns each.

644. Mr. Baron *Martin*.] You said, "If you will go and vote for Stracey, I will give you money;" is that correct?—Yes.

645. Mr. Serjeant *Ballantine*.] You remember giving them money?—I do not; I remember giving money away, but I do not know who I gave it to.

646. After you had so generously given the money, have you tried to get it back again?—No.

647. What became of you then; I want to ask you because you have told us probably quite enough for our purpose; you had better now be cautious; do you know a person of the name of William Flat?—I do.

648. I ask you whether you did not see Sir Henry Stracey outside the house, and tell him that you had got from 20 to 30 voters; and did not he say to you, "Then bring them up"?—He did not.

649. Did you speak to him at all outside the house?—I did not.

650. Did you say to Sir Henry Stracey outside the house, "I have got some 20 to 30 voters;" and did he say to you, "Then bring them up"?—He did not.

651. How soon after you had given the money did you go out of the house?—I cannot say.

652. You cannot tell me that?—I cannot tell what time I did go home.

653. What coin was it that you had; what was the money in?—In silver and gold too.

654. Where did it come from?—I earned it.

655. Where did it come from that morning?—Out of my own pocket.

656. When did you put it into your pocket?—I was five or six weeks or a month perhaps, or five or six months perhaps, earning it.

657. Mr. Baron *Martin*.] Do you mean that you had any of this particular money six months in your pocket?—Yes.

658. Mr. Serjeant *Ballantine*.] The whole of it?—Yes; I cannot say the whole; we will say six months I had some of it in my pocket.

659. May you have had the whole of that money for six months?—No, I do not say that I had; I earn money every week, or I ought to do.

660. And I suppose you spend money every week?—Yes.

8.

661. Money does not keep in men's pockets as far as my experience goes; how long had you kept it in your pocket?—I cannot say how long I had kept it in my pocket; I never am without money.

662. How long had you the whole of it?—Perhaps three or four days previous.

663. And you had it in your pocket the whole of that time?—Yes.

664. Where had it been before?—Circulating about; I get my living with it. If I see a chance to earn a shilling, I do so in market.

665. Where had it been three or four days before?—In my pocket.

666. Where did you get it from?—I earned it.

667. Not all at once?—No, I do not; I am more than a year old, and I am not supposed to be without money. It was money that I dearly earned.

668. How long had you been earning it?—I cannot say how long I had been earning it. I have been in business for some time.

669. You were always successful, and always can keep yourself comfortable?—Yes.

670. What do you want then with friends who lend you money?—Sometimes I go and find a bargain that I have not got sufficient money to purchase, and I go and borrow sufficient.

671. You sometimes borrow from Fuller?—Yes.

672. Who else?—No one; There are others that would lend me a pound.

673. Who are the others; tell us?—I do not know.

674. Do you know Mr. Webster?—I do not. (*A person in the court rose up and exclaimed that he was willing to lend the Witness 5 l. at any time.*)

675. Who is the man who has offered to lend you 5 l.?—I do not know him; I never spoke to the man before in my life.

676. Let me give you a piece of advice. When you go out of court, see whether he will?—Mr. Cullingford will lend me 10 l.; he has done it.

677. You do not know Mr. Webster, or any one of that name?—I do not.

678. Were you at the "Maid's Head" on the day of election?—I never was there in my life.

679. Do you know the landlord of the "Maid's Head"?—I do not.

680. I gave you an opportunity of considering; am I to understand you to swear that you never spoke to Sir Henry Stracey outside that house?—Never in my life; I did not.

681. That afternoon?—I did not.

682. Where did you go to that afternoon?—I never went any further than the "Trumpet" that I know of.

683. Did you remain in the "Trumpet" all night?—I suppose till 10 or 11 o'clock.

684. Where did you go then?—I went home.

685. I thought you remained at the "Trumpet"?—I occupy the stable, and have my things at the "Trumpet."

Cross-examined by Mr. *Rodwell*.

686. Do you keep a horse and cart?—I do.

687. I understand you go trading about the country fowl dealing?—Yes.

688. I suppose you have no account at the bank?—None at all.

689. The money that you have in your pocket, B 3 8 l. or

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- A. Hunt.* 8*l.* or 10*l.*, or what, whatever it is, is your capital that you carry on your business with?—
 15 January 1869. Yes.
 690. Mr. Baron Martin.] When you were sober, that morning, what money had you in your pocket before you got drunk?—I cannot tell to a shilling; but I had between 9*l.* and 10*l.* in my pocket.
 691. Was it silver or gold?—Some silver and some gold.

SAMUEL SMITH, sworn; Examined by Mr. Serjeant Ballantine.

- S. Smith.* 695. WHAT are you?—I am not in business now.
 696. You are out of business, and living upon your means?—Yes.
 697. What were you when you were in business?—A fowl dealer.
 698. Have you known Hunt for a long time, you being both in the same trade, apparently?—I have known Hunt, perhaps, 8 or 10 years; I should say I never had no dealings with him.
 699. But he knows you very well?—I dare say he do.
 700. Were you at the “Trumpet” upon the day of the election?—Yes.
 701. What were you doing there?—I was drinking there.
 702. Did you see Sir Henry Stracey come in?—Yes; I did.
 703. Were you sober?—No.
 704. Were you too drunk to remember anything?—To remember what?
 705. I only want to know, to save trouble to the court; were you in such a state of drunkenness that you cannot remember what took place?—I recollect hurrahing of him; that is all.
 706. Was that about the 7*s.* 6*d.* or the 5*s.*?—I never see no money.
 707. Did you hear of any?—No; I never see no money gave; I heard of none.
 708. Did you see Sir Henry Stracey leave?—Yes; I was in there when he did leave.
 709. And was nothing said about 5*s.*?—I never see none and never heard none. I never heard a word about 5*s.*, nor about 7*s.* 6*d.*
 710. Did you go to an upper room at all?—Where?
692. About how much in silver?—About 14*s.* or 15*s.*
 693. Not more?—Not more, I think.
 694. I confine you to when you were sober; had you not more than 14*s.* or 15*s.* in silver?—I think not; I would not say positively exactly what I had; I could not tell anybody exactly what silver I had in my pocket.

WILLIAM FLAT, sworn; Examined by Mr. Serjeant Ballantine.

- W. Flat.* 727. WHAT are you?—A shopkeeper.
 728. What shop do you keep?—A general shop.
 729. Were you at or near to the “Trumpet” public-house on the afternoon of the day of the election?—My shop is a very short way from it.
 730. Were you in the street?—Yes.
 731. Which way did you vote?—I have no vote.
 732. Then you were not in the “Trumpet”?—No.
 733. Being near to the “Trumpet,” do you know a person, a fowl dealer, of the name of Hunt?—Yes.
 734. Did you see him?—Yes.
 735. In the street?—Yes.
 736. Did you see anybody else there?—Lots of people.
 737. Did you see Stracey there?—Yes.
 738. Sir Henry?—Yes.
 739. About what o’clock was it when you saw Sir Henry Stracey?—I would not be certain about the time. I think it was between one and two. I think near two.
 740. May it have been a little later?—I will not be certain about that. I think it might be after two; it was as near two as possible.
 741. Did you see Hunt speak to Sir Henry Stracey?—Yes.
 742. What did he say; could you hear?—Yes, perfectly well I could hear.
 743. How was it you managed to hear?—Because I stood very near.
 744. What did you hear said?—I heard Sir Henry Stracey in his carriage say—
 745. I ought to have asked you, did you see Sir Henry Stracey come to the house?—No.
 746. Did you see him go out of the house?—Yes.
 747. And his carriage was there, was it?—Yes.
 748. And he got into his carriage?—Yes, he got into his carriage.
 749. You can tell me whether any other persons

sons were with him?—I will not be certain about that. There was a gentleman in the carriage, but who it was I cannot say.

750. Who did Sir Henry Stracey address?—He addressed the assembly around the carriage.

751. Was Hunt there?—Yes, afterwards.

752. What did he say to the assembly round the carriage?—He said, “Westminster is won, and so is Norwich.” I made answer, and said, “Not for you, sir,” but I do not suppose he heard me, because the congregation around there were of course Mr. Stracey’s upholders, so they would not let me say anything of course.

753. You are not one of his upholders?—No, I am not.

754. What took place after you said “Not for you, sir”?—After that, Mr. Hunt went to him and said, we have 40 now ready to vote for you, sir. He said, “Bravo, my fine fellow; do you head them to the poll?”

755. Then I suppose he drove away?—He drove away, and of course a lot of them hurred.

756. Then what became of Hunt?—I cannot tell you anything more than that.

757. Could you see whether Hunt was drunk or sober?—I do not know.

758. Was there any appearance of his being drunk?—I think not; he did not appear anything like that.

Cross-examined by Mr. Rodwell.

759. What made you tell my learned friend when he asked you whether Hunt was drunk or sober, that you did not quite know?—I do not know.

760. May he have been drunk?—I do not know.

761. You have just told my learned friend that he was not; which was he?—I do not know whether he was drunk or sober. I did not see any appearance of the man being drunk.

762. What made you say, in the first instance, that you did not know whether he was drunk or sober?—No more I do not.

763. How long did you see him, and was he in your company?—I suppose about four or five minutes.

764. How long was Sir Henry Stracey, according to your account, with him?—No longer than I have been telling you the tale.

765. Where was Sir Henry Stracey, in the carriage, or out of it?—In his carriage.

766. Was any gentleman sitting beside him?—There was a gentleman by the side of him, but I do not know who the gentleman was.

767. Was there any one sitting by the side of him when he addressed Hunt?—I think there was.

768. Do you know?—I am certain there was a gentleman in the carriage.

769. Then why did you say that you think?—I am certain there was a gentleman; but who he was I do not know.

770. You tell me there was a gentleman; was there more than one?—That I do not know.

771. Was it a two-horse carriage?—Yes.

772. Driven?—Yes; by a coachman.

773. Did you see Sir Henry Stracey again on that day?—No.

774. What were you doing about the “Trumpet” this day; you were not a voter; what were you doing there?—The same as the other people were, from curiosity.

8.

775. Do you recollect anything else that took place that day particularly, but what you have told us?—No.

776. That is all you recollect of what took place?—All I recollect of what took place that day.

777. How long were you there altogether yourself?—I should think about 9 or 10 minutes.

778. You were perfectly sober, I suppose?—I never go into a public-house.

779. You only keep outside?—I keep outside; I always think that is the best place.

780. When did you tell anybody that you had heard this conversation?—I do not know whether it was the same evening, or whether it was the day after, I told it to a neighbour of mine by the name of Mr. Maw, that keeps the chapel in Chapel Fields; I think I told that gentleman so, and I think I told it to Mr. Gilbert, not thinking it was of any consequence at the time; I am not here, I can assure you, on my own responsibility, and thinking I should like to come here.

781. Were there many people round Hunt at the time you say he said this?—I should think there was 100 people round the carriage.

782. How near was Hunt to the carriage?—A great deal nearer than I am to you.

783. Were there any other people closer to him too?—Yes.

784. You have stated that Hunt said this; are you sure it was nobody else but Hunt?—I am certain it was nobody else but Hunt.

785. Did anybody else say anything to Sir Henry Stracey but Hunt?—Not while I was there.

786. You say the whole of this took three or four minutes?—Five or six minutes; no longer than a man could speak it.

787. It did not take five or six minutes to say what you have told us: “I have got 40 voters here”; and then Sir Henry Stracey said, “Bring them up and head the poll”; what else took place whilst the carriage was there?—I did not take any notice of anything else; I know the carriage drove away when I was there.

788. Did you hear anybody else speak?—No.

789. Did you hear Sir Henry Stracey say any other thing than that?—No.

790. Did you hear the gentleman with him say anything?—No.

791. That is all the conversation you heard?—Yes.

792. Who went away first; Hunt or Sir Henry Stracey?—I believe Hunt was descending the street when Sir Henry Stracey’s carriage drove away.

793. Who was next to Hunt at the time Hunt said this; can you give me the name of the person?—No.

794. Can you give me the name of any one person who was near enough to hear what passed between Sir Henry Stracey and Hunt?—No, I cannot.

795. You know the people pretty well?—Yes.

796. Cannot you tax your memory with the name of one person who was within hearing of Sir Henry Stracey and Hunt upon this occasion?—I cannot; I cannot recollect a person that was there.

797. You can recollect the name of no person, except Hunt, out of the 100 people that you say you saw there?—I cannot.

798. How long have you known Hunt?—I have

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W. Flat. have known Hunt, I should think, these seven or eight years.
 15 January 1869. 799. And you cannot tell us any other person that you knew there?—No.

Re-examined by Mr. Serjeant *Ballantine*.

800. You were saying that you were not here willingly; did you volunteer your evidence in any way?—No.

801. How was it that you were brought here?—I was brought here in a cab this morning.

802. I suppose you have been subpoenaed, have

you not?—My wife was subpoenaed last night, at eleven o'clock.

803. That was a most improper time to have disturbed either you or your wife, and I am very sorry for it, but when were you subpoenaed?—This morning.

804. For the first time?—Yes.

805. Have you mentioned this amongst your friends?—Yes, I have mentioned it to a friend of mine, Mr. Maw, that keeps the chapel in Chapel Fields.

806. Had you no intention of coming up?—I had no intention of coming up; I would sooner have been out of it.

GRANVILLE BYGRAVE, sworn; Examined by Mr. *Keane*.

G. Bygrave. 807. WHAT are you?—A Painter.
 808. Are you a voter?—I am a voter; but I did not vote.
 809. Do you know the "Trumpet"?—Yes.
 810. Were you there on the day of the last election?—Yes.
 811. What time did you go there?—Half-past two in the afternoon.
 812. How long did you stay there?—About three quarters of an hour, or half an hour; I will not be positive.
 813. Did you see Sir Henry Stracey there?—No.
 814. Did you see Hunt?—Yes.
 815. And Samuel Smith?—Yes.
 816. Where you in the public room there?—Yes.
 817. Were there many persons there?—Sixteen in number, at the time I was there.
 818. Did you count them?—They counted them.
 819. Who did?—Hunt counted them.
 820. Did you hear Hunt say anything to the people in the room?—Yes.
 821. What was it he said?—He said, "Come in; shut the door; are you a voter; are you

agoing to vote for Stracey?" and they said "Yes."

822. Did you hear the answer he got?—Yes.

823. What was the answer?—He said, "Look here;" he says "there is 5 s. a piece; there are 16 men; I have got 5 l."; and Mr. Smith made a reply. After that there was a dissatisfaction to the price, and he said he would be 1 l. out of his own pocket, and make it up to three half-crowns each.

824. I understood you to say something about dissatisfaction at the price?—Yes. Some were agreeable to take it, and some were not; I left the house.

825. Did you see them take it?—No.

826. There was an expression fell from you about dissatisfaction at the price?—Some were dissatisfied at taking 5 s.

827. Did they say so?—They said that was not enough.

828. Then it was that they spoke about 7s. 6d.?—Then Mr. Smith made a reply, and said he would be 1 l. out of his own pocket, and make it up to three half-crowns a man.

829. Then you went away?—I went away.

ROBERT WALKER, sworn; Examined by Mr. *Sims Reeve*.

R. Walker. 830. ARE you a voter?—Yes.
 831. Where do you live?—I am only a voter under this new Act.
 832. I want to know where you live in Norwich?—I live in Crook's Place.
 833. On the election day, were you at the "Trumpet"?—Yes.
 834. What time did you go to the "Trumpet"?—I went into the "Trumpet" about half-past two, as near as I can say.
 835. Did you see Bygrave there?—Yes, I did.
 836. Mr. Baron *Martin*.] Half-past two or three, was it?—I will not be certain whether it was half-past, or a little more it might be.
 837. Mr. *Sims Reeve*.] Did you see Hunt?—Yes.
 838. And Samuel Smith, the fowl dealer?—I see a man who they said was a fowl dealer; but I did not know his name.
 839. Were there several persons in the room?—Yes.
 840. Did any person count those who were in the room?—I believe there was 15 or 16 of them.

841. Did you hear anything said by Hunt about money?—Yes; he said were they all voters for Stracey?

842. What answer did he get?—They said, "Yes, yes."

843. After that, what did Hunt say?—He said he would give them 5 s. each.

844. What did the people say to that?—They grumbled at it.

845. Upon their grumbling, did you hear any further offer made?—They said, "I will give you 7 s. 6 d. each."

846. Who said that?—I believe it was Hunt.

847. Did that give satisfaction to any of them, or not; did they say so?—I do not exactly know.

848. What did you do after the offer of 7s. 6d. was made?—I did not stop.

849. You left the house?—Yes.

Cross-examined by Mr. Serjeant *Sleigh*.

850. How long were you there that day?—I might be there, perhaps, about half-an-hour.

851. You went in about two o'clock?—I went in about half-past; it might be a little more than that;

that; I did not leave my house till about half-past two.

852. Did you tell us what business you carry on?—Yes, I carry on gardening likewise; I am a bootmaker by trade.

853. Were you at home that day till two or half-past two?—Yes, I was.

854. Had you had anything to drink before you went to the “Trumpet”?—No, I had not anything to drink; that is what I went in there for.

Mr. GEORGE FULLER, sworn; Examined by Mr. Serjeant Ballantine.

859. ARE you the landlord of the “Trumpet”?—Yes.

860. And were you so at the time of the last election?—Yes.

861. You had a good many people in your house, had you not, during that day?—Yes.

862. And there were so in the afternoon?—Yes.

863. Have you a wife attending to your business as well as yourself?—Yes.

864. And anybody else?—No; I might have some one else, occasionally, a servant.

865. Had you, that day, anybody else?—Yes, I believe I had; I have always a servant running about the house, as far as that goes.

866. Have you a room upstairs; there is a public room, is there not?—Yes.

867. Were the people drinking in the public room?—Well, no, I do not know that they were; there might be some.

868. You began by answering, “Well, I think there were.” Then you say “Well, I do not,” and so on. Give yourself a moment’s time to think; give a little time to it; it will be of importance to you; were there people drinking?—I cannot recollect; there might be.

869. Hunt has been here, and his memory is very bad, and so is Smith’s. I hope your house is not infected with bad memories?—I should not like to say that there had been some upstairs, if there was not.

870. I want to know what you do say?—There might be a glass or two, but there was not much ale went upstairs that day.

871. I am talking of the public room; you know what I mean?—Yes.

872. There were 16 or 18 people there, were there not, in the afternoon?—I had my house full of people all over the house, except the bed rooms.

873. It is no use having people in your house, unless they drink?—No; certainly not.

874. Were they drinking?—They were drinking all over the house; I cannot say how much they had up in the club room.

875. I suppose it was quite unimportant how much?—I do not recollect.

876. You did not keep any account that day?—No.

877. How did you know what you were to be paid then?—I took money for what I drew; and that is all I know.

878. Do you swear you were paid by the people who had the beer, for what beer they had at the time they had it?—Yes.

879. That you swear?—Yes.

880. You were yourself paid?—No; I do not say that, myself; I was not paid for all the beer that was drawn then.

855. Then you went into the market room, I suppose?—Yes, I did; I was in the bar, and I went into the market room,

856. Did you drink there?—I had nothing there but what I paid for.

857. Did you tell us whether you are a voter or not?—Yes; under the new Act I believe I came in.

858. You did not tell us this; did you vote upon this occasion?—No, I did not vote at all.

881. Who was?—My wife, of course, received money as well as myself.

882. Did you receive any money?—Yes; I did receive some money.

883. How much?—I cannot say.

884. Do not you keep any books?—No.

885. Do not you know how much money you received that day?—I might; I always count it up every morning, but I let it go after that, and I do not bring it to my memory.

886. Did you see Hunt there?—Yes.

887. Was he very drunk?—Yes, he was.

888. How did he get drunk?—By drinking ale.

889. At your house?—Yes.

890. Did he pay for it?—Yes.

891. Every time he had it?—Yes; there was one time in the morning, I recollect, that he had a quart of ale; and he said, “I will come and pay you in a minute”; that is all.

892. Did he?—He did directly after, for what I know.

893. Have you a license?—I believe I have.

894. Do not you know whether you have got a license or not?—Yes; I certainly do know that.

895. Why cannot you say you have got a license?—Yes.

896. I suppose that is granted every year?—Yes.

897. Just remember that, if you please. So you served him with a quart, and he promised to come down in a minute, and pay you?—Yes; I believe he did.

898. Do not you know whether he did?—Yes, he did pay me.

899. How much?—He paid me 8 d.

900. Hunt has been labouring under the idea, that he only paid a penny or two-pence at the most; that is the evidence I have?—He paid me 8 d. at one time, I believe; at least I took half a gallon of ale in at one time, and he said he would bring me the money in a minute, and he came, and brought me the 8 d.

901. Did he pay you anything more during the day?—No, not that I know of. I do not know that he did.

902. Were you paid any more during the day?—Yes, I took a lot.

903. What did you do with the money?—I put it in the till.

904. How much had you next morning?—I do not know.

905. You know Sir Henry Stracey?—Yes.

906. Did you see him at your house that day?—Yes.

907. Was he in the room where the men were?—Yes, I followed him into the room.

C

908. Do

R. Walker.

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Mr.
G. Fuller.

Mr. G. Fuller.
15 January 1869.

908. Do you know Mr. Bignold?—I know Sir Samuel Bignold.

909. I ask you whether you know Mr. John Bignold?—Is it a lame man?

910. I do not know?—I do not know, I am sure; I do not know him.

911. Was one of the Mr. Bignolds with Sir Henry Stracey?—No.

912. Will you swear he was not?—I should not like to swear that he was not.

913. Was the lame one there?—I saw him some time in the day, I believe.

914. At your house?—Yes; some time in the day.

915. What time in the day?—I cannot say.

916. Yes, indeed you can, and you will say?—I should not like to say.

917. About what time in the day did you see the lame Mr. Bignold?—I cannot say what time he was there; some time in the day.

918. About when?—I cannot say.

919. Was it 10 in the morning?—No.

920. Was it two in the afternoon?—I cannot say. I was so muddled with business that I should not like to tell you wrong.

921. Might it have been two in the afternoon?—I will not say.

922. Do you think it was about two?—I cannot say.

923. Was it in company with Sir Henry Stracey?—No; I do not think he was.

924. Will you swear he was not?—No, I should not like to swear it. I do not know.

925. Was he in company with young Mr. Stracey?—I do not know.

926. Do you believe he was?—I do not believe anything about it, because I do not know.

927. What is your belief?—I do not know, I am sure, whether he was or was not; I had so many people in my house.

928. You do not often have customers like Sir

Henry Stracey and Mr. Bignold; they do not come into the public room?—I must say I saw Sir Henry Stracey there.

929. Did you see Mr. Bignold there as well as Sir Henry Stracey?—I did.

930. Do tell me what time?—I did see him, but what time of day I cannot say. I should not like to tell you it was 10, if it was three or four o'clock.

931. I am very unwell; just for my sake tell me; it was the afternoon, was it not?—I do not know.

932. It was just about the time that the voters were beginning to think that they had been treated shabbily?—I cannot remember when he came in, but I do know I saw him there.

933. Do you remember the voters thinking the time was come for them to receive something?—I do not know anything of that.

934. Do not you know that they were waiting for him?—No.

935. Had you not heard anything said about it?—No.

936. Will you swear that?—Yes.

937. You swear that you had not heard a word from one of them about their expecting money?—Yes.

938. Not a word?—Not a word.

939. You have no notion what they were there for?—No.

940. Or that they were expecting money?—No.

941. Did you see Samuel Smith there?—Yes.

942. And Hunt?—Yes.

943. Hunt was very drunk, was he not?—Yes.

944. You let people get very drunk in your house?—I do at times.

945. And you heard not one word about money?—No.

Mr. WILLIAM WEBSTER, sworn; Examined by Mr. Serjeant Ballantine.

Mr. W. Webster.

946. I BELIEVE you are the proprietor of the Hotel, the "Maid's Head"?—Yes.

947. And have been so for some time?—Yes, for several years.

948. The hotel that the Bar patronise when they come to the assizes?—Yes.

949. And have for a very long time with very great satisfaction?—Yes.

950. You are a large cab proprietor?—Yes; I keep the carriages and cabs.

951. Did you let many of them out upon the day of the election?—My men went out in the regular way in the morning at 10 o'clock.

952. Did you let many of them out, you yourself; do you know of many of them being let out to private individuals?—No; I let one carriage to Mr. Allen for the day.

953. The doctor?—Yes.

954. He was the only one, was he?—Yes, it was a private carriage; that was the only one that I let.

955. You voted, I suppose?—Yes, I did.

956. You voted for Sir Henry Stracey?—Yes, I voted for Sir Henry Stracey.

957. What time did you vote?—I voted, I think it was between 9 and 10 in the morning.

958. You are a very warm supporter of Sir Henry Stracey?—I do not know; I have known

Sir Henry Stracey for many years, and Sir Henry Stracey has known me ever since I was a boy.

959. You are a very warm supporter of his?—As regards that, I did all that I possibly could for his interest; I never canvassed.

960. I am now going to endeavour to show what you did do; after voting, did you come back to your own house?—Yes.

961. How long did you remain in your own house, before you went out again?—I was in and out attending to my business; I do not know that I left for any distance after coming from voting; I cannot tax my memory that I went any distance.

962. You cannot remember going to any place in particular?—I remember going; I forget whether it was before I voted, or after; but I went out with one of my flies or cabs on to St. Augustin's-road; that is all.

963. After voting, did you learn, about two o'clock, or sometime in the middle of the day, that matters were going badly for Sir Henry Stracey?—I heard for and against; I do not know that I can remember exactly.

964. Do not let you and me have any mistake about these matters?—I should be very sorry, sir.

965. Do you mean that you do not remember going

going to any place in particular, that afternoon?—I was at my own house.

966. I am treating you now in accordance with what all my friends tell me, that you are a thoroughly respectable man, and I give you the opportunity, if it be the fact, of telling me so without dragging it from you; are you not aware that you did go to some place in particular that afternoon?—I am quite aware of that.

967. Where was it?—I went to the bank.

968. I was quite sure you would not drive me to anything unpleasant. Whose bank?—Harvey and Hudson's.

969. What time was that?—I should say about noon time.

970. Later than that?—I cannot tell you, otherwise I should be happy to do so.

971. About one, was it?—It might be so.

972. Did you go to pay money in?—No.

973. Did you go to take money out?—I went to get money out.

974. How much?—£. 200.

975. Upon your own cheque?—Yes, upon my own cheque.

976. That is so, is it?—Yes, my own, "to self."

977. Was it your own drawing?—My own cheque from my own cheque book.

978. What did you take it in?—I took it in half-sovereigns.

979. What did you do with it?—I took it home, and gave 50*l.* to my wife, and kept the rest myself; I have got some now.

980. You gave 50*l.* to your wife; what for?—To give change, and to pay the small bills or anything of that kind.

981. Was it not rather an inconvenient day to be seized with a fit of paying small bills?—I should have got it before, but the fact is, I had no change in the house, and I require a great deal of change; I mostly keep a good deal of change.

982. You took all this in half-sovereigns for the convenience of the thing?—I did not ask for half-sovereigns. They said they had got 200*l.* worth of half-sovereigns ready counted up, and I said, "Very well then, that will do".

983. It so happened that Messrs. Harveys' Bank are Conservatives in the town?—I do not know; yes, I think they are.

984. Think! Mr. Webster. No, Mr. Webster, you do not think. Is he not one of the staunchest of your lot?—That is true, so he is.

985. So it happened, that at this staunch Conservative Bank there were 200*l.* in half-sovereigns that happened to be counted up?—Just so.

986. And you happened to go with a cheque for exactly that amount?—I was not going—

987. Did you not think it very odd?—I did not ask for half-sovereigns.

988. You must have been very much surprised?—I do not know; I wanted small change.

989. Four hundred half-sovereigns; think, Mr. Webster; how did you take it home?—I did not find any difficulty in taking it home.

990. How did you do it?—I took it in my pocket.

991. In a bag?—I took a bag.

992. Did you take a bag for it?—Yes.

993. How came you to do that?—I thought that I should require a bag.

994. Why?—I mostly do.

995. Not unless you contemplate having half-sovereigns, do you?—I beg your pardon.

996. So this happened to be ready counted out and then you took it?—Yes I did.

8.

997. Fifty pounds you gave to your wife?—Yes.

998. We shall probably be obliged to call her unless you save her the trouble which I dare say you will be glad to do; had you and your wife arranged how that money was to be spent, or to whom it was to be paid?—Not at all; she wanted it; she has one cash-box, I have another, and she pays her bills ready money, and I do the same; and she requires money to give change for cheques and notes.

999. Did you hand over any of that money to anybody else that day?—I did not.

1000. Did it remain in the house, the whole of that 150*l.*, that day?—I did not pay anybody that day.

1001. Did you part with any of the 150 sovereigns that day?—No, not any.

1002. Not any?—No.

1003. Do you know Hunt?—I cannot say that I do.

1004. Arthur Hunt?—No.

1005. Do you know Samuel Smith?—No.

1006. Did you go out after you had handed these 100 half-sovereigns to your wife?—No, only just into the street, or just on to Tombland, the first polling place.

1007. Does Allen live near you?—Yes, Mr. Allen, the surgeon, does.

1008. Did you see him that afternoon?—Yes.

1009. Before or after you got the 400 half-sovereigns?—I saw him in the morning, and I saw saw him in the afternoon.

1010. Then you saw him both before and after?—Yes.

1011. How soon before?—I cannot say; I saw him passing in his gig.

1012. To speak to him, I mean?—I did not see him to speak to him in the morning; I saw him on Tombland in the afternoon.

1013. At what time?—It might be about two o'clock or a quarter past two, or something like that.

1014. Had you any talk with him about the election?—Not two words; I merely said, "Well how are you going on," or something of that kind.

1015. You did not tell him of this remarkable flight of half-sovereigns from Harvey's Bank into your pocket, did you?—No, I did not.

1016. You never mentioned that?—No.

1017. Have you ever mentioned it?—I thought there was no occasion for it.

1018. Have you ever mentioned it?—No.

1019. Not to anybody?—No.

1020. This is the first time you have ever told it to anybody?—Yes.

1021. You never mentioned it to Sir Henry Stracey or to any of those parties?—Certainly not.

1022. You are quite sure about that?—Yes, I am quite sure about that.

1023. That you never mentioned it to anybody?—Yes.

1024. Did you tell your wife?—I gave her 50*l.*; therefore she knew.

1025. Did you tell her you had got the whole of that money in half-sovereigns?—Yes.

1026. You say you have got some of it now?—Yes; between 20*l.* and 30*l.*

1027. You have been spending from it since?—Yes but I have more than that in my cash-box.

1028. Had you nothing in your cash-box when you went for these half-sovereigns?—No.

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1029. It

Mr.
W. Webster.
15 January
1869.

Mr. 1029. It was empty when you went for these
W. Webster. half sovereigns?—Yes, it was empty; there was
 15 January neither cheque nor gold in it, nor yet in my
 1869. pocket, nor yet had my wife any then.

1030. Sir Henry Stracey always stays at your house?—He does not always come to my house, because the distance is only five miles; Sir Henry Stracey comes in, but he does not stop at my house.

1031. When he stops anywhere, he stops at your house?—Sometimes he goes to the “Royal”; and Sir Henry Stracey would not go to mine perhaps once in 12 months.

1032. He held his first meeting there, did he not?—Yes.

1033. And his sons are constantly there, are they not?—Yes.

1034. Did you see either of his sons that day?—I saw them all.

1035. Did you see them before you got this money?—I saw them morning and afternoon.

1036. Had you any talk with them about the election?—Yes.

Cross-examined by Mr. *Rodwell*.

1037. You said that you mostly do take a bag; do I understand that you are in the habit of going to the bank for a quantity of small money?—Very frequently.

1038. Was this an unusual thing, your going for a quantity of small money at the bank?—I cannot say that I ever went for that large amount

before; I cannot tax my memory with it; but at all events when I have notes and cheques I take them to the bank, and I take a bag and bring money, so that I can give change for them.

1039. Do you cash cheques sometimes for your customers?—There are gentlemen coming there both night and morning; and I am obliged to keep a certain amount of gold by me, else I should not carry on my business.

1040. You did not ask yourself for the half-sovereigns, but it was suggested by the clerk as I understand?—I did not ask for half sovereigns; certainly not.

1041. With regard to the meeting at your house, you have got one of the largest rooms in Norwich?—Yes, a very good room for the purpose of a public meeting.

Re-examined by Mr. Serjeant *Ballantine*.

1042. My learned friend seems to know something about it; he mentioned a clerk who was the clerk at the bank who gave you these 400 half-sovereigns?—When I went into the bank I mostly go to Mr. Lownd; he was not there; and as I was going to the clerk opposite he waved his hands to me, as much as to say, “You go to the other;” I went and I put down the cheque first, and I said I wanted change for 200*l*.

1043. Who was the clerk to whom you said that?—Todd, a small man, was the one that gave it me.

Mrs. MARY HARDIMENT, sworn; Examined by Mr. Serjeant *Ballantine*.

Mrs. Mary 1044. WHAT is the name of your husband?—
Hardiment. Robert.

1045. What is he?—A fellmonger.

1046. Living in Norwich?—He is.

1047. When did you see him last?—About three weeks ago.

1048. Where did you see him then?—He left me in my house.

1049. To go where?—I do not know.

1050. Did you not ask him before he went?—I never ask him.

1051. You let your husband do what he likes without inquiry?—I do.

1052. Do you know where he is?—I did when I last heard from him.

1053. Where was he?—In Paris.

1054. When did you hear from him last?—I think about a week or 10 days back.

1055. What is he doing there?—I do not know.

1056. You let your husband go to Paris, not knowing what his business is?—He is often out.

1057. When is he coming back?—I cannot say.

1058. Do you know where to write to him?—I do not.

1059. When he was in Paris, what hotel was he at?—Not any.

1060. Where then?—He is staying with friends of mine.

1061. What are their names?—Laing.

1062. Where do they live?—In Paris.

1063. Where?—I cannot say.

1064. Did he get a subpoena?—I did.

1065. And did he?—No.

1066. Did you get a subpoena for him?—Yes.

1067. When?—Last Saturday night.

1068. Not before?—No.

1069. Have you any idea when he will come back?—I cannot say.

1070. But are you not anxious about him?—No.

1071. You know, do you not, that he is accused of bribing the electors?—I do not know anything about the election; I had nothing to do with it.

1072. Do you mean that you do not know that your husband is accused of bribing the electors?—Only what I have heard to-day.

1073. You have heard that?—Yes.

1074. Do not you know that he is out of the way to avoid being called?—No.

1075. Do you believe he is?—No.

1076. Upon your solemn oath, is he not keeping out of our way to your knowledge?—No.

1077. And for the purpose of avoiding being examined?—No; I do not think he is out of the way for this.

1078. Have you the least doubt he is?—No.

1079. Have you the least doubt that he is keeping out of the way to avoid this inquiry?—I do not know what he is away for.

1080. Do you not, upon your solemn oath, believe that he is out of the way to avoid this inquiry?—No; I do not think he is.

1081. What do you think he is out of the way for?—After business when he left me.

1082. Do you mean to say that you believe that he is away upon business?—Yes, he is.

1083. And not to avoid this inquiry?—No; I do not think he is.

1084. Do you know where to write to him?—No.

1085. Have you written to him?—No.

1086. Not

1086. Not ever since he has been away?—
I cannot write, so that I could not write to him.
1087. Have you got any children?—No.
1088. But is there anybody who does write for
you?—No.
1089. You have a manager of the business,
have you?—Yes.
1090. Thirkettle is his name?—Yes.
1091. Can he write?—I believe he can.
1092. Do not you know?—Yes, I think he
can write; that is what we have him for.
1093. Is he here?—Yes.
1094. Had you a letter from your husband?—
No, I have not had any.
1095. Then how do you know he is staying
with your friends?—Because I have an aunt in
Paris.
1096. That was a letter from your aunt, was
it?—Yes.
1097. You do not know where she lives?—I
cannot tell you; not the number, and that like.
1098. Can you tell me the street?—No, I
cannot tell you the street.
1099. Can you tell me her own name?—Her
name is Laing.

1100. Her Christian name, I mean?—
Elizabeth.
1101. She wrote to you, did she?—Yes.
1102. What did she say?—She was here; she
came to see me at Christmas.
1103. Mr. Baron *Martin*.] Has she gone
home again?—I do not know.
1104. Mr. Serjeant *Ballantine*.] Where did
the letter come from?—From her.
1105. You must know whether she has gone
home or not?—I have not heard, because she has
been staying in London.
1106. She is staying in London, and your
husband is visiting her in Paris; is that what
you mean; your husband cannot be with Mrs.
Laing in Paris, if Mrs. Laing is in London?—Mr.
Laing is there.
1107. Have you heard from Mr. Laing?—
No.
1108. Have you not heard about your hus-
band since he has been away?—Yes, about the
business.
1109. Would you mind showing me Mrs.
Laing's letter?—No, I have not got it.

Mrs. *Mary*
Hardiment.
15 January
1869.

EDWARD THIRKETTLE, sworn; Examined by Mr. Serjeant *Ballantine*.

1110. You can read and write?—Yes.
1111. And you are the manager of this
business, are you, of Mr. Hardiment?—I am
clerk to him.
1112. Where is he?—I do not know.
1113. What is he doing?—He is gone from
there.
1114. You being his confidential clerk, what
is he gone for?—After business.
1115. Where to?—To Paris.
1116. Have you heard from him in Paris?—
Yes.
1117. When did you hear last?—I heard from
him last, I think, on the 6th of January.
1118. Have you got the letter?—I think not.
1119. When is he coming back?—That I do
not know.
1120. Do you think he will be back before
this inquiry is ended?—I wish he might, for I
want him.
1121. There seems to be a combined wish;
cannot you get him back?—If I could find him,
I would write to him.
1122. Do not you know where to write to
him?—I do not.
1123. Where did he write to you from before?
—No. 122 Rue de Bas.
1124. At whose house?—At the house of
Mr. Laing.
1125. Did he tell you when he was coming
back?—No.
1126. Did he say anything about when he
was coming back?—No.
1127. Did he say why he was away?—No.
1128. You do not know why he is away?—No.
1129. Not the least?—No.
1130. Mr. Baron *Martin*.] I thought you said
he was away upon business?—Yes.
1131. Mr. Serjeant *Ballantine*.] You know he
is charged with extensive bribery?—I have
heard so.
1132. When did you hear so?—Some time
ago; it is common talk.
1133. Before he went, or after?—I did not

hear much of him before; I have had plenty of
inquiry since he has been gone.
1134. Did you hear of it before he went?—
I did not know that there was any charge against
him before he went.
1135. Did you, before he went, hear the
people say that he had been bribing?—Yes, I
have heard talk of that kind; public house talk.
1136. I suppose he heard of it too?—That I
cannot say.
1137. Have you a doubt?—I cannot say that.
1138. You know that he is pretty extensively
charged with it?—I have heard plenty of talk
upon it now; it is the talk through the city.
1139. Have you heard that he is charged with
bribing as many as 40 people?—I have not.
1140. Have you heard that he is charged with
bribing as many as 60 people?—I have not.
1141. How many have you heard that he is
charged with bribing?—Not any particular
quantity.
1142. But a goodish lot?—I cannot say; I
know it is extensively circulated.
1143. Did you know of a subpoena being sent
to your master?—Yes.
1144. Have you let him know of it?—No.
1145. Why have you not?—Because I can-
not communicate with him; I do not know where
he is.
1146. Have you written any letter to Laing?
—No.
1147. Why have you not?—Because I have
not wanted; I have only written to him when I
have been requested to do so.
1148. You say the last letter was directed
Rue de Bas that came from Laing's?—That is
the name of the people who reside in the house.
1149. You have not heard from him since?—
No, I have not.
1150. There has been a subpoena served at his
house?—There was one came by post.
1151. You know he is charged with bribery;
why did not you write to Laing's?—There was
no necessity to do that.

E.
Thirkettle.
—

E.
Thirkettle.
—
15 January
1869.

1152. Not when your master is accused of this crime?—I am not mixed up at all with it.

1153. You ought, as a good servant, to let him know?—I have not done so, because it is no business of mine.

1154. Is it not because you know perfectly well he is keeping out of the way?—I do not know that.

1155. Are you not perfectly confident that he is keeping out of the way?—I am not perfectly confident he is keeping out of the way.

1156. Have you any doubt about it?—Yes, I have very great doubts; he is gone upon business, and I had a business letter from him.

1157. Why did not you write to him?—I did when this letter required an answer.

1158. Do not you believe that he is keeping out of the way to avoid this inquiry?—I do not.

1159. Do you believe it?—I do not.

1160. Upon your solemn oath (you are before your townspeople) I ask you, upon your oath, do you not believe he is keeping out of the way?—I cannot say.

1161. Do not you?—Not according to what he told me. If he is, it is more than I know.

1162. What did he tell you?—He told me he was going to Paris on business.

1163. Does your mistress correspond with him?—No; she cannot write.

1164. Never does write?—I have never seen her write. I have always heard her say she cannot.

MR. JOHN TIMOTHY TODD, sworn; Examined by Mr. Serjeant Ballantine.

Mr.
J. T. Todd.
—

1165. ARE you a Clerk in Messrs. Harvey & Hudson's Bank?—I am.

1166. And have been so for any length of time?—Eleven years and more.

1167. Were you at the bank on the day of the election?—Yes.

1168. You have only just this moment been subpoenaed, I believe?—Just five minutes since.

1169. Have you had communication with anybody since?—No.

1170. Nobody has spoken to you about it; be cautious?—Spoken about what; about this subpoena?

1171. Had anybody had communication with you about the reason for your subpoena, since you received it?—No.

1172. Do be cautious?—There is no occasion to be cautious; nothing more was said than that I just mentioned; that I was coming up here, and the manager said "Go"; that is all.

1173. That is all that passed?—That is all.

1174. Have you not spoken to anybody else about it?—To no one.

1175. You are quite sure about that?—I do not think it is necessary to answer that question.

1176. You are quite sure that you have spoken to no one?—I decline to answer it again.

1177. Has anybody spoken to you?—I came with our cashier; the other one who is summoned with me.

1178. Have you and he talked about what you were summoned for?—We have not come to any detail about it.

1179. Do you know what you are summoned for?—I did not read the summons.

1180. Do you know the reason why you are coming here?—I suppose it is to be questioned about anything you like to ask me about. The election inquiry is going on here; that is all I know.

1181. Do you know anything about 400 half-sovereigns?—I know about a very great many half-sovereigns. If you will ask me something definite I will answer you; you can ask me a definite question.

1182. You are obtaining the applause, I have no doubt, of some thorough Conservatives. Just attend to me. Do you know anything about 400 half-sovereigns that you paid upon the day of the election?—I paid 400 half sovereigns on the day of the election.

1183. To whom?—To William Webster.

1184. How came you to pay it in that particular form?—Because he asked me.

1185. Had you them ready, or what?—No.

1186. How did you get them?—Out of our safe; it is an iron one.

1187. You counted them, of course?—Yes.

1188. Did you pack them up in any way?—No; I think he brought some purses for them himself. I had nothing to do with that.

1189. Did you see him put the half-sovereigns into the purses?—Yes.

1190. Can you tell me whether there were more than one purse?—I think there were two; but that I paid very little attention to.

1191. Did you mention to anybody in the house that those 400 half-sovereigns were wanted?—Yes; I had to ask our head cashier for them. I had not so much with me.

1192. And you got them from your head cashier, did you?—I did.

1193. Your head cashier delivered them to you?—He did.

1194. Is he the gentleman who is here?—Yes.

1195. Did Mr. Webster say why he wanted it in this somewhat peculiar form?—No, not a word.

1196. Can you tell me the time of day it was?—No, I do not know the time.

1197. Could you give me any idea what time it was; I suppose you could tell me by your entries, could you not, about the time?—I should think it was about two o'clock; I am not sure to half an hour.

Cross-examined by Mr. Rodwell.

1198. I believe you voted for Tillett and Russell, did you not?—I did not.

1199. Did you vote at all?—No.

1200. Did you take any part in the election?—Not at all.

1201. Will you tell us exactly how long Mr. Webster was in the bank when he came for this money?—I should think five minutes.

1202. Were those half sovereigns loose when you did them up for him, or were they in rouleaus in the safe?—

Mr. Serjeant Ballantine.] He said he had not the amount; he had to go to the cashier and take it from him.

Witness.] We keep our gold in 100 l. I should suppose it took about a minute to count 100 l.

1203. Mr.

1203. Mr. *Rodwell*.] What did Mr. Webster say when he came in?—"Will you cash me this cheque?"

1204. What did you say to him?—How will you have it; and he said, "In half-sovereigns."

1205. That is the best of your recollection what passed?—That is all that passed.

1206. You got it for him?—Yes.

1207. Had you seen him in conversation with any other of the clerks in the bank?—No.

1208. Did he go to the chief clerk himself?—No.

1209. He has banked some time with Harveys I believe?—Yes, I think so. I cannot tell how long, but some years.

1210. Did you make any observation to anybody in the bank at the time he had those half-sovereigns?—I went and asked our head cashier for the half-sovereigns.

1211. After you had got the half-sovereigns, did you say anything to Mr. Webster or to any of the clerks, after those half-sovereigns had

been given to him?—I did not say anything to Mr. Webster at all.

1212. Did you say anything to anybody else?—I told our cashier what I had done; that is all.

1213. You made no remark of any kind or description?—No.

1214. Did you see those half-sovereigns taken out of the safe?—No.

1215. In what state were the half-sovereigns when you received them; were they done up or loose?—As we usually keep them, in 100 l.

1216. Then you handed them over to him?—I counted them first, and handed them to him.

1217. But when you put them on the counter from the safe, they were done up in 100 l. each?—Yes, as we usually keep them.

Re-examined by Mr. Serjeant *Ballantine*.

1218. What is the name of the cashier?—Mr. Lownd.

Mr. WILLIAM CHARLES LOWND, sworn; Examined by Mr. Serjeant *Ballantine*.

1219. You are Cashier in Messrs. Harveys' bank?—I am.

1220. You remember the day of the election?—Yes.

1221. Do you remember the last witness coming to you for some money?—Yes.

1222. To cash a cheque of Mr. Webster's?—Yes.

1223. Did he ask you for any particular coin?—For half-sovereigns.

1224. What number of half-sovereigns were you obliged to give him?—Four hundred half-sovereigns.

1225. Are they kept in bags, 100 in each bag or not?—£. 100 in each bag.

1226. So that you gave him two bags of 100 l. each in half-sovereigns; was any reason given that you heard for his taking it in that particular way?—No.

1227. I suppose you did not ask for any?—I did not.

1228. You did not make any inquiry; I dare say you knew the reason what it was wanted for?—No; I passed them on, as I was requested to do, without any remark or comment.

1229. Except, I dare say, in your own mind?—That is in my own mind.

Cross-examined by Mr. *Rodwell*.

1230. Whom did you give them to?—To Mr. Todd.

1231. How many hundred half-sovereigns had you at that time in the safe?—I do not know.

1232. You keep them for your customers?—Yes.

1233. It is unusual in Norwich to have money in half-sovereigns?—No.

1234. I suppose persons engaged in business require those small amounts, and that is why you keep them?—Yes.

RICHARD MACKLEY, sworn; Examined by Mr. *Keane*.

1235. You keep the "Woolpack" Inn; is that an inn or a public-house?—The "Woolpack" Inn, St. Mary's, Duke-street.

1236. Do you recollect the day of election?—Yes.

1237. Were many persons at your house?—There were several persons backwards and forwards in the course of the day.

1238. Do you know how they voted?—No.

1239. Did you vote?—I did.

1240. For whom?—For Sir Henry Stracey.

1241. How many voters do you think were at a time in your house?—I could not say that; I was busy at my bar, drawing refreshments; there might be 10, or 20, or 30; they were going backward and forward; I could not say the number.

1242. The same persons, or fresh persons?—Fresh, and going backwards and forwards; they did not keep there all day.

1243. Was a gentleman of the name of Allen there?—I do not know the name.

1244. Dr. Allen?—I know Dr. Allen very

well, but he was not there on the day; he is my own doctor; he was not there on the day.

1245. Was Hardiment?—He might go backward and forward, but I do not recollect seeing him.

1246. Would you venture to say he was not there?—I believe he was not there.

1247. Would you swear he was not?—I would say yes, but I did not speak to him.

1248. You will not swear he was not there?—I would not say that; at my bar I might be drawing and giving change.

1249. Was there a person called Henry Bradbury there?—Yes.

1250. Does he go by the name of Big-headed Ben?—No, I believe not; I think he goes by the name of Tin Ribs.

1251. Is he called Pot-headed Bradbury?—Sometimes.

1252. Is he sometimes called Old Bob?—That I do not know.

1253. What was Bradbury doing there?—Sitting about there, getting his half-pint, as usual. He is next door neighbour to me.

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1254. Had

Mr.
J. T. Todd.
—
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Mr. W.
C. Lownd.
—

R. Mackley.
—

R. Mackley.

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1254. Had he a good number of half-pints that day?—I should think not.

1255. Do you know?—I should say about two or three half-pints.

1256. Were the voters there when he was there?—There might be some of the voters, but they were not all voters; some of them were voters.

1257. Who paid you for the beer that was drunk?—Those that ordered it.

1258. Come, nobody else?—Nobody else.

1259. Do you mean to say that all the beer you gave out that day was paid for by the persons that drank it?—I am on my oath; it was in sixpences and threepences. The persons that came to my house for a glass of ale, I gave them change for sixpence or threepence, whatever it might that they paid, or a shilling; I had no orders from any persons whatsoever to give away one pot of beer that day.

1260. Do you mean to swear that every person that was served with liquor at your house that day, paid for it himself?—I say so; I was asked the question, "Did all persons that came to my house on that day, paid for their own refreshments," and I said, "Yes, they did do so"; they did pay for their own refreshments.

1261. Every one of them?—Every one of them.

1262. Did Bradbury pay only for what he himself had?—I do not know what he paid; he paid me for what he called for.

1263. Did he pay for anything but what he himself had; you know perfectly well what I mean?—He never paid me no more than for about three half-pints that day; that is what he had himself; he might have given my son-in-law half-a-pint when I was not in the room; I do not know about that; I am speaking about myself.

1264. Did Bradbury go away with any of the voters?—That I do not know.

1265. Did you see him go away with any of them?—I did not; I kept to my bar.

1266. Did you see persons come for the voters, and Bradbury prevent there going to them?—I did not.

1267. Are you quite certain of that?—Quite certain.

1268. Did you prevent their going to them?—I did not.

1269. Can you tell me of any persons who were present of those voters; you have told me Dr. Allen was not, and then I understand you to say Hardiment was not; was Mr. Wiseman there?—Mr. Wiseman was not there.

1270. You did not see him at all?—I did not see him.

1271. Will you say he was not there; do I understand he was not there at all?—I did not see him.

1272. Do you go further than that; you did not see him?—I do not say anything further than that; I did not see him in my house.

1273. There are two Wisemans, I think, father and son?—Yes, I know them both, and neither of them was there.

1274. Was John Staff, of Queen Caroline-yard, there?—He lives next door, and is backward and forward every day in the year.

1275. William Browne, of Golden Gate-street, was he there?—No doubt he was there.

1276. Emanuel Senior Howard?—I do not know that; I did not see him.

1277. Do you know Alfred Money, of Rose-yard?—I do not.

1278. You do not know him at all?—No, I do not.

1279. Do you recollect in the afternoon of the day of election, about a quarter past three, or, say, between three or half-past three, some of the voters being in the bar and the tap room?—Yes, many of them.

1280. Do you recollect somebody coming and saying, "He is here now"?—No.

1281. Do you recollect a rush upstairs of the voters at that time?—There was parties in the room; in all the rooms on the day; the bar was not big enough to hold them, consequentially they went whence they could find a seat; there were some upstairs and some in the bar.

1282. Do you recollect about a quarter past three some of the voters making a rush upstairs?—There was no rush; no noise and no rushing at all, but they got into a place where they could sit down.

1283. At that time did not somebody call out, "Come up-stairs"?—I do not know; I did not hear it.

1284. Was a baker of the name of Freestone there?—I do not know him.

1285. Does any room of yours up-stairs hold about 20 people?—Yes.

1286. Do you recollect that room that would hold 20 people being full about a quarter past three that afternoon?—I should think my rooms would hold 300.

1287. I ask you do you recollect some 20 people in the room at a quarter past three?—No.

1288. Did you see anybody with money?—I did not.

1289. A bag of money?—I did not.

1290. Did you hear the persons told to go upstairs one by one?—No.

1291. And did the persons go up one by one on the landing?—They went up as they could get up. I do not know whether they went up one by one. I was at my bar. I could not say.

1292. You remained in the bar?—Yes, I remained in the bar right against the door; joining on the door to go up-stairs.

1293. Was a person of the name of Bart there?—I do not recollect.

1294. A person of the name of Betts?—No.

1295. A person of the name of Goodwin?—Yes.

1296. What is Goodwin?—A man that makes shoes for me.

1297. Is he a voter?—Yes.

1298. Had you any processions from your house about that time?—No.

1299. Before the election?—Yes.

1300. That would be about the time, would it not?—No, long before.

1301. How long before?—Say a fortnight.

1302. None after a fortnight?—No.

1303. You swear that, do you?—Yes, I swear that.

1304. None from your house at any time after that?—Only one, and that was a few flags that I had of my own; that is all.

1305. They did not go by themselves, did they?—No.

1306. Who carried them?—I carried them myself.

1307. More

1307. More flags than one?—Yes, half a dozen.

1308. Were you the whole procession?—I do not say that.

1309. Who else was there with you?—I took them into the market-place, and give them to one to carry, and another to carry, any little boys;—boys a foot high, or anything like that.

1310. There is rather a small population there?—Rather so, and very needy.

1311. Only boys a foot high?—Three or four feet high.

1312. Cannot you tell about some other processions?—No.

1313. You swear there was no other?—I do not know about other people. I know what I done myself, that is all I know.

1314. Processions with bands?—Various times in the city at different places, not at mine.

1315. Torches?—No, not at mine.

1316. Was there a committee room of the Conservatives at your house?—No.

1317. Did any Conservatives meet there?—No.

1318. Was not it the Conservatives' head quarters in that part of the town?—I do not know; I did not attend to them.

1319. You let no rooms to them?—I let my rooms to the opposite party for about three months, if that is what you mean.

1320. You know what I mean; I am asking you whether you let it to the Conservatives; you know that?—I say no.

1321. You swear upon your oath you did not let it to them?—I am upon my oath; I say no.

1322. Now, reminding you of it, do you persist in the answer that you did not?—I did not let my room to the Conservatives during this election.

1323. Had the Conservatives the room for nothing?—They never were there; they did not come there.

Cross-examined by Mr. Serjeant *Sleigh*.

1324. You were telling my learned friend something about the other party at your house just now when he stopped you; used the Liberal Association for promoting Mr. Tillet's election to assemble at your house?—Yes.

1325. And hold meetings there?—Yes.

1326. Did they call themselves the Electoral Union for promoting the return of Mr. Tillet; was that the name they went by?—I think they called it the organisation, that is what they called it; it was for the purpose of sending Mr. Tillet to Parliament, that was the ground-work of it.

1327. How long before the election came off had those meetings been held at your house, the organisation meetings?—They were there three months.

1328. Was Mr. Harper there; you know him, do you not?—I know Mr. Harper; I think he was chairman or something of that sort.

1329. He was chairman or something of the kind of the Organisation Society for the promotion of Mr. Tillet's election?—Yes.

1330. And they had been meeting there for three months; had they been holding meetings of an evening?—Once a week; I think it was on the Thursday evening.

1331. The week before the election were the meetings more frequent?—They gave me what

they called a turn for three months, and they took it elsewhere after that.

1332. Upon the day of the election, about which my learned friend has been asking you, did Mr. Harper come about two or three o'clock in the afternoon?—Mr. Harper came to my bar and saw me waiting upon my customers; he did come.

1333. At that time, when Mr. Harper came, there were the persons whom you have described to my learned friend, a great many people, drinking in the house?—Yes, and standing about.

1334. When Mr. Harper came there about that time in the afternoon, and those people were standing about, what did he say?—Mr. Harper said, "What are the men doing here, Mackley?"

1335. What did you say to that?—I said, "Harper, they are all working men, and they want a day's pay to go and vote." I told him I had no money to pay the men with.

1336. You said that to Harper?—Yes, I said that to Harper; I said, "It is no use you speaking to those men, unless you are in a position to give those men a day's pay."

1337. What did Harper say to that?—Harper, he asked me whether I would give him a quarter of an hour.

1338. Did he say what for?—Till he would go and see his committee. He returned again in a quarter of an hour, and he asked me whether I would let him go and see the men.

1339. The men were still in the house, were they?—Yes; I then said again, "It is no use unless you are prepared with a day's pay for every man that is in the house."

1340. What did he say to that?—He said, "That is all right now, Mackley." I then denied him a-going in the room. I said, "I might get myself into a muddle." When he told me it was all right, he asked me to go and see the men. I refused to let that man go in the room.

1341. You said something to him when you refused to let him go and see the men after he had said, "It is all right"; he had got the money; what did you say?—I said I should be liable to get myself into trouble; it looked like bribery to me. I will not allow you to go.

1342. Then what did you do?—He said then, "If you will not allow me to go, it is all up. We have lost the election." And he walked away.

1343. When he asked you to let him have a quarter of an hour to consult his committee, when he came back again, I want you just to tell me again what was it he said when he said it was all right?—He said it was all right now. I did not know what he meant; he did not show me any money; I saw nothing.

1344. Then you had said to him, "It is no use unless you can give each of these men a day's pay"?—Yes.

1345. He then said to you, "Let me have a quarter of an hour to see my committee." I want you to recollect exactly what it was when he came back and said, "It is all right now, Mackley"?—He wanted to go up and see the men; then I repeated the same words again, "It is no use unless you can pay the men a day's pay." He said, "It is all right."

1346. When he said, "It is all right now," did he say anything about having got the money?—

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No;

R. Mackley.

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R. Mackley. No; he said, "That is all right; I can settle with them now." That is all he did say.
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1347. While Harper was there, and the men were round about the bar, did you see Harper take out any money, or put any money upon the counter?—I did not speak to the men on the day.

1348. While Harper was there, coming in and out, talking about going to his committee, and so forth, did you see him?—I understood the word wrong; I thought you were speaking about the men at that time. It is all right about Harper.

1349. Did you see Harper put any money on the counter, or offer any money to any voters, while he was coming in and going out?—I did not.

Re-examined by Mr. Serjeant *Ballantine*.

1350. You had a strong objection, as I understand, to bribery in your house?—I do not understand that.

1351. I understood you to say that you would not let him go upstairs because you thought there might be bribery, to which you objected?—I thought that I might get myself into a muddle; that is what I said about it. I did not wish him to do so.

1352. Will you tell me why, if you objected to bribery lest you should get yourself into trouble, you mentioned that none of the men would vote unless they got a day's pay?—The men said so; and he told me they would rather go and vote for Sir Henry Stracey plumpers before they would go and vote for Mr. Tillett, if Mr. Tillett did not pay them; this was the whole argument, "If Mr. Tillett's party don't pay us a day's pay in the afternoon between three and four o'clock, we will all go and plump for Sir Henry Stracey"; and they stuck to their words.

1353. What I have asked you as an intelligent witness is, why, if you did not want to countenance bribery, did you mention to Harper that they would not vote without a day's pay?—It was common to all.

Mr. JOSHUA HARPER, sworn; Examined by Mr. Keane.

Mr. J. Harper. 1365. HAVE you been sitting in court the last 20 minutes?—Yes.

1366. You heard what that gentleman who has just left the box said about you; is it true?—Not all of it.

1367. Tell us what the true part of it is?—The quarter of an hour is not true.

1368. Did you go there in the afternoon?—I went twice.

1369. What was the first time you went?—The first time I went was about half-past one.

1370. Had you any conversation with the last witness?—I had.

1371. Mr. Baron *Martin*.] What happened when you went there at half-past one?—I said to Mackley, "Mackley, what about these voters you have got here?" he said they wanted something. I said, "We cannot bribe"; after two or three words (I cannot say what passed), he takes me into his back room. I said, "Mackley, you do not want to be afraid, tell us what you want"; and I think I said to him at that time, "How many voters have you got?" he then said, "From 30 to 40." "Well," I said, "what

1354. But why did you mention it?—They mentioned it to me.

1355. Why did you mention it to Harper?—Because the men asked me to do so; they asked me whether they could get a day's pay. I said, "I have got none, you must go to Tillett's party; I have got none here." I said, "Here they are backward and forward." I had got four in the room; Mr. Gilmore was one: I said, "Go and ask those men, and they will tell you."

1356. Mr. Baron *Martin*.] They asked them to go to Tillett's party, what for?—To get this day's pay; they would not go without.

1357. Mr. Serjeant *Ballantine*.] You did mention it to Harper?—The man was there; I told him of it myself.

1358. Why did you tell him of it?—There was a man standing right against him to ask him the same question.

1359. Why did you tell him?—I might as well tell him as the man.

1360. Did you tell him for the purpose of getting a day's pay?—It was no benefit to me; I said they will not vote unless they can get a day's pay.

1361. Did you tell him that, that the men might get a day's pay?—I left it to his own opinion whether they did or did not.

1362. Why then, when he came back and said he was ready to arrange things, did you not let him go in?—I did not let him go in; I did not want him to go in and get myself into no muddle.

1363. Why did you mention what the men wanted?—Because he asked for a quarter of an hour to go home after something; that is the cause why. Then I thought he had got the money to get and do it with.

1364. When you thought he had no money, you said that the man would not vote without money; but when you thought he had money, you would not let him go up to give it them?—Yes, I stopped him; I got him to go off. I am a friend of Sir Henry Stracey, and during the day I would not let him go into them.

about them"? There was some hesitation about his answer, and I said, "Come, now, tell us what they want." "Well," he said something about a day's work, the exact words I cannot give you; but he said afterwards, "They must be half-sovereigns or sovereigns." "Well," I said, "I will see you again," and I left the house. I went again about three o'clock, and I saw a man keeping the door, or a short distance from the door. I have been told since his name was Madge, or some kind of a name of that sort; a flat-nosed man.

1372. Mr. Keane.] Not Tin Ribs, or Pot-headed Bob?—No; that is not the man. I said to Madge, "Whose cart is that at the door?" I knew whose cart it was, but I was determined to make out where it was. He said, "That is Hardiment's cart." I said, "I want Mackley"; he told me he was indoors, and some one went in for him to tell him that I was waiting to see him. Upon his not coming I went in. I got out of the trap that I was in and went indoors. I pushed on through the crowd to the entrance to the staircase. I said, "I want to see Mackley." I saw a Mr.

a Mr. Vines there, against the door of the staircase. I also saw a larger man than Vines, with a very large head and thick neck, against the chamber door.

1373. Was that the man known as Big-headed Ben?—I can only describe him.

1374. That description would suit him, Big-headed Ben, would it not?—Large head and thick neck. Some one called out, "It is no use your coming here, Harper." I do not know who that was. Mr. Vine said, "Mr. Harper, it is no use your coming here, we go in to win." I said, "I shall not go till I have seen Mackley." They brushed about and seemed anxious to get rid of me; and some one called out, "Mackley is in the front room." I went to the door that is entered from the street; some one in the yard adjoining the house said, "Here is Mackley." I walked to Mackley and said to him, "Mackley, what do you mean? You are selling us." He replied, "It is all your own fault, you could have had them." I said, "Ah, by buying them." I said, "Mackley, you have deceived us; you have now got Hardiment up in your chamber buying voters." He said, "Yes"; then I jumped into the cart and left.

1375. That is about everything that occurred?—That is about the history of Mackley in regard of me.

1376. Did you ever spend anything in bribery?—Not a penny.

1377. Nor authorise any expenditure?—Nor authorise, not a fraction.

1378. Neither at this election nor any other?—Not in my life. I neither treated a party with beer, nor money, nor nothing else; if I knew any one else did I should be the first to let it out.

Cross-examined by Mr. Rodwell.

1379. What did you mean when you told Mackley, "Mackley, you have sold us"?—I said "You are selling us."

1380. What did you mean by that?—I meant that he was selling his voters that he had talked to me about in the morning, to Hardiment or the other parties.

1381. And not selling them to you?—Not selling them to me; he would not sell them to me.

1382. Why did you ask the question, "What do the men want"?—I had a mind to know whether bribery was going on or no. I went for the purpose.

1383. How did that help you to know what they wanted?—It helped me to the fact that they really wanted money.

1384. He told you before that they wanted their day's pay?—I am now alluding to the first time I met him.

1385. So am I. I want you to explain why, when you first met him, when he told you that the men wanted their day's pay, or something of that sort, did you go on with the conversation with him and say, "What do they want"?—I had a mind to know the price that they asked.

1386. He had told you a day's pay?—He said something about a day's pay; but after that he said, "They must be half sovereigns or sovereigns."

1387. Then you went back to your committee room?—No, I went about the city.

1388. What doing?—I wanted to see if I could find any more haunts of bribery.

1389. You went out bribery hunting?—Yes.

1390. Did you see any of your committee, or any of the leaders of your party, between the time you had first been to Mackley's and when you came back?—Not to speak to them.

1391. Had you told anyone what was going on at Mackley's about those voters?—Yes.

1392. Who?—I cannot say. I spoke of it, I think, in the Seventh Ward Committee Room.

1393. To whom?—I spoke it openly.

1394. What did you say?—I think I said, "They are buying like mad."

1395. What time was that?—It must have been about two o'clock.

1396. Did you say to anyone, "If we did not buy, the election will be lost"?—I did not.

1397. Or words to that effect?—Not to that effect; nothing that could be twisted into that.

1398. You know Vines?—I know him as I had been told; they call him the Conservative working man; I only know him by that.

1399. Was he present at the time that you had the conversation with Mackley?—No.

1400. No part of it?—No part of it.

1401. Who was present?—I do not know that anyone heard me, unless Mr. Robert Fisher did, for I was at the side of the cart when I spoke the words.

1402. Did you go to this bribery place all alone?—I did not; Mr. Fisher went with me.

1403. Is Fisher in a condition to prove the correctness of your statement of your conversation with Mackley?—He might have heard him; I do not know whether he did; Fisher could tell you that; I think he could have heard him.

1404. You know Mackley's statement is somewhat different from yours?—Yes, it is.

1405. The contradiction consists in this, that he says that when you came back you said, "All right; I can settle with them now"?—He said I came back in a quarter of an hour, that is untrue; it was an hour or more.

1406. The words that he imputes to you are, "All right; now I can settle with them"?—I never uttered them.

1407. He has sworn you did; you deny it?—I do.

1408. Would you tell me why, when he said he had a lot of voters there who wanted their day's pay, after you had asked what they wanted, you also asked, "How many have you got"?—I wanted to know how many voters there were marketable in that locality. I had heard, previous to my going about the city, at the central committee-room, that there were voters congregated in different public-houses, and I wanted, if possible, to deter them from buying them.

1409. Will you tell me why you went the second time?—Yes; I wanted to see if I could see any bribes.

1410. Did you expect to see more the second time than you did the first?—I did.

1411. To what other public-house did you go besides this?—I went to John Mackley's, at the "Marquis of Granby's," and after I left Mackley's, to the "Woolpack."

1412. Is Mr. Fisher here?—I think not; I have not seen him to-day.

1413. Was Mr. Gilmore present upon the occasion when you were at Mackley's?—I did not see him; I saw Gilmore on St. Mary's Plain at the first time I started for Mackley's.

1414. You did not know whether he was there when you were talking to Mackley?—I do not know; I did not see him.

1415. Did you have any conversation with any voters

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voters yourself with Mackley?—None, only with Vines, as I have told you, and I did not speak to him till he spoke to me.

Re-examined by Mr. Keane.

1416. I presume you received nothing for

what you did in going about to those persons?—Not a fraction.

1417. You were acting as a preventative policeman, if possible?—I was.

1418. Mr. Serjeant *Ballantine* (through the Court)?—Do you know whether Hardiment was a canvasser for Sir Henry Stracey?—He was.

ALFRED MONEY, sworn; Examined by Mr. Keane.

A. Money.

1419. I THINK you live at Rose-yard?—Yes.

1420. Do you know Mackley's, the "Wool-pack"?—Yes.

1421. Were you there on the day of the election?—Yes.

1422. In the afternoon?—Yes.

1423. About what time was it?—A quarter past three.

1424. Were there many persons there in the bar and in the tap-room?—A great many.

1425. Which room were you in?—I went in the bar first.

1426. While you were there, did a man come to the door and say anything?—Yes.

1427. Do you recollect or did you know who he was?—No.

1428. You did not know who he was; do you know now?—No.

1429. What was it that he said?—"He is here now."

1430. Did he say anything more than, "He is here now"?—No.

1431. What was done upon that?—A great many of them went upstairs.

1432. Did you go upstairs?—Yes.

1433. When you went upstairs did you find anybody on the landing?—Yes.

1434. Who was it?—Mr. Hardiment.

1435. Was there anyone else besides Mr. Hardiment there?—Yes, there was a great many people there.

1436. Standing upon the landing, I mean?—Yes.

1437. Who was it?—Mr. Freestone.

1438. He is a baker, I think?—Yes.

1439. Did they go from the landing into a room upstairs?—Yes.

1440. And did you?—Yes.

1441. Tell my Lord what was done in the room?—There was a man counting how many was there.

1442. And what was the result of the counting?—They said something about 1 *l.* a-piece.

1443. How many people were there?—Twenty-one.

1444. Was anything said by anybody about what he wanted?—Yes.

1445. What was it?—Some of them said they wanted 3 *l.* a-piece.

1446. And as to others; what sum was asked?—£. 1.

1447. Was any sum fixed between them and Hardiment?—Yes.

1448. What was fixed on?—£. 1 a-piece.

1449. By whom was that fixed?—By Mr. Hardiment.

1450. Did Hardiment appear to you to have any money with him?—He had some in a bag.

1451. Did the bag appear to be full?—Not quite.

1452. Did you see any of the money that was in that bag?—I saw it after he took it out.

1453. What money was it?—Sovereigns.

1454. What did Hardiment do with the money?—He paid some to me.

1455. What did he pay you?—A sovereign.

1456. And where did he pay it to you?—On the landing.

1457. While you were being paid, where were the others?—Some in the room, and some close by on the landing.

1458. Did you see any of the others paid as well as yourself?—Yes.

1459. How many?—I should think about five or six.

1460. Then you went away, did you?—I then went away.

1461. When Hardiment paid you a sovereign, can you tell me whether or not he made a note of it?—He put it in a pocket book.

1462. Did he do the same with the five or six others who were paid before you went away?—Yes.

1463. Were there any persons there from the Third Ward?—Yes.

1464. Did they get any money?—No.

1465. Did Hardiment give any reason for not paying money to the two men from the Third Ward?—Yes, he said they did not belong to his ward.

1466. Did he say they could get it from their own ward?—Yes.

1467. Was Freestone, the baker, present while this money was being paid?—Yes.

1468. Did you hear him say anything to Hardiment at that time?—I heard Hardiment say to him, "Have you got a man that will go and see whether those men vote?"

1469. What did he answer?—He said, "Yes"; and so he appointed me to go and see that they voted.

1470. Did you go and see them vote?—No.

1471. Did you vote yourself?—No, I have not one.

1472. You went out with them when they left?—Yes.

1473. Before they got to the poll you left them, I suppose?—I did so.

1474. Do you recollect seeing a person of the name of Clark there?—I heard a man give his name as Clark, but I cannot say that was the name.

1475. Betts?

1475. Betts?—Yes; I cannot say that was the name, but they were strangers to me.

1476. And Goodwin?—They gave that name in.

1477. Mr. Baron *Martin*.] What part of the town is this?—In St. Martin's.

1478. Do you know where the "Trumpet" is?—Yes.

1479. Mr. *Keane*.] What ward is the "Wool-pack" in?—The Eighth Ward.

Cross-examined by Mr. *Rodwell*.

1480. What are you?—A shoemaker.

1481. You are not a voter, I think?—No.

1482. You got 1 l.?—Yes.

1483. What did you get 1 l. for?—Mr. Hardiment gave it to me.

1484. Not for your vote?—No, he never asked me whether I had one; anyone that was there he put the name down and give it to him, and I thought I had as much right to it as others; so I took it.

1485. I suppose you went and gave information to the other side of what you saw?—Of course I did.

1486. And what have you been paid for it; anything?—I have been paid for my day's work.

1487. How much have you been paid?—Five shillings a day.

1488. For how long?—About eight days.

1489. What have you been doing the eight days?—Walking about.

1490. Enjoying yourself?—A little, for that.

1491. What have you got the 5 s. a day for; have you been paid your 5 s. a day?—Yes.

1492. Who has paid you?—The gentleman that sits there (*pointing to a gentleman in the Court*).

1493. Has he got a name?—I do not know his name.

1494. Let me introduce you to Mr. Vernon; he has paid you 5 s. a day?—Yes.

1495. You seem to have been doing as much for him as you did for Mr. Hardiment then. What are you paid 5 s. a day for; for your evidence?—I do not know; for walking about.

1496. When was it you gave information first?—I think it was somewhere about last Monday week, I think.

1497. Whom did you go to?—To Mr. Harper.

1498. How did you come to make the bargain or the agreement that you were to have 5 s. a day; who made it with you; Mr. Harper?—Yes, Harper.

1499. What did Harper tell you when you came and gave him this information; or rather, what did you tell Mr. Harper; did you say, "I have got something that will damage Sir Henry Stracey?"—I told him and said what I have now repeated.

1500. Did you ask to be paid anything?—No; he said he would give me a job.

1501. What job did he give you?—To walk about, I suppose, to see if I could learn any more.

1502. Did you ask what you were to have?—Yes.

1503. What did you tell Harper you wanted for your evidence?—Five shillings a day.

1504. Did you say to him, "I will tell you this if you will give me 5 s. a day;" is that what took place?—No; I told him what I have sworn here before I came to any agreement.

1505. Then did you say you must have 5 s. a day?—No; he said he would give me 5 s. a day if I would go about and ascertain any more.

1506. Have you ascertained any more?—I have not.

1507. When you were at this public-house had you been drinking yourself?—I got one pint of ale.

1508. What did you go there for?—For a pint of ale.

1509. Was that all you went there for?—Yes.

1510. How long did you stop there?—About 20 or 25 minutes.

1511. All that took place was done in that 20 minutes?—That was so.

1512. Had you never told anybody else before you told Harper about what you had seen?—Yes, I had.

1513. Who was it?—Mr. Nunn, of St. Augustine's.

1514. What is he, a barber?—Yes.

1515. You went and told him at the barber's shop what you told Mr. Harper?—Yes.

1516. Did he advise you to go to Mr. Harper?—He did.

1517. And did you go with him to Mr. Harper's?—Yes.

1518. And this took place at the time of the election which you have been telling us to-day; what day was the election, it was the 17th of November I believe?—Yes.

1519. And are you quite satisfied that your memory is correct upon what took place?—Yes, I think it is.

1520. Did you talk over this to anybody except the barber, before you mentioned it to him?—That I cannot exactly say.

1521. Did you say anything to Hardiment about it?—I never saw him.

1522. Do you expect to get anything more for your evidence?—No.

1523. Have you a promise of anything more?—No.

1524. Do you know any other persons who have been paid 5 s. a day for walking about?—Yes, taking out subpoenas and that like.

1525. You have not been taking out subpoenas?—No.

1526. Do you know any persons that have been paid as you have?—Not that I know of.

1527. You are a shoemaker; where do you live?—In Rose-yard.

1528. Did you take any part in the election yourself?—No.

1529. You did not canvass?—No.

1530. Nor get any votes for either side?—No.

1531. Did you see Harper upon the day of the election?—No.

1532. Were you in other public-houses besides this one on the day of the election?—At the "Flower in Hand" in — street.

A. Money.

15 January
1869.

EDMUND ADCOCK, sworn; Examined by Mr. Serjeant *Ballantine*.

E. Adcock. 1533. Did you vote for Sir Henry Stracey?—
 Yes.
 1534. Did you get anything for doing so?—
 Nothing.
 1535. You were paid nothing at all?—
 Nothing.
 1536. You are quite sure, are you, about that?—
 Yes.
 1537. You did not receive any money from
 Hardiment?—No.
 1538. Do you know Mr. Skipper?—Yes.
 1539. A solicitor?—Yes.
 1540. Is he in court?—Yes (*the Witness*
pointed to Mr. Skipper).
 1541. You know him quite well, do you not?
 —I know him personally, by seeing him.
 1542. Is that all you know of him?—Yes.
 1543. Have you received any money from
 him?—Yes.
 1544. From his own hands?—No.
 1545. From whom?—From one of his agents.
 1546. What is his name?—I cannot say.
 1547. Should you know him if you saw him?
 —Yes.
 1548. Can you see him now?—Yes (*pointing*
to a person in the Court).
 1549. The gentleman in the white neckcloth
 looking like a clergyman?—Yes.
 1550. What have you received from him?—I
 cannot say.
 1551. When did you first receive any from
 him?—That I cannot tell you.
 1552. Yes, you will?—But I do not think I can.
 1553. About when; I have got something
 under your own hand; perhaps you do not know
 that?—That I do not.
 1554. You will see it presently?—Very well.
 1555. When did you begin receiving any
 money?—I cannot say the day of the month.
 1556. Was it three months ago?—No.
 1557. Two months ago?—No.
 1558. Six weeks ago?—Let me recollect; it
 is not six weeks ago.
 1559. About that?—It was just before
 Christmas.
 1560. How much did you get from him?—I
 do not know exactly.
 1561. Mr. Baron *Martin*.] Surely you must
 tell; it is only three weeks ago?—I got 5*s.*
 a day for running about errands and delivering
 messages.
 1562. Mr. Serjeant *Ballantine*.] What er-
 rands?—Letters, or any messages he liked to
 send by me.
 1563. And you got 5*s.* every day for that?—
 Yes.
 1564. For three weeks?—I do not know
 whether it is three weeks exactly; it was before
 Christmas.
 1565. And you got this 5*s.* a day for running
 on messages?—Yes.

1566. What are you by business?—A horse-
 hair weaver.

1567. Were there any other persons who were
 at the “Woolpack,” or were you at the “Wool-
 pack” on the day of the election?—Yes.

1568. Just tell me; were there any other
 persons employed by this gentleman who were
 at the “Woolpack” upon that day?—Employed
 by Mr. Skipper?

1569. Yes?—I cannot say.

1570. You saw him, did you not?—I saw
 several people there.

1571. Did you not see ten or a dozen people
 who had been at the “Woolpack” who were
 employed by Mr. Skipper?—No, I saw several
 people, but no one employed by Mr. Skipper, to
 the best of my knowledge.

1572. Did you see any other persons employed
 upon the same errands with yourself by Mr.
 Skipper after the day of the polling; after the
 election day. Did you see the people that you
 had seen at the “Woolpack” employed in the
 same business with yourself by Mr. Skipper?—
 No.

1573. Did you show this to Mr. Skipper or to
 Mr. Skipper's clerk. Look at that (*handing a*
Paper to the Witness). Just take a good look
 at it; do you know the handwriting?—No.

1574. It is not your handwriting?—No.

1575. You are quite sure about that?—
 Yes.

1576. Have you never seen it before?—
 No.

1577. Did you give any paper to a person of
 the name of Brown?—No.

1578. Not any of any kind?—No.

1579. That you are quite sure about?—
 Yes.

1580. And you received no money?—No.

1581. You are quite sure this is not your
 handwriting?—Yes.

1582. Is it like your handwriting?—No.

1583. Not the least?—No.

Cross-examined by Mr. *Rodwell*.

1584. You have been employed, if I under-
 stand, since the election?—Yes.

1585. You began about three weeks or a
 month ago?—Somewhere at that time, I
 believe.

1586. You were not employed at the election?
 —No.

1587. What have you been employed by Mr.
 Skipper as?—For running errands and messages,
 and carrying letters and things of that sort.

1588. It had nothing to do with the election
 matters?—No.

THOMAS HUTCHINS, sworn; Examined by Mr. *Keane*.

T. Hutchins. 1589. WHERE do you live?—In St. Mary's.
 1590. What are you?—A cordwainer.
 1591. Do you know Mackley's-place, the
 “Woolpack”?—Yes.

1592. Were you there on the day of the
 election?—Yes.

1593. What time in the day?—I was there
 several times in the course of the day.

1594. Were

1594. Were you there in the afternoon?—I believe I was.

1595. Did you see Hardiment there?—Yes.

1596. Did you see the last witness, Edmund Adcock?—I saw him just go out.

1597. Did you see him there that day?—Yes.

1598. Was he there in the afternoon?—Yes.

1599. Did Hardiment give money in your presence to anybody?—Yes.

1600. To whom?—To him and to me, too.

1601. And to some others?—I believe so.

1602. You are certain about Adcock and yourself?—Yes.

1603. What was the money you got?—I got a sovereign, if I must speak the truth.

1604. What did Adcock get?—As much as I, I believe.

1605. Did you see anybody that got money get anything but one pound?—No.

1606. Each of them got one pound?—I did.

1607. Mr. Baron *Martin*.] How many were there?—I cannot say; there were several of them.

1608. Mr. *Keane*.] About how many; half a dozen, or more?—More than that.

1609. Was Freestone there; do you recollect seeing him?—I cannot say.

Cross-examined by Mr. *Rodwell*.

1610. You used the word, “You believed that the others had a sovereign”?—Yes, I know they had.

1611. Do you mean that you saw it paid to them?—Yes.

1612. Who was paid first?—I dare say I was.

1613. Can you tell us where about it was paid?—Some was paid upstairs and some downstairs.

1614. Were you paid first or last, or who was paid just before you?—There were several paid before me, but I do not know who they were.

1615. When was Adcock paid?—The same day I was.

1616. Were there others paid the same day, besides you and Adcock?—Certainly there were.

1617. Can you name them; are those the names you have given my learned friend?—I name only myself; other people were there as well as I.

1618. Do you know that Adcock has denied

it?—I cannot help that; I am telling you the truth. *T. Hutchins.*

1619. You say you saw Adcock receive a sovereign?—Yes, he got the money as well as I. 15 January 1869.

1620. Did you see it paid into his hand?—Certainly I do not say I see it paid into his hand.

1621. Did you see it paid into his hand?—I cannot say that, but I know right well it was paid into his hand.

1622. If you did not see it paid him, how do you know it was paid him?—If I did not know, I should not tell you surely; I know he was paid.

1623. Did you see him paid?—He was paid.

1624. Did you see him paid; did you see the coin passed?—Yes, it was passed.

1625. Mr. Baron *Martin*.] Did you see it pass?—Yes, I did see it passed.

1626. Mr. *Rodwell*.] Into his hand?—Into his hand.

1627. By Mr. Hardiment?—Mr. Hardiment himself.

1628. Was he paid before you, or after you?—Before me.

1629. Next before you?—I went after him.

1630. Were you in the room when he was paid?—Yes, I were.

1631. Did you go up one at a time?—No, there was some of them went twice.

1632. Did you go up with Adcock?—No, I did not.

1633. Did you go into the room when he was there?—We was all in the room together.

1634. Were you standing next him when he was paid?—I followed a certain man, and a man got 1 l. as well as I.

1635. The Judge put the question to you, “Did you see the money pass into Adcock’s hands”?—I did.

1636. What was it?—A sovereign.

1637. Not two halves?—No.

1638. But a sovereign?—Yes.

1639. That you swear distinctly?—I am on my oath, and I speak the truth.

1640. When did you first mention this about Adcock?—I never mentioned it at all till it was mentioned about me.

1641. When you mentioned it about you, you mentioned it about other people?—Most certainly I did.

1642. Have you been paid for any information or evidence that you can give?—No, not a farthing.

ANDREW FREESTONE, sworn; Examined by Mr. *Keane*.

1643. WHERE do you live?—In St. Augustine’s.

1644. What is your business?—A baker.

1645. Were you at the “Woolpack” on the day of the election?—I called upon Mr. Hardiment on the day of the election at the “Woolpack.”

1646. What time of the day was it that you called upon Mr. Hardiment?—About three or something like that; I cannot say for half an hour; I called to speak to Mr. Hardiment; I had his pony.

1647. Was it Hardiment’s pony you had?—I believe it was.

1648. Did you find Hardiment at the “Woolpack”?—Yes, I found Hardiment there.

8.

1649. Did you speak to him there?—I told him that I was going home, and I wished him to take the pony. *A. Freestone.*

1650. Whereabouts was he?—Hardiment was upstairs in the room when I went and spoke to him.

1651. Were there any persons there besides Hardiment?—Several persons were there.

1652. Were they voters to your knowledge?—I do not know, I am sure.

1653. Did you see the landlord, Mackley, at that time?—No, I do not know the landlord in particular; I have not been in the locality more than three or four times in my lifetime.

1654. What was Hardiment doing when you saw him upstairs?—He was speaking to several men in the room; there were several there.

D 4

1655. Was

A. Freestone.

15 January
1869.

1655. Was it confined to speaking only?—No; there was plenty of noise in the room and drinking going on; I never looked to see what was going on; there was plenty of noise.

1656. Did you see him give any of them anything?—No.

1657. Nothing at all?—No; I was not there hardly a minute.

1658. Did the men who were there go before you or with you?—Not any one.

1659. Did you leave him there?—I left Mr. Hardiment there and I left the men there.

1660. Did you see any money pass there?—Not any.

1661. Did you see any money not passing?—Not any money passing.

1662. Did you see that Hardiment had money with him?—No.

1663. Had he a bag?—I cannot say.

1664. Was there a bag there?—I do not know; I never see any.

1665. Do you say that there was none there, or that you do not recollect that you saw any?—Hardiment was in the room; "I said I want to speak to you;" I wanted him to take charge of the pony; he referred to some one that was there; I wanted to go home about my business. He said, "So-and-so will take my pony or my man," I do not know who it was.

1666. You were there upon the whole about a minute or so?—I merely went upstairs and spoke to him, and came back again; I do not suppose I was in the house five minutes altogether.

1667. Was anything said about whom those persons were going to vote for?—I did not wait long enough to hear anything; some man mentioned to Hardiment, "Who was to see these men go to the poll;" and I saw a man of the name of Money there, and I said, "Money I suppose will see the men go to the poll." He was the only man I knew in the house barring Mr. Hardiment.

1668. What was said to you when you pointed out Money as the man; what was it Hardiment said?—There was some talk respecting the men going to the poll; "Do you know anyone to go to the poll with these men?" I looked round and did not know anyone in the room barring a man of the name of Money, and I said, "There is Money, I suppose he can go with them." Then I left the place.

1669. "Is there any man to go to the poll with those men" that was addressed to you, was it?—I do not know whether it was addressed to me; there were several standing there.

1670. You answered it?—Yes.

1671. Mr. Baron *Martin*.] I understand you knew Money, and he said that he would go?—Yes, that was the only man I knew in the place.

1672. Mr. *Keane*.] I think I have asked you before, but did Money go with them before you went?—I cannot say; I do not know whether Money went away or stopped there.

1673. You left him in the room?—I believe I left him there; I would not swear he went away; I came away myself; I cannot say whether he went out or not.

1674. Did you canvass at all?—No.

1675. Did you accompany anybody who was canvassing?—I was coming home that day and I met several of my friends, and I stopped in Pitt-street about 10 minutes or a quarter of an hour.

1676. Did you canvass with Hardiment at all?—No, neither that day nor any other.

1677. With whom were you canvassing; do you recollect the names of your friends who were canvassing?—I saw Mr. Delph and two or three other parties. I had a little business to do with one man, and I said, "How long will you be?" and he said, "Half an hour;" and I said, "I will wait with you till you go home," and I walked with them till they had finished.

1678. Who was the one you had business with?—I was going a little way with Mr. Wiseman; young Mr. Wiseman.

1679. Was Mr. Wiseman canvassing?—I cannot say.

1680. How long were you with that party that were canvassing?—I went out three o'clock, and was in again by four.

1681. Were they canvassing for Sir Henry Stracey?—I believe they were.

1682. Were you on that day at Clarke's beer-house at the corner of Jenkin's-lane, Hope-street?—I do not remember; I do not know the name.

1683. Do you recollect going with Mr. Hardiment and Mr. Robert Wiseman into any beer-house or public-house during that hour?—I went into one or two beerhouses; my business lies a great deal in beerhouses; I cannot say whether the name was Clarke.

1684. At the corner of Jenkin's-lane?—I do not know where it is. I never saw Mr. Hardiment and Wiseman together that day; I saw Mr. Wiseman that afternoon as they were coming home, and came home with him.

1685. Did you go with either of them to a beerhouse?—I believe I went into a house and had a glass of ale (where it was, I cannot say) with Mr. Wiseman.

1686. What was done at the beerhouse while you were there?—I think it was a man of the name of Newman, at the sign of the "Cherry Tree."

1687. What was being done while you were there?—There was no one there in particular; I went in and had a glass of ale, and waited for him.

1688. What were they doing?—Mr. Newman and his wife, and Mr. Gilbert, I believe, was there; they came in, and we had a little laugh about the election.

1689. Did they do nothing more than take refreshment?—Nothing else. There was a little laughing about the election one with another; not with me alone particularly; they were all talking and laughing about it.

1690. Do you know a person of the name of Robert Mitchell?—Yes, I think I know a party of that name; I let him a house a little time ago in St. Mary's.

1691. Did you take him to the poll?—I carried him as far as St. Mary's Plain; I do not know where he went to then.

1692. Did you or not go with him to the poll?—I went as far as St. Mary's Plain; I do not know whether he went to the poll or not.

1693. I do not know exactly where it is; can you tell me?—It is a strange place to me; I carried him as far as St. Mary's Plain.

1694. Is St. Mary's Plain a polling place?—There is one not very far off.

1695. How far off was the other polling place?—About 100 yards.

1696. Did you give him any money yourself?—No.

1697. Or promise him any money?—No.

1698. Had

1698. Had you given him money before?—No.

1699. Did you treat him in any way?—No.

1700. Do you know a person of the name of Thomas Robins who lives in Fuller's Hole?—Yes, I know him; he rode down St. Martin's with me.

1701. Did you go with him to the poll?—No.

1702. Or to some place very near to the poll?—No, no nigher than with the other man; they both got out of my cart together.

1703. Did you give him any money?—No.

1704. Any promise of money?—No.

1705. Did you treat him in any way?—Not anything.

1706. Do you mean to represent that you had nothing to do with bribing at all?—Nothing at all.

1707. Not the slightest?—Not the slightest.

1708. Neither with Mitchell nor Robins?—No, not with anyone.

1709. You mean to swear you saw nothing; nothing took place in your presence?—I swear I saw nothing of the kind with anyone.

1710. Did you know from Hardiment that he had something to do with bribery?—

Mr. Baron *Martin*.] I cannot allow any leading question of that question to be put. 15 January 1869.

Cross-examined by Mr. Serjeant *Sleigh*.

1711. You are a baker I understand?—Yes.

1712. You were driving a cart upon the day of the election?—I saw Mr. Hardiment, and he asked me whether I would accompany him a little way; I had no objection, and I rode with Mr. Hardiment.

1713. You were driving the cart that day?—He was driving the cart, and I rode with him.

1714. Nearer than 100 yards to the polling booth you did not go with anybody?—Yes, I went nigher with some man; I do not know what the man's name was, for Mr. Hardiment.

1715. There is no pretence for saying that you bribed?—No, nothing of the kind; I went very near the poll, but what for I do not know; there was no bribing going on with me.

[Adjourned to To-morrow, at Ten o'clock.

Saturday, 16th January 1869.

Mr. ROBERT WISEMAN, sworn; Examined by Mr. Serjeant *Ballantine*.

- Mr. 1716. WHAT are you?—A Builder.
R. Wiseman. 1717. Living at Norwich?—St. Mary's.
 ----- 1718. What ward is that?—The Eighth Ward.
 16 January 1719. Were you engaged at the last election?
 1869. ---Yes.
 1720. Had you been engaged at previous elections?—Never.
 1721. This was the first time you were engaged at an election?—Yes.
 1722. In what capacity were you engaged?—Manager.
 1723. Manager of the Eighth Ward?—Yes.
 1724. Who engaged you?—A body of gentlemen, in a large room at the "Swan." It was proposed and seconded by a body of gentlemen.
 1725. Who appointed you; were you appointed by resolution?—Yes.
 1726. Were you present at the time of the resolution being passed?—Yes.
 1727. Who were the parties to it?—I cannot recollect.
 1728. You cannot forget, I suppose?—It was not my intention to be nominated or proposed.
 1729. That is not the question?—I do not know who they were; it was done momentarily.
 1730. Is your son here?—I think he is.
 1731. Do not you know your son?—Yes.
 1732. Is he here?—I have not seen him since I have been here.
 1733. Is he in court?—I do not know.
 1734. Was there anybody in the chair in the room?—Yes, Mr. Patteson, the brewer.
 1735. Who else was there there?—I think it was a master grocer, in St. Stephen's.
 1736. When was it?—I do not know.
 1737. Was Mr. Bignold there?—I think not.
 1738. Was the name of the master grocer Stockings?—No.
 1739. You cannot tell whether Bignold was there or not?—I think not.
 1740. Were any of the Straceys there?—No.
 1741. About that you are quite sure?—Yes.
 1742. You were appointed general manager; was the appointment in writing?—No.
 1743. What were you to do?—Stick to the committee-room, and attend to all that was required.
 1744. Were you to canvass?—No.
 1745. Were you to appoint canvassers?—No.
 1746. Who was to do that?—I do not know.
 1747. Yes, you do. You are in a position to make this a little perilous; you were the general manager?—Generally so; all the time I was manager of the Eighth Ward.
 1748. Yes, you were manager of the Eighth Ward; then you were to arrange everything that was usual and necessary during an election?—Not in the slightest.
 1749. What were you to manage?—On the election day to fill up the cards, and send them in, to a minute, every half-hour.
 1750. When were you appointed?—A day or two before the election.
 1751. Be cautious?—I think the meeting was two or three days before.
 1752. How many days?—Three.
 1753. Had there been canvassing before that?—I think there had, but I do not know.
 1754. Mr. Baron *Martin*.] Be cautious. You do not know whether you had been canvassing before this day?—That was not the question, my lord.
 1755. Mr. Serjeant *Ballantine*.] Do you know whether there had been any canvassing?—I think there had; I am sure there had.
 1756. Then, why did you swear, a minute ago, that you did not know whether or not there had been canvassing, when you now swear that you know there had been?—I was not with them.
 1757. Why did you swear that you did not know; that was false?—I really do not know of my own knowledge. I have no doubt that they were canvassing.
 1758. Had the canvassers to report to you?—No.
 1759. To whom did they report?—I do not know. If you allude to the Eighth Ward, certainly not. I should say that they were not canvassing, previous to my management, in the Eighth Ward.
 1760. Did they canvass afterwards?—Yes.
 1761. To whom did they report?—I suppose to the central committee, but I do not know.
 1762. Do you mean to swear that you do not know to whom the canvassers reported?—Certainly.
 1763. You have no idea?—No.
 1764. Did you ever see the reports or the canvassers?—Not the reports; I saw young Mr. Stracey and Hardiment, and, I think, a Mr. Dowson.
 1765. Hardiment is a man having business in Paris, is he not?—I do not know.
 1766. Mr. Baron *Martin*.] Who was the third person?—Mr. Dowson.
 1767. They were canvassers?—Yes, and I saw them only once.
 1768. Mr. Serjeant *Ballantine*.] Did you know of their appointment?—No.
 1769. Which Mr. Stracey was it?—The elder son.
 1770. Did Hardiment and he canvass together?—Yes.
 1771. You can tell me a good deal, cannot you?—I was shut up all the time; I will tell you all you ask me.
 1772. How do you mean shut up all the time?—I was in the committee-room all the time.
 1773. What time did you go there?—At nine in the morning.
 1774. And remained till when?—Some time between 9 and 10.
 1775. At night?—Yes.
 1776. That was the two days before the election?—Yes.
 1777. You know that you are tolerably well known in Norwich, and therefore I just ask you this question; do you mean that you remained the whole of each day in the committee-room?—Certainly.
 1778. That

1778. That you swear?—Yes.
 1779. And you never moved out of it?—No.
 1780. Not during the whole of that time?—No.
 1781. Where was the committee-room held?—In Calvert-street, at Smith's, the shoe manufacturer's.
 1782. Upstairs or below?—Below.
 1783. Upon the first day of your attendance, which of the committee were there?—Mr. Hardiment, Mr. Dowson, and Mr. Lake.
 1784. You mean the same Mr. Hardiment?—Yes.
 1785. Was he there at the starting?—Yes.
 1786. What time did he leave to canvass?—I should think about half-past 10.
 1787. Mr. Hardiment was there at starting, and at half-past 10 he went out to canvass?—Yes.
 1788. Was he alone or with anybody?—He was with Mr. Stracey.
 1789. Who else?—Mr. Hardiment and Mr. Dowson.
 1790. Mr. Baron *Martin*.] Are there two Hardiments, or only one?—Only one.
 1791. Mr. Serjeant *Ballantine*.] Had they the books?—Yes.
 1792. Did you see Sir Henry Stracey there ever?—Not once, only one day.
 1793. Only his son?—Yes.
 1794. At what time did Hardiment return to the committee-room on the first day that you were there?—Half-past one at noon.
 1795. Did he mention the result of the canvass?—No.
 1796. Did he produce the books?—Yes.
 1797. To whom did he show them?—To Mr. Thirkettle.
 1798. Was he one of the committee?—He was a clerk in the committee-room.
 1799. Mr. Hardiment's servant, you mean?—Yes.
 1800. Mr. Baron *Martin*.] I want to see that man, do not let him go away if he is in court. (To the *Witness*.) He manages Mr. Hardiment's business, and I wish to ask him a question?—Yes.
 1801. Mr. Serjeant *Ballantine*.] He was a clerk?—Yes.
 1802. And the books were shown to whom?—
 1803. Mr. Baron *Martin*.] Mr. Thirkettle was clerk to the committee?—Yes.
 1804. Mr. Serjeant *Ballantine*.] Then, the books were produced, was it one book or more?—I think there were four books, street registers.
 1805. Was this a very large room?—About 12 feet square.
 1806. I suppose you heard everything that was said?—Yes.
 1807. What did he (Hardiment) say when he returned at half-past one on the first day?—He laid down the books, and Mr. Thirkettle took them up and began to draw them out; I began to put them on to a sheet of paper.
 1808. Mr. Thirkettle entered something from those books into another book, and then what did you do?—No; I placed them on to a sheet of paper; the numbers as he told me, after drawing them out.
 1809. So as to show whose were the promises?—For and against.
 1810. And whose were the refusals?—Yes.
 1811. After that was done, did he go out again?—The next day, I think.
 1812. Did he not go out the same day?—I think not.

1813. Did Mr. Stracey return with him?—No.
 1814. The next day he went out again?—Hardiment?
 1815. Yes?—Yes, and the other two or three gentlemen without Mr. Stracey.
 1816. Did he come back at half-past one again?—No; I think it was three o'clock.
 1817. You see how much you were mistaken in your memory; you have as good a memory as any man in court; about half-past three what took place?—I went through the same process.
 1818. Will you tell us how you came to say that you only knew of his canvassing once?—Mr. Stracey.
 1819. No; Mr. Hardiment?—No; I beg your pardon.
 1820. Then my memory was bad; now the same process was gone through then?—Yes.
 1821. Now the next day?—I think Mr. Hardiment canvassed alone that day.
 1822. What time did he return on this third day?—I did not see him all that day.
 1823. Why did you say that you think that he canvassed alone?—He said, "I shall do a part of St. Martin, at Oak, to-day, because this is my business day; I will take St. Martin's alone."
 1824. When did he say that?—When he started at 10 or half-past 10 in the morning.
 1825. You saw him that morning?—Yes.
 1826. Was the next day the day of the election?—I think it was.
 1827. The day on which he attended to his own business, was that the day of the nomination?—Yes.
 1828. Mr. Baron *Martin*.] By the next day, do you mean the nomination day or polling day?—The next day, I think, was the polling day.
 1829. Mr. Serjeant *Ballantine*.] At what time did you go there in the morning?—At a quarter past seven.
 1830. Was your son there?—No.
 1831. Was he there at all?—He came in two or three different times.
 1832. What time did you leave on the day of the polling?—Nine at night.
 1833. Did you hear from time to time the state of the poll; was it reported to you?—Yes.
 1834. Who were present in the committee-room on that day?—Mr. Samuel Lake at different times, and Mr. George Gedge.
 1835. He is a very strong partisan, is he not?—Yes.
 1836. He is an influential and wealthy man here, is he not?—He is thought to be so.
 1837. Who else was there?—Mr. Thirkettle.
 1838. And Mr. Hardiment?—The poll-keeper, Mr. Mayes.
 1839. Give me another name?—Mr. Dowson.
 1840. Is that all?—Yes.
 1841. Was Hardiment there?—No.
 1842. Was he there in the morning?—No.
 1843. Did not you see Hardiment on that day?—No.
 1844. That you swear; that you did not see Hardiment on that day. Be very cautious; you have sworn it, but do not let that prevent you telling the truth?—No.
 1845. Did you see Hardiment that day?—No; I saw him at nine o'clock at night.
 1846. When you swear that you did not see him that day, do you mean to imply that you did not see him until nine?—That is it.
 1847. When does your day stop?—At six o'clock.

Mr.
R. Wiseman.
 16 January
 1869.

Mr. R. Wiseman. 1848. And, then, from six o'clock you call it night?—Yes.

1849. But you were at work at the committee-room at nine?—Yes.

16 January 1869. 1850. And you saw him at the committee-room?—He came in just as we were upstanding and ready to leave the room.

1851. What did he say?—"Glorious victory!"

1852. Mr. Baron *Martin*.] That was at nine o'clock at night?—Yes.

1853. Mr. Serjeant *Ballantine*.] When he alluded to "glorious victory," who were present; the same gentlemen that you have mentioned?—Yes.

1854. All of them?—Yes.

1855. Did the committee thank Mr. Hardiment for his exertions?—Yes.

1856. They told him, did they not, that the result was very much attributable to his exertions?—I did not hear any more; his health was proposed, and he gave us a very nice speech. The work was done, and we left the room.

1857. I suppose it was not only proposed, but drunk?—No; we waited till we got out.

1858. Who proposed his health?—I think it was Mr. Sam Lake.

1859. As he was only a canvasser for a couple of days, why were they so grateful to him?—He is well known.

1860. Who is?—Mr. Hardiment.

1861. Why should they not have drunk your health?—I do not know.

1862. You had been a most constant sitter at the committee?—Yes; that was the very reason they did not, I suppose.

1863. You had done no work outside?—No.

1864. What had Hardiment done for which they proposed his health and drank it outside; how did they manage that?—It is easily done.

1865. Where did they drink his health?—I think we went to the "Shakespeare," opposite St. George's Church.

1866. Do you know the "Woolpack"?—No.

1867. Have you heard of it?—Yes.

1868. Is it in the Eighth Ward?—Yes.

1869. Do not you know it?—No; the truth you will have.

1870. Let us have the whole truth for the future; do not you know the "Woolpack"?—Yes, I know the house.

1871. Is it a pleasant house inside?—I do not know.

1872. Have you never been in it?—No.

1873. Never in your life?—Yes.

1874. Then what did you mean by saying "Never"?—Not during the election.

1875. But you have been pretty often in the "Woolpack"?—Yes; I altered it for the owner; I made it into a public-house for the owner.

1876. And you know it thoroughly well, do you not?—Yes.

1877. Do you remember the "Woolpack" being mentioned before the committee; I will tell you the hour; somewhere about one o'clock?—Not a syllable.

1878. What hour was it?—I never heard it mentioned at all.

1879. Never?—Not once; never.

1880. Never at all?—No.

1881. Did you hear it mentioned that Tillett was in a majority of from 400 to 500?—I heard there was a placard of 645 for Tillett and Russell, I think, going round the city.

1882. At what time was it?—It was, I think, half-past 12.

1883. Who mentioned it?—I think, one of the messengers that carried the cards to and fro.

1884. Then, I suppose, you had a discussion. You were the manager at the Eighth Ward. Here is an important state of things; when you heard that that was the state of things, did you discuss the question?—No; we had so much to attend to.

1885. You had only the election to attend to?—And cards to send to and fro every half-hour.

1886. Was not the question discussed as to how this should be modified?—No, not a word.

1887. There was not a word said about how it could be remedied?—No.

1888. Nothing of the kind?—Not a word.

1889. Did Thirkettle go out of the room within a quarter of an hour from that time?—He was there on the election-day; he was the sheriff's clerk.

1890. Did any one leave the room after that announcement?—Not any one.

1891. Where was your son on that day?—I saw him in the morning at seven o'clock.

1892. Was that the only time in the day you saw him?—I saw him two or three times in the committee-room.

1893. At what hour?—At 11 o'clock and at one o'clock.

1894. He came in after the announcement of those numbers, did he?—Yes, I think so.

1895. Did he go out soon afterwards?—He had nothing to do with the room.

1896. What did he come in for?—To see how things were going on.

1897. To look after your health?—Yes.

1898. He was anxious about you?—No doubt about that.

1899. I suppose he asked you how you were?—No, I had no time to speak to him.

1900. What did he say to you?—Nothing.

1901. He only took a look, to satisfy himself that you were well, and then went out again?—Yes.

1902. That you swear?—Certainly.

1903. Do you mean to swear that that was all that took place at one o'clock with your son?—Yes.

1904. That he never said a word?—Before God and man.

1905. Then before God and man you swear that your son never spoke a word at that time?—Not a word.

1906. What did he do?—I did not see him for many seconds; he went about his business.

1907. What business?—Getting up voters, I suppose; I did not see him.

1908. That was his business, was it?—Like other people.

1909. You know that was his business, do not you?—No; I suppose so.

1910. You have said so; was that his business on the day of the election?—Not a business.

1911. Was that his employment with the knowledge of the committee?—He was not employed.

1912. Was that his employment, with the knowledge of the committee, on the day of the election?—He did as he liked.

1913-14. Was that what he did?—I do not know.

Mr. Baron *Martin*.] I do not wish to interfere with the course of the trial, but, in my opinion, this man has proved agency against Hardiment up to the hilt. If there

is any act of bribery that you are able to prove against this man, you can proceed further to examine him.

Mr. Serjeant *Ballantine*.] We have no act of bribery as committed by this man that we know of; indeed we have no instructions.

1915. (To the *Witness*.) Just tell me this; do you know of any money that your son had on that day?—No.

1916. I suppose Mr. Hardiment and you are acquaintances?—No, I have had nothing to do with him.

1917. You know him?—I have seen him.

1918. And you have talked to him?—Sometimes I do not see him for a month together. I merely say, "How do you do."

1919. Have you any notion where he is now?—No.

1920. Or why he went away?—No.

1921. Have you made any inquiry?—No; and I do not wish to see him any more; I never had anything to do with him.

1922. Is that the general feeling of your party?—I do not know.

[The *Witness* withdrew.

Mr. *Rodwell* stated that in consequence of his Lordship's expression of opinion that agency had been proved against Hardiment up to the hilt, he would rather anticipate the course he had intended to pursue, by calling his Lordship's attention to the fact that neither in the allegations nor in the prayer of the petition was there a single syllable as to bribery by agents, except the words "by other persons on his behalf;" and that the judges had laid down, that before a person could be made responsible for the acts of another person who had been acting in his behalf, it must be shown that the act had been done with the privity, knowledge, and consent of the party for whom it was done; in other words, it must have been done at the special request or instance of the principal; he must have been the person who had furnished the money, and who had given special orders to another to use it, before he could be made liable for the act of the other person. That this principle had been acted upon in several cases to which he referred his Lordship; and submitted that in this

case Sir Henry Stracey was not called upon to answer any charge except the charge of personal bribery, and that his learned friend was not entitled to charge Sir Henry Stracey with acts of agency.

Mr. Baron *Martin*.] I am clearly of opinion that under the 3rd section of this petition, it is competent for the petitioner to go into any act of bribery by Sir Henry Stracey himself; and further, to go into acts of bribery by any person for whom in law Sir Henry Stracey is responsible, whether he be an agent directly appointed by Sir Henry Stracey, or whether he be a person who, by reason of the construction put on these Acts of Parliament (or, I may say, the law that was laid down by Committees of the House of Commons; a construction which, to some extent, is binding on us) was acting on his behalf. The allegation in the 3rd clause, "other persons on his behalf," means every person for whose act or conduct he is responsible. In the Act of Parliament the terms are very express: "Every person who shall directly by himself, or by any other person on his behalf:" and it is perfectly clear that the meaning intended to be given in the Act of Parliament to "other person on his behalf," is every person other than the candidate for whose act he is responsible. I may add, that Mr. Justice Willes and Mr. Justice Blackburn, and myself, came unanimously to the conclusion that any person authorised to canvass must be regarded as an agent; that it does not in the least signify whether he was forbidden to bribe, even though the candidate had said to him honestly, "Do not bribe; I will not permit it, nor be responsible for it; I forbid it:" if that man committed bribery, that bribery would affect the candidate.

Mr. Serjeant *Ballantine* stated that, with regard to the position of Hunt in relation to the "Trumpet" public-house, he wished to see what evidence he could offer, and it would be convenient if his Lordship would adjourn for half an hour.

Mr. Baron *Martin* stated that he would adjourn the court for a quarter of an hour.

Mr. EDWARD THIRKETTLE recalled, and further Examined by Mr. Serjeant *Ballantine*.

1923. Do you keep the cash of Mr. Hardiment?—Yes.

1924. Did you keep it last November at the time of the election?—No; I was not in his employment then; I went into his employment on Saturday the 5th day of December, and I finally commenced on Monday the 7th.

1925. Who kept his cash during the time of the election; do you know;—I do not know.

1926. Do you know No. 5 Committee-room and the Ward?—No.

1927. You do not know where it is?—No.

1928. Or where it was?—No.

1929. Who was chairman of it?—I do not know.

1930. Do you know a man of the name of Hunt?—No.

1931. Or Samuel Smith?—I do not know whether his name was Smith in the committee-room in Calvert-street.

8.

Cross-examined by Mr. *Rodwell*.

1932. You say that Hardiment was a canvasser?—Yes.

1933. My learned friend made a suggestion, and you seem to have adopted it, that he was appointed a canvasser?—No, he was not.

1934. Do you know of any appointment of Hardiment as a canvasser?—Never any; he volunteered it; he never was appointed at all.

Re-examined by Mr. Serjeant *Ballantine*.

1935. I understand that you were appointed to keep the books and to attend there?—Yes.

1936. And that Mr. Hardiment came, as I understand you, on those two or three days and reported to the committee what had occurred?—Yes.

[The *Witness* withdrew.

Mr.
R. Wiseman.
—
16 January
1869.

Mr.
E. Thirkettle.
—

Mr. ALFRED STOCKINGS, sworn; Examined by Mr. Serjeant *Ballantine*.

Mr.
A. Stockings.
16 January
1869.

1937. WHAT are you?—A Chemist.
1938. Residing in Norwich?—Yes.
1939. Were you acting at all upon the last election?—Yes.
1940. On behalf of Sir Henry Stracey?—Yes.
1941. I think yours is No. 5 Ward?—Yes.
1942. Were you chairman of the committee at No. 5 Ward?—No.
1943. Were you upon the committee?—I was agent for the Fifth Ward.
1944. Agent for Sir Henry Stracey?—Yes.
1945. Who was the chairman of the committee?—Mr. Sparrow.
1946. What other members were there upon that committee?—Mr. Samuel Bignold, Mr. Frederick Watson, Mr. Edward Field, and Mr. Emerson.
1947. Do you know Mr. Bignold, the gentleman who is lame?—He was not on the committee.
1948. Was he a canvasser?—I cannot say; I did not see him during the election.
1949. What is his christian name; I mean the lame gentleman?—I did not know that there was one lame; I hear it is John.
1950. Do you know a man of the name of Hunt?—Yes.
1951. A fowl dealer?—I do not know what he is.
1952. Do you know a man of the name of Samuel Smith?—Yes, I know two Samuel Smiths.
1953. Do you know Samuel Smith who is a fowl dealer?—No, I do not know him.
1954. You do not know whether he is or not?—Certainly.
1955. Mr. Baron *Martin*.] Do you know Mr. Samuel Smith who was examined here yesterday as a witness?—Yes.
1956. Mr. Serjeant *Ballantine*.] Did you see those persons on the day of the election?—I saw Mr. Smith.
1957. Where did you see him?—He came into the committee-room.
1958. At what time?—In the morning, twice.
1959. When was the latest time?—About noon.
1960. Was it 12 or 1?—I cannot say.
1961. Was it about that time?—I say noon; I cannot say whether it was near 12 or 1.
1962. Was he sober?—Tipsy.
1963. What did he say?—I cannot say.
1964. He said something?—He did.
1965. What was it he said?—I cannot say.
1966. What was it like?—I cannot say.
1967. Have you no memory?—I have.
1968. Upon this point?—Upon all points.
1969. Do you mean by “you cannot say,” that you will not say?—I saw many gentlemen in the committee-room that day, but I cannot answer for what one of them said.
1970. Do you mean to say by, “you cannot say,” that you will not say?—I do not mean to say so. I would say if I did know.
1971. Do you mean that you do not remember what Samuel Smith said when he came into the committee-room?—No; I do not know that he even spoke to me.
1972. Am I to understand that you do not remember what he said?—I do not remember what he said.

1973. Have you no recollection of it?—I have no recollection of what he said; there were many people in the room. I have not the faintest idea.

1974. You have no recollection one way or the other?—No.

1975. Was it anything about money?—No.

1976. How do you know that?—I heard no mention that was made of money in the room during the day.

1977. How do you know that money may not have been mentioned?—It might have been mentioned, but not in my hearing.

1978. You remember enough of what Smith said, to know that he did not mention money?—Not in my hearing.

1979. How long did he remain there?—Five minutes at the utmost.

1980. To whom did he talk?—I cannot say.

1981. What did he do?—I cannot say.

1982. Did he sit down?—I did not watch the movements of all the gentlemen who came in.

1983. You do not know whether Smith continued sitting there, or what he said or whom he spoke to; is that what you mean to swear?—Yes.

1984. You have no knowledge of it at all?—No.

1985. Who were the canvassers for your ward?—There was Mr. Donnett.

1986. Was there anybody else?—There was Mr. Fisher.

1987. Was there anybody else?—There was Mr. Samuel Smith, the jeweller.

1988. Anybody else?—Yes, Mr. Henry Wilding.

1989. Was there anybody else?—There was Mr. Henry Thompson and William Norgate.

1990. Go on; can you mention anyone else?—And Mr. Shields.

1991. I suppose you got reports from those gentlemen from time to time?—I did.

1992. And you learned. I suppose, that Mr. Tillett was ahead at 12 o'clock?—I did.

1993. Was it after you had learned that, or before, that Mr. Samuel Smith came in?—I cannot say.

1994. You have no notion?—No; not the slightest.

1995. Were you in the committee-room all day?—I was.

1996. You never went out at all?—I never went out of the room.

1997. Was there any money in the committee-room, to your knowledge?—Not a farthing.

1998. You are sure of that?—I will take my oath of it.

1999. You mean to say that you cannot tell me one single word that passed when Smith came in?—I cannot.

2000. Was he not asked what he came for?—I did not ask him; I was busy marking off.

2001. Did anyone else who was there ask him?—I cannot say.

2002. Do you know a gentleman of the name of Gowing?—No.

2003. I mean Mr. George Gowing?—I may know him by sight, but I do not know that I know him.

2004. Is he a farmer?—I do not know that I know him.

2005. Just

2005. Just tell me this; were you at the "Trumpet" public-house?—No.

2006. Did you see Sir Henry Stracey?—Yes.

2007. Did you see him at the "Trumpet" public-house in the Fifth Ward?—Yes.

2008. Was he in the committee room?—He came once.

2009. When did he come?—He came a little before three o'clock.

2010. What did he say?—He asked how we were getting on.

2011. Was that all that he said?—Yes.

2012. What did you say?—We gave three cheers for him, as anyone would do.

2013. What I understand you to say is, that sometime at noon Samuel Smith came in?—He did.

2014. And went out again after a few minutes' stay?—He did.

2015. And that you have no recollection of what passed?—Not the slightest.

2016. From that time you began to get on better?—I cannot say that we did in our ward.

[The Witness withdrew.]

Mr. GEORGE GOWING, sworn; Examined by Mr. Serjeant *Ballantine*.

2017. WHAT are you?—I am a Farmer.

2018. Where is your farm situate?—At Trowse.

2019. Have you a vote for Norwich?—No.

2020. Were you in Norwich on the day of the election?—I was.

2021. You took a good deal of interest for Sir Henry Stracey, did you not?—I did.

2022. Not being a voter, in what way did you exhibit your interest?—In getting all the votes I could for Sir Henry Stracey.

2023. And taking the voters up to the poll?—Yes.

2024. I suppose you learnt at 12 o'clock that things were going badly?—I heard that there was a false report out.

2025. But that false report was that things were going badly; was it not?—Yes.

2026. Then it was necessary to mend matters?—Yes; that is quite right.

2027. Then you put on, I suppose, a little increased energy?—Yes, as much as I could.

2028. And argued with the voters?—I did.

2029. And convinced the minds of those who wavered?—I tried.

2030. And you were very successful, I suppose?—In a measure I was.

2031. And you very soon knocked down Tillet's majority?—I helped, I tried.

2032. I believe that you have been most cordially thanked for your exertions?—Only by letter; I have never seen Sir Henry Stracey to speak to him.

2033. Do you know the committee-room in the Fifth Ward?—Where is it situated?

2034. Am I to understand that you do not know it?—I know where I went to; I went to two or three places; but I know only St. Stephen's and Bear-street.

2035. St. Stephen's will do?—Yes.

2036. Is that the ward where that gentleman, whom I last saw, was the clerk or manager?—Who was he?

2037. I mean Mr. Stockings?—I do not know; I did not go in there.

2038. I thought you went into the committee-room?—No.

2039. Do you know the "Trumpet" public-house?—Yes.

2040. Were you there during the day?—I went in at the latter part of the day.

2041. About what time of the day did you go?—From three to four o'clock; between three and four.

2042. Did you take up any voters from there?—I did not.

2043. Were they all gone?—No; they were not all gone.

2044. Did you try to take any voters up to the poll?—No, I did not often take anybody up.

2045. Why did you not?—Because they were all sitting in the room; but a great many were standing outside.

2046. Was it because they were in the room that you did not attempt to take any?—No; they did not appear willing to go.

2047. Did you try?—Yes.

2048. And persuaded them?—Yes, and they would not go.

2049. Did you see Hunt there?—You mean, I suppose, the fowl dealer, a tall man.

2050. Yes?—Yes.

2051. Was he there at that time?—Yes.

2052. Had you known him before?—I had seen him before.

2053. He was active, was he not?—He did not appear to be very active; I thought he was rather past being active when I was there.

2054. Do you mean that he had been enjoying himself too much?—He appeared to me like it.

2055. Had you seen him in the early part of the day?—No.

2056. Did you see Smith there?—Yes; the retired fowl dealer.

2057. Was he drunk too?—I do not say that either of them was drunk; but he appeared to me to have had quite enough; I thought that they had had quite sufficient.

2058. You do not call them drunk?—I do not know; they appeared to me as if they could not walk very steadily.

2059. Did they seem to know what they were about?—I do not know; I did not talk much to them; but I talked to them.

2060. What did Hunt say about that 10*l.* that was so diminished?—I never saw anything about 10*l.*

2061. What did Hunt say?—Not a word to me; I heard nothing about it, only what I have heard here.

2062. Then yesterday it came to your astonished mind for the first time?—Yes; and it was likewise to yours, I daresay.

2063. Do you remember my learned friend Mr. Keane, and the cow that earned 800*l.* a year?—Yes, and a very good cow it is.

2064. I suppose Sir Henry Stracey gave you that cow?—No, he did not, but he has been a very kind landlord to me.

Mr. *Rodwell* stated that he had no question to put to the Witness.

[The Witness withdrew.]

Mr.
A. Stockings.
16 January
1869.

Mr.
G. Gowing.

Mr. WILLIAM RATCLIFFE, sworn ; Examined by Mr. Keane.

Mr.
W. Ratcliffe.
16 January
1869.

2065. WHERE do you live?— In Powden-square, Union-place.

2066. What are you?—I am a Land Surveyor.

2067. You are, I believe, in the office of Mr. Wright, of Bank Chambers?—Yes.

2068. Where were you on the day of the election?—I was in the Seventh Ward.

2069. Did you go about much?—No, I kept there.

2070. You remained in the Seventh Ward?—Yes.

2071. Did you see what was going on in that ward?—Yes, I did.

2072. Did you notice any voters in that ward?—Yes; I noticed several of them were intoxicated in the latter part of the day.

2073. About what time did you notice that?—It was between two and half-past three.

2074. Did you notice the voters earlier in the day, and was there any intoxication to be seen then?—I did not notice them much earlier in the day.

2075. Not so much as later in the day?—No.

2076. I presume that you noticed those voters who voted for Sir Henry Stracey?—Yes; I particularly noticed those.

2077. And the voters who plumped for him?—Yes.

2078. In what state were those voters?—They were intoxicated principally.

2079. Do you mean considerably gone?—They could stand up.

2080. Were they able to walk steadily?—Yes, some of them were.

2081. And others were not?—I did not particularly notice that, not after they went away from the window.

2082. Were they noisy?—Yes, some of them were very noisy.

2083. Were they red in the face?—Yes; they were quite intoxicated.

2084. As to the intoxicated men who plumped for Sir Henry Stracey in the last hour, did they come in a body?—No, not particularly in a body; one at a time.

2085. Was there a long row of drunken men, or was there a sober one put in here and there?—They were not all intoxicated.

2086. Here and there there was a sober man?—Yes.

2087. Did you notice whether they were accompanied by some gentleman, to see what they did at the poll?—Yes; I noticed that one was accompanied by a gentleman; I particularly noticed that.

2088. Who was the gentleman?—He was at the brewery.

2089. Do you mean Mr. Patteson?—No; he is at the brewery; he is one of the clerks; but I cannot call his name to mind.

2090. Was his name Lamb?—Yes.

2091. And he, you say, was accompanying a drunken man?—I will not be sure whether he was intoxicated—the one that he was with.

2092. Did you see anybody with an intoxicated man?—No.

Cross-examined by Mr. Rodwell.

2093. As I understand you, these intoxicated men were able to walk up by themselves?—Yes,

but they reeled to and fro; I did not notice how they went away, being inside the public room.

2094. What was it that you noticed?—As they came up to the window they reeled backwards and forwards.

2095. Were you told to watch them?—No.

2096. Were these the first voters you had seen that day that reeled?—Yes, it was after two o'clock.

2097. How many of the voters will you undertake to say were drunk out of the lot that you saw?—I could not undertake to say any number.

2098. Were there 30, 40, or 50, or 10 or 12?—I cannot say, to a certainty.

2099. Can you say within 10 or 12?—Perhaps 15.

2100. Do you know the names of them all?—No.

2101. Do you know the men by sight?—No.

2102. Do you know how each of them voted?—They plumped for Sir Henry Stracey, most of them did.

2103. How many of the 15 do you think plumped for Sir Henry Stracey; will you venture to say that more than half of them did?—Yes.

2104. Then how many did?—I have not taken any account, not at the time, and I cannot say.

2105. You have come here to say that you know that Mr. Lamb brought up a voter who was not drunk, and there were 15 of them who were drunk, and most of them plumped for Sir Henry Stracey; how did the others vote?—They voted the other way.

2106. Were you check-clerk?—Yes.

2107. Appointed, I suppose, by Tillett and Russell?—Yes.

2108. I suppose you noticed the voters who voted for them as well as those who voted for Sir Henry Stracey?—I did not notice any particular voters.

2109. But you noticed those 15 men whom you have mentioned?—Yes, I did.

2110. You say that most of them voted for Sir Henry Stracey?—Yes.

2111. For whom did the others vote?—For the Liberals.

2112. For both of them?—I did not particularly notice.

2113. If a man plumped for Sir Henry Stracey, you could tell me, perhaps, whether he also plumped for Tillett and Russell, or split his vote?—They voted for Tillett and Russell.

2114. Were there no plumpers for Tillett?—No.

2115. That you will take upon yourself to swear?—No, I will not swear it.

2116. You say that there were 15 drunken men who came up to vote, and that more than half of them plumped for Sir Henry Stracey?—Yes.

2117. How many of them plumped for Tillett?—I could not say positively.

2118. Can you say at all how many?—No.

Mr. Baron Martin.] You had better refer to the poll-book.

2119. Mr. Rodwell (to the Witness).] Were there not as many men who were drunk who plumped for Tillett and Russell as plumped for Sir Henry Stracey?—No.

2120. What

2120. What was the difference; were there half-a-dozen voters who were drunk who voted for Tillett and Russell?—Perhaps not more than two or three.

2121. Were there as many as two or three?—I will not be positive, but I particularly noticed at the time those who plumped for Sir Henry Stracey.

2122. Did you not notice men who plumped for anybody else?—No.

2123. Why not; why did you notice the others so particularly?—Because there appeared to be such a quantity.

2124. Was there not a “quantity” who plumped for Tillett, too?—No; I did not notice them.

2125. Will you swear that there were not as many who plumped for Tillett as for Sir Henry Stracey?—Yes; I will swear that a good many more plumped for Sir Henry Stracey than for Tillett and Russell.

2126. Of those 15 drunken men?—Yes; but I will not be certain about the number.

2127. Mr. Baron *Martin*.] In what department were you?—In No. 1.

2128. Mr. *Rodwell*.] Was Lamb’s name down?—Lamb did not vote.

2129. What is the name of the voter that he brought up?—I do not know.

2130. Can you mention any voter of the 15th who was drunk?—No.

2131. Did you hear them asked any questions?—Yes; to know what their names were, and where they lived.

2132. Did they understand it?—Yes.

2133. Did you make any observation about those men being drunk afterwards?—No.

2134. When were you first asked whether you had noticed that those men were drunk, and who suggested that they were drunk?—I noticed it at the time.

2135. You did not mention it to anybody, did you?—No, but I heard some of them say that many of them were intoxicated.

2136. Who were they?—Several of them who were in the booth remarked that there were many intoxicated people who came to vote.

2137. I suppose there were many intoxicated people in Norwich that day?—I do not know.

[The Witness withdrew.

MR. JAMES JOHN BAYNE, sworn; Examined by Mr. *Keane*.

2138. WERE you a candidate’s check clerk on the day of the election?—I was.

2139. Where were you check clerk?—In the Sixth Ward, fourth compartment.

2140. By whom were you appointed?—I was appointed by the Liberal committee.

2141. Between 9 and 11 o’clock which was in the majority?—

Mr. Baron *Martin*.] Just get the poll-book of that compartment.

The poll-book was handed in.

2142. Mr. *Keane*.] For which side was the majority?—Russell and Tillett.

2143. Mr. Baron *Martin*.] Up to what hour?—Up to 11 o’clock.

2144. Mr. *Keane*.] Between 11 o’clock and half-past two had the polling been active?—No, very slow.

2145. Did you notice a change after half-past two?—Yes, half-past two; I should say, from about three o’clock a great number of voters came up, and most of them were intoxicated.

2146. For whom did they vote?—Almost to a man, for Sir Henry Stracey.

2147. Those voters that were intoxicated voted for Sir Henry Stracey; did they come up alone, or with any one?—There seemed to be a great

number coming together; I did not notice any one conveying them up, they all came together; a very great many came, but I did not see how they came.

2148. Was that after half-past two?—That was after three, I should say.

2149. Did you hear any views addressed to them; did you recognise a speaker?—I could not recognise any speaker, but there was a general shout, “Vote for Stracey; now then, my boys, you plump for Stracey;” “All right, I will plump for Stracey.” One man came up, he was certainly drunk, and somebody said, “Now then, you vote for Stracey;” and some one behind him said, “You have got to plump for Stracey;” “I shall not do anything of the sort, I shall plump for Tillett and Stracey, as my trade lies between the two, and I will vote for Tillett and Stracey.”

2150. How did he vote?—He voted for Tillett and Stracey; he certainly was drunk, but not so drunk but what he knew what he was about; he seemed to argue his point pretty well.

Mr. *Rodwell* stated that he had no question to put to the Witness.

[The Witness withdrew.

MR. C. J. DODD, sworn; Examined by Mr. *Simms Reeve*.

2151. WERE you a card writer in No. 2 Compartment, Seventh Ward, at the election?—Yes.

2152. Who appointed you?—Mr. Stevens.

2153. What state were the men in, as to drunkenness or sobriety, that voted from two to four o’clock?—A good many were drunk.

2154. Who did those men vote for?—Chiefly for the Conservatives.

2155. That is, for Sir Henry Stracey?—Yes.

2156. Did you notice what time the drunken

8.

men happened to come up?—About half-past two.

2157. Up to what time did they come; till four?—Yes.

Cross-examined by Mr. *Rodwell*.

2158. Is this a compartment of the Seventh Ward, Compartment 2?—Yes.

2159. You say that during the last part of the time they principally voted for Sir Henry Stracey?—Yes.

F

2160. There

Mr.
W. Ratcliffe.
16 January
1869.

Mr.
J. J. Bayne.
—

Mr.
C. J. Dodd.
—

Mr. C. J. Dodd. 2160. There were more during the last half hour who voted for Mr. Russell and Mr. Tillett than voted for Sir Henry Stracey; are you aware of that?—The last half hour?

16 January 1869. 2161. Yes; out of the last 22 voters I find that there are more who voted for Mr. Russell and Mr. Tillett than had voted for Sir Henry Stracey?—As near as I could judge, I judge the other way.

2162. Here is the book?—

2163. Mr. Baron *Martin*.] Do you know who was the poll-clerk at the place?—Mr. Maynes, I think.

2164. And Henry Gedge?—Yes.

2165. Mr. *Rodwell*.] I will take the last page to begin with: where do you show this; with the exception of one page, it seems that they had been running pretty evenly?—So they had in the first part of the day.

2166. You came here to say that a great many drunken voters came up during the last half hour, and most of them voted and plumped for Sir Henry Stracey?—I did not say “plumped.”

2167. What did they do?—Some of them voted for Stracey and Russell.

2168. They voted chiefly, you say, for Sir Henry Stracey?—Yes, as well as Mr. Russell; I cannot say the whole of them, but as near as I can judge.

2169. Had not Mr. Tillett drunken voters?—There might have been.

2170. Why did you notice so particularly the

others?—Because we seemed to poll more during the last hour for Stracey than for the others.

2171. Do you say that there were more drunken people who voted for Sir Henry Stracey than for Mr. Russell and Mr. Tillett, because more people voted in the last half hour for Sir Henry Stracey than for the other two?—No; I noticed drunken people coming up to vote, and they seemed to vote more for Stracey and Russell.

2172. Mr. Baron *Martin*.] Have you got your own poll-book?—No.

2173. Did you mark the hour in your own poll-book?—No.

2174. Mr. *Rodwell*.] Should you be surprised to know that out of the last 22 voters more voted for Mr. Tillett and Mr. Russell than for Sir Henry Stracey?—It did not seem so to me.

2175. Therefore you would be surprised to know that such is the fact?—Yes.

2176. Knowing that to be the fact that there were more who voted for Mr. Russell and Mr. Tillett than for Sir Henry Stracey in the last 22, are you still of opinion that more drunken people voted for Sir Henry Stracey than for Mr. Russell and Mr. Tillett?—It seemed so to me when I was checking the votes off, sitting in the room, for Stracey and Russell; they split the votes, several of them. I cannot say that they were all for Stracey.

2177. Did you take any part in politics?—None at all; I was only just an officer for the occasion.

Mr. ROBERT WISEMAN, junior, sworn; Examined by Mr. Serjeant *Ballantine*.

Mr. R. Wiseman, Jun. 2178. You are the son of Mr. Robert Wiseman, are you?—Yes.

2179. Which committee-room was your father's committee-room; in the Eighth Ward?—Yes.

2180. Is that the ward in which the “Wool-pack” is; I dare say you do not know it?—Yes, I believe I do.

2181. It is a question of belief with you?—No; I do know it.

2182. You know it well, do you not?—I know where it is, but I never use it.

2183. Have you never been in it?—Very rarely.

2184. Were you in it on the day of the election?—No.

2185. Were you near it?—I passed it several times.

2186. Did you go into the committee-room at all where your father was?—Yes.

2187. How often?—Perhaps once or twice.

2188. What for?—Merely to see him, or to see how they were getting on.

2189. Do you remember going in between 12 and one o'clock?—I might have gone in at that time; I am not certain about the time.

2190. You do not remember anything that took place?—There was nothing particular that took place.

2191. Did you speak to anybody?—I spoke to all of them; I dare say only common conversation. I cannot remember what I said. I did not say anything particular to recollect.

2192. Had you any money with you that day?—No; no more than I usually take.

2193. No half-sovereigns?—I do not think I had; certainly no half-sovereigns.

2194. How much money had you there; I mean, when you started in the morning?—I could

not be certain about that. I might have had 15 s. or 16 s.

2195. Not more?—Certainly not.

2196. Did you get any that day from anybody?—Certainly not.

2197. Do you know Clarke's beerhouse?—Whereabout is that?

2198. Do you mean that you do not understand my question?—I do not know where it is.

2199. Why did you ask me where it was?—Because I did not know.

2200. You do not know where Clarke's beerhouse is?—No; there are lots of “Clarke's” about.

2201. It is in Jenken-lane, at the corner of it?—I must confess that I do not know where Jenken-lane is.

2202. St. Martin's at Oak?—I know that.

2203. Do you know Clarke's beerhouse there?—I might know the house, perhaps, though I do not know the man.

2204. Do you know a house called Clarke's beerhouse?—There is a Clarke in St. Matthew's.

2205. I am talking of St. Martin's at Oak?—I do not know it. I know the beerhouse there; but I do not know the man's name.

2206. Were you near that beerhouse on the day of the election at all?—I should like to understand where this house is. Where is Jenken-lane? I certainly do not know it myself.

2207. It leads from St. Martin's at Oak into Quaker's-lane; does that inform your mind?—Yes, it does. I know where it is now. I was in that house.

2208. Did you not know that before?—I know I did not. I did not know Jenken-lane.

2209. Were you employed upon the election at all?—No.

2210. Did

2210. Did you act upon it?—No.

2211. Before the people in this court, do you mean, upon your oath, to swear that you did not act upon this election?—Certainly not.

2212. Not in any way?—No. I met the different gentlemen upon the canvassing. On several occasions I met them canvassing, and I walked with them, perhaps, for half-an-hour or an hour.

2213. For the pleasure of walking about Norwich?—No; for the pleasure of walking with gentlemen. I considered that a pleasure.

2214. It was on account of their company that you walked with the canvassers?—Yes.

2215. Am I to understand you to swear that you took no part whatever in assisting Sir Henry Stracey upon the day of the election?—Yes, I did.

2216. Why did you swear, then, that you did not?—I did not swear that.

2217. You did not understand what I meant, I suppose?—I do not think I could. I will answer as straight as I can.

2218. Did you not act?—If “act” means “employed,” I was not employed. As to acting, I did all I could to promote the return of Sir Henry Stracey.

2219. You were doing so when you were walking with those gentlemen, were you not?—I had some chat with them going along.

2220. It was as much for Sir Henry Stracey as for the pleasure of their company, that you walked with them, was it not?—I did not consider myself to be in an official position.

2221. At the same time you were accompanying the canvassers and assisting Sir Henry Stracey?—Mine was only a casual meeting.

2222. You were assisting Sir Henry and accompanying the canvassers?—I did not go out with the canvassers.

2223. Were you accompanying the canvassers and assisting Sir Henry Stracey as much as you could?—I did all I could for him.

2224. You walked about with the canvassers for the pleasure of their company?—Yes; mine was not a legitimate canvass; I did not go out with them.

2225. You mean to say that you did not charge for it?—I do not suppose that any of them did.

2226. What is the difference between you and them?—Mine was only a casual meeting with those gentlemen; if I got out of my gig and had a chat with them, and walked with them for half-an-hour, I should not call that canvassing.

2227. Not if you asked for a vote?—I might do that.

2228. You do not call that canvassing?—Hardly; that is a strong meaning to put upon it.

2229. Did you canvass in this beershop?—Yes.

2230. You found a good many people there, did you not?—Not many.

2231. Mr. Baron *Martin*.] Upon what day was this?—The day of the polling.

2232. Mr. Serjeant *Ballantine*.] Had you been in Clarke's beerhouse, between 12 and 1 o'clock?—That I cannot say.

2233. I am curious to know, and if you could possibly inform me I should be obliged?—I will try.

2234. Were you there between 12 and 1 o'clock?—I cannot tell you; I do not know.

2235. Were you there when a person came in and announced that the numbers for Mr. Tillet

were 400 or 500 above Sir Henry Stracey?—I did not hear him.

2236. You heard some one say so, did you not?—No; I knew it.

2237. Where did you learn it?—In the street.

2238. Afterwards, did you go to your father's committee-room?—No, I should say not.

2239. Will you swear you did not?—I should not tie myself to that; I do not know where I was at a certain hour.

2240. Did not you go to your father's committee-room, after you had heard the state of the poll about 12 o'clock?—I think I did go after that.

2241. What did you say to your father?—I am sure I do not know.

2242. You came to inquire about his health, I suppose?—I am always happy to see him looking well; I went in there quite as a casual call in my passing.

2243. After you had heard the state of the poll?—I did not tell him that.

2244. Did you hear it mentioned?—No.

2245. I suppose there was not much conversation went on?—I dare say they were all chatting.

2246. There is a way of understanding, without chatting, in these committee-rooms?—I do not know; I was never in the rooms.

2247. You never said a word about the election when you went there?—I dare say I did.

2248. What did you say?—That I cannot tell you; it was only common conversation; the election was all the talk on that day.

2249. How soon after that was it that you were at Clarke's beerhouse again?—I think about an hour and a half.

2250. After you visited your father, things began to improve, did they not?—So they talked.

2251. You knew that, did not you?—I believe I did.

2252. You were not the least surprised at that, were you?—According to my opinion I was not surprised.

2253. There were many people who required very much persuasion, did not they?—A great deal.

2254. You did your little utmost, did you not, to persuade them?—Yes, of course I did.

2255. With 16 s. in your pocket?—I had spent some of that then. I wanted some refreshment before that time.

2256. Then it was only your eloquence that prevailed?—That was all I used, whether I have much of it I do not know.

2257. Do you know Mrs. Boyce of Calvert-street?—No.

2258. You never knew such a person; do you know a gentleman named George Nobbs?—Yes.

2259. Did you see him on the day of the election?—Yes.

2260. Did you see him in Calvert-street?—He is doing a building there, and I saw him standing against the door of that building; I was considerably further off than I am from you now.

2261. Is he a voter?—I believe he is.

2262. Do not you know?—He voted.

2263. You have no doubt of it?—No.

2264. Did he vote for Sir Henry Stracey?—Yes, I believe he did.

2265. You know that he did?—I believe he did.

2266. Had he voted when you saw him?—I do not know that.

Mr.
R. Wiseman,
Jun.
16 January
1869.

Mr.
R. Wiseman,
Jun.
16 January
1869.

2267. Do not you know whether he had or not?—No.

2268. You saw him in a street; you were doing all you could for Sir Henry Stracey; did not you speak to him?—No, I can explain; he was a man in our employ some short time since, and he was guilty of what I thought rather a dirty transaction, and we had not spoken for about two years.

2269. And you did not speak upon that occasion?—Certainly not.

2270. Even your public spirit could not get over your private opinion?—I do not know about that.

2271. You did not speak to him?—No, certainly not.

2272. Did you communicate with him in any way?—No, certainly not, not the slightest thing in any way.

2273. Your hand was not near to his?—Certainly not, not at any time whatever.

2274. Had you any money in your waistcoat pocket?—No.

2275. You did not, while looking at the building, happen to put your hand into your waistcoat pocket and take out half-a-sovereign?—No.

2276. You are quite sure about it?—Quite certain.

2277. It could not have occurred?—It could not have occurred.

2278. Do you know a man of the name of Platfoot?—No.

2279. Do you know a man of the name of Colman?—No.

2280. You do not know whether any person of the name of Colman or Platfoot were at Clark's house on the day of the election?—I do not.

2281. Did you go at all to the "Royal Oak," which was kept by Benfather?—I believe I walked in there.

2282. Did anybody follow you there?—Not that I am aware of.

2283. Did somebody say to you that you would never go on without your money bag?—No.

2284. Nothing of the kind?—No.

2285. Did you say, "Don't make a noise; do you want half-a-sovereign"?—Decidedly not.

2286. Nothing of the kind?—No.

2287. Did you take up any voters?—No; at least I did take up three or four.

2288. Do you know whether you did or not?—Yes.

2289. Why then did you say no?—I was just considering; it was a little error of mine.

2290. You did take up some voters?—Yes.

2291. At what time?—I think about 11 o'clock in the morning.

2292. Did you take up any in the afternoon?—No.

2293. You are sure of that?—Yes.

2294. You say that in the morning you did take up some voters?—Yes.

2295. In a cab?—Yes.

2296. Where from?—From St. Martin's.

2297. From this house?—Which house?

2298. The beerhouse?—I do not know exactly the sign; there are two public-houses in St. Martin's. I think they came from the one opposite Sussex-street.

Mr. Rodwell stated that he had no question to put to the witness.

[The Witness withdrew.]

Mrs. ELIZA BOYCE, sworn; Examined by Mr. Serjeant Ballantine.

Mrs.
E. Boyce.

2299. WHAT are you?—A married woman.

2300. What is your husband?—He is a manager for Gamble and Davis's firm.

2301. Do you know the last witness, young Mr. Wiseman?—Yes.

2302. You know him by sight?—Yes, I know him quite well.

2303. Did you see him on the day of the election?—Yes.

2304. I do not ask you anything in particular at present; where were you to enable you to see him?—At my door.

2305. How far is your door; is it near Clark's beerhouse; where is your door?—Opposite Cross-lane in Calvert-street.

2306. Did you see him often on that day?—Yes; two or three times.

2307. What was he doing?—Passing up and down the street; sometimes riding and sometimes walking.

2308. What did he appear to be doing?—He appeared to be very busy with the election with other people, talking of it, during the day.

2309. Do you know a man of the name of Mobbs or Nobbs?—Yes.

2310. Did you see him upon that day?—Yes.

2311. Do you know his Christian name?—No, I do not.

2312. Did you see him on that day in Calvert-street?—Yes.

2313. Did you see him at the same time you saw the last witness, Mr. Wiseman?—Yes.

2314. Where was he?—He was in the buildings opposite our house, at his work.

2315. What was he working at?—At work, I suppose.

2316. He was on work there, apparently?—Yes.

2317. Did you see Mr. Wiseman speak to him?—Yes.

2318. Is it true that Wiseman kept at a distance some yards from him, or go close to him; just describe what you saw?—I was standing at our front door, and I saw Mr. Wiseman, Mr. Dunn, and some other gentlemen come down Calvert-street, and come opposite our door. I was there, and Mr. Dunn went across to the buildings and called Nobbs out, and Nobbs came out, and Mr. Nobbs and Mr. Dunn stood talking, I think, for five minutes.

2319. Where was Wiseman standing then?—Close by with some other gentlemen.

2320. After this conversation, what did you see take place?—After Mr. Dunn had done talking with Mr. Nobbs, Mr. Wiseman and Mr. Nobbs were talking together.

2321. How long were they talking together?—Some minutes.

2322. Did you see anything take place?—Yes.

2323. What took place?—I saw Mr. Wiseman put his hand in his waistcoat pocket and take something out and give it to Nobbs, and he put it into his trousers' pocket.

2324. Mr.

2324. Mr. Baron *Martin*.] You saw that?—Yes.

2325. Mr. Serjeant *Ballantine*.] What took place then?—Then Mr. Wiseman turned round, and he took his watch out of his pocket, and he said it “was 20 minutes past 3 o’clock, there was no time to spare.”

2326. To whom did he say that?—To those that were with him, Mr. Dunn and Mr. Nobbs; he went to put his coat on, and he said, “I will be there in a few minutes;” he said, “I must go for my coat,” or jacket; he went in and brought his jacket out, and was putting it on his shoulders just behind Mr. Wiseman, going up the street.

Cross-examined by Mr. *Rodwell*.

2327. Where were you standing all this time?—At my front door.

2328. They could see you?—Yes; Mr. Wiseman nodded to me as he came down.

2329. You are friends?—Yes; my husband and he are very friendly; he has been backwards and forwards at our house lately, doing work there.

2330. You are on intimate terms with him?—Yes.

2331. Did Mr. Dunn or Mr. Nobbs speak to you?—Mr. Dunn came across to speak to me; I do not know Mr. Nobbs, only by seeing him.

2332. You are sure it was him?—Yes.

2333. Who does he work for now?—I do not know; he is at a shoe warehouse, for some time, to work.

2334. What were you doing while you were looking on?—Standing at the door seeing the election.

2335. Was there any one with you?—My little boy of two years old.

2336. Was there no one else during all that time?—No.

2337. You say that you were looking on for 20 minutes or half an hour?—Yes, or more; I was there during the day.

2338. Whatever they did you had a full opportunity of seeing?—Yes, certainly.

2339. And could hear what they said?—Yes.

2340. Did they look towards you at the time?—Yes, I said to Mr. Dunn, “You did that very nicely.”

2341. Is Mr. Dunn here?—Yes; he said, “You were mistaken, Mrs. Boyce;” I said, “I am not.”

2342. Was anything more said?—No; he wished me a good afternoon and went.

2343. You cannot tell what it was he (Wiseman) took out of his waistcoat pocket?—It was money.

2344. What was the coin?—I should not like to say; it was a piece of money.

2345. What do you think it was?—It was in one piece; I could not say whether it was gold or silver.

2346. Try and remember; how do you know it was that one piece?—It was not half-a-crown or a 5 s.-piece, or I should have seen it; it was smaller than that.

2347. How far were you off from them?—I was as near to Mr. Wiseman as I am to you, I suppose.

2348. Were you as near as that?—It was but very little different; I was not three yards from our door.

2349. It was his right-hand waistcoat pocket, was it?—Yes.

8.

2350. Did he look at it before he gave it?—No; he rather looked towards me when he gave it.

2351. To show you what he was doing?—No; I rather did that.

2352. He looked at you at the time full in the face and then gave it?—Yes.

2353. When did you first mention this transaction to anyone?—I spoke to Mrs. Campling, a neighbour of ours, directly afterwards about it.

2354. Is that the wife of Mr. Campling?—Yes.

2355. Mr. Campling was one of Mr. Tillett’s agents, was not he?—I do not know.

2356. Where does Mrs. Campling live?—Close by us.

2357. You told Mrs. Campling the next day?—No, it was five minutes afterwards.

2358. You told her what you had seen?—Yes; I went across to know how they were going on, and she told me.

2359. How was he going on?—How the election was getting on.

2360. On which side were you?—I was on Mr. Tillett’s side.

2361. You were anxious about the election I suppose?—Yes, the same as other people.

2362. And Mrs. Campling too; I suppose you told Mrs. Campling, “I have got a case now against them”?—No.

2363. What did you say to her?—She saw the people there as well as me; she said, “Well, we are so many behind; I believe there is some bribery going on;” I said, “If you had been at our front door, you would have seen so-and-so;” I told them what I saw there; then Mrs. Mallett came in at the time, and she heard what I said; she said, “Yes, I saw Mr. Wiseman and Mr. Nobbs there together.”

2364. Did not she say that she saw money?—No; she saw that there was a bribe going on.

2365. What do you mean by that?—She was further away than me.

2366. How does a person see that a bribe was going on?—They fancied it I suppose.

2367. It was Mrs. Mallett’s fancy?—Yes.

2368. You three gossiped it over?—No; I never spoke a word to Mrs. Mallett; she came in, and I was leaving the door when she came.

2369. How long were you and Mrs. Campling closeted together?—Ten minutes.

2370. You talked it over, and went away?—Yes.

2371. Mrs. Campling was rather pleased at it, was not she?—Yes.

2372. You thought that if Mr. Tillett did not get a majority, you would have something to say then against Sir Henry Stracey?—Not at all.

2373. Why were you pleased then?—Because other people seemed pleased at anything of the kind, and I was the same.

2374. What was there to please you?—No doubt Sir Henry Stracey’s party was pleased to hear what was going on.

2375. Why were you and Mrs. Campling pleased at what you say you saw?—We were, and we laughed and parted; I laughed it off, and we parted.

2376. When did you begin to talk about this seriously to anyone?—Never since; I have never spoken to anyone since, without it was my husband; I told him of it when he came home.

2377. Have you been examined by anybody about this?—Yes.

F 3

2378. By

Mrs.
E. Boyce.
16 January
1869.

Mrs.
E. Boyce.
16 January
1869.

2378. By whom?—By a gentleman that came to our house.

2379. How long was that after what you have stated took place?—I do not know; I suppose it was about a month or six weeks after; I think it was Mr. Baker.

2380. You told him, did you, what you have stated to day?—Yes.

2381. Did you speak to Mr. Wiseman about this?—No.

2382. Or to Mr. Nobbs?—No.

2383. Or Mr. Dunn?—No.

2384. Or have you spoken about it to Mrs. Campling since?—Yes.

2385. Yesterday?—Yes, since, I was subpoenaed.

2386. You talked it over again with her?—There was nothing named; just a word or two; she said, "I heard you were subpoenaed, Mrs. Boyce; and I said, "Yes;" she said, "Of course you know what you said to me;" and I said, "What I said to you of course I saw."

2387. You went to tell her that you were subpoenaed, or did she come to you?—I told her; I went for ale for supper.

2388. You told her that you should tell what you had told her, did you not?—I said, "I was subpoenaed;" she said, "Well, you know what you said to me;" and I said, "I did," I said, "What I told you was correct;" and my statement is just the same.

2389. Have you received any money from anybody?—No, indeed I have not.

2390. Have you or not received anything?—No.

2391. Nor been promised anything?—No.

2392. I believe that you were in some little distress about six months ago, were you not?—I was.

2393. Did you and your husband disagree, and did you go and make an application at the workhouse?—Yes; when my husband and me disagreed, but that has nothing to do with the election.

2394. Did you apply within the last six months for admission into the workhouse?—To speak the truth, I did.

2395. Did you or did you not?—Of course I did; well, I did.

2396. Why did you not answer me?—Because I do not consider it has anything to do with the election.

2397. But it does a good deal; why did you apply for admission into the workhouse?—I am not supposed to tell what my husband and me disagree upon.

2398. Why did you apply to the workhouse for relief?—Because my husband and me disagreed.

2399. Was it from want of money that you applied to the workhouse?—Of course; I merely went.

2400. Was it for want of support and relief?—I said, if we disagreed he should support me.

2401. Did you apply for relief?—No.

2402. What did you apply for then?—Yes; when we disagreed of course I did. I was away several days; I had a baby, and it was very ill.

2403. You left your husband; where did you go then?—I went away in the morning; I went to my woman, a girl that was living at our house, at her mother's, and stayed there.

2404. Were you in distress at the time?—No; I had a trifle of money with me.

2405. Did you not apply at the workhouse for relief for yourself?—I did.

2406. Was that because you had not any money?—No; I had money.

2407. What did you state then to the guardians; was not it that you wanted relief?—I told Mr. Worledge that I had left my husband, and that he should support me unless we came to some arrangement.

2408. Were you without funds at the time?—No; I had a trifle with me.

2409. But you wanted an order of the guardians to compel him (your husband) to support you?—Yes; we disagreed.

2410. Are you living together now?—Yes.

2411. Well, did the guardians refuse that application?—No.

2412. Did they give you relief?—Yes.

2413. What did you accept?—I almost forget.

2414. You did accept relief?—Yes.

2415. Upon the ground that you had no means of subsistence; was that so?—Yes.

2416. You think that Mr. Baker was the person you spoke to?—He was the first gentleman that came to our house.

2417. I ask you, had anything been said about any remuneration, with regard to your coming as a witness?—No.

2418. Have you been paid anything?—Nothing at all.

2419. Has anything been said about your giving evidence?—No; I have not heard a word.

2420. Cannot you tell his Lordship whether it was a half-sovereign or a sovereign, that you saw?—I cannot.

2421. Mr. Wiseman is a respectable man, is he not?—Of course he is.

2422. And you would believe anything that he stated, would you not?—Yes.

2423. You say that you will swear that there was a coin passed?—Yes.

2424. But you will not say what it was?—No.

2425. Have you no idea what it was?—Of course it was money.

2426. Why, if you did not see what it was, are you able to swear that it was money; is it not imagination on your part?—No; it is no imagination.

2427. But you never saw it?—He would not put his hand in his waistcoat pocket, and take it out and it give to a man without it were money.

2428. Did you see it when it went into Mr. Nobbs' hands?—Yes, it was one piece.

2429. What was it?—I do not know whether it was silver or gold.

2430. I suppose Mr. Nobbs and Mr. Wiseman have been to you about it?—No; I have never seen them on that account; I have seen them pass.

Re-examined by Mr. Serjeant *Ballantine*.

2431. If Mr. Wiseman swears that he never went near Mr. Nobbs, or spoke to him, would you believe him?—No.

2432. Is that false, as far as your observation goes?—Yes.

2433. If he has sworn it, you will not believe him again?—No.

2434. Is your husband in a position to support you thoroughly well; what wages does he get?—He gets so much a week.

2435. You

2435. You had a quarrel with your husband; at that time you had an infant, how old was it?—The child was then not two years old.

2436. Then the child went to a friend's house?—Then I had a baby at the time that was 12 weeks old.

2437. Were you nursing it?—Yes.

2438. You took the baby?—Yes; I went to

a girl's house and remained till I came back again.

2439. You have since that time gone back to you husband's house, and are now living with him?—Yes.

2440. You are living very comfortably with him?—Yes.

[The Witness withdrew.]

Mrs.
E. Boyce.
16 January
1869.

Mrs. RACHELL MALLETT, sworn; Examined by Mr. Serjeant *Ballantine*.

2441. ARE you married or single?—Married.

2442. Have you ever left your husband or gone to the workhouse?—No.

2443. Where do you live?—In Calvert-street, St. George's.

2444. What is your husband?—A brush-maker.

2445. Were you at your own house on the day of the election?—Yes.

2446. Do you know a man of the name of Nobbs?—Yes.

2447. Do you know Mr. Wiseman, the younger?—Yes.

2448. Do you know Mr. Dunn?—Yes.

2449. Did you see Mr. Wiseman, the younger, and Mr. Dunn in the afternoon of that day?—Yes.

2450. Did you see Mr. Nobbs in the afternoon of that day?—Yes.

2451. What was Mr. Nobbs doing?—Talking with Mr. Wiseman.

2452. Are you sure of that?—Yes.

2453. How near to him were you?—I suppose I was within about 15 yards of them; I was standing at my own door.

2454. How near were Wiseman and Nobbs together?—They were very close.

2455. And apparently talking together?—Yes, they were.

2456. Did you see anything occur between them?—No.

2457. Did you afterwards hear something from Mrs. Boyce?—Not for some time, and then I heard her say——

2458. Are you perfectly certain that they were close together?—Yes.

Mrs.
R. Mallett.
—

Cross-examined by Mr. *Rodwell*.

2459. As close as I am to you?—Yes, and closer.

2460. How long were you watching them, and looking at them?—I was watching, I suppose, from 5 to 10 minutes.

2461. Do you mean to say that they were from 5 to 10 minutes talking together?—Yes.

2462. Did you hear what they said?—No.

2463. Did you try to hear?—No; I did not give it a thought.

2464. Then, I believe, Mrs. Boyce came into you some time afterwards; how long afterwards?—I heard of it at Mrs. Camplings; Mrs. Boyce was there.

2465. How long after was that?—I think it was the same night, but I never heard the truth of it, and I never paid any regard to it till afterwards.

[The Witness withdrew.]

Mrs. HARDIMENT, re-called; and further Examined by Mr. Serjeant *Ballantine*.

2466. You recollect, I suppose, when the election took place?—I do.

2467. Who kept your husband's account books?—He kept them himself.

2468. Who kept them after he went away?—Thirkettle kept them since he has been in our service.

2469. Who kept them before he did?—Mr. Hardiment.

2470. He left, did he not, before Thirkettle came into your service?—I cannot say that.

2471. But he has said it, and I suppose you do not contradict him?—I do not want to contradict him.

2472. And so you will not contradict him?—No.

2473. Who kept the books after your husband went, and before Thirkettle came?—There was not anyone.

2474. Who took the cash?—I do not know that anybody did.

2475. There were no books kept?—No.

2476. Mr. Baron *Martin*.] What is your husband?—He is a fellmonger and tanner.

2477. That is, he buys and sells skins?—Yes.

2478. Mr. Serjeant *Ballantine*.] Then nobody kept your husband's books?—No.

2479. I understand that you have got now a letter from your husband?—Yes.

2480. When did it come?—It came this morning, and I was told by the parties it came from, that I was compelled to bring them, and that if the judge thought proper, he could come into my house; if he likes to come, I shall be very happy to see him.

2481. Mr. Baron *Martin*.] Who was it that told you this?—One of Tillett's men, and he said that I was compelled to bring Hardiment's letters, but I have only one.

2482. Mr. Serjeant *Ballantine*.] Do you mind my seeing it?—No, I do not.

2483. Do you know when your husband is coming home?—I do not know; my husband does not acquaint anyone with his business; he lets me not know anything, neither do I wish; if the judge thinks proper to come into my house I shall be very happy to show him.

[The Witness withdrew.]

Mrs.
Hardiment.
—

Mr. THOMAS JOHN SCOTT, sworn; Examined by Mr. Keane.

Mr. T. J. Scott. 2484. I BELIEVE you were check clerk in the Eighth Ward on the day of the election for Norwich?—Yes.

16 January 1869. 2485. You had a particular compartment, I think, or were you general check clerk?—I was general check clerk.

2486. Mr. Baron *Martin*.] Did you act for the sheriff or the mayor, or did you act for one of the candidates?—I acted for one of the candidates.

2487. On which side were you?—For the Liberal candidates.

2488. Mr. *Keane*.] Will you tell me whether or not you noticed on the day of the election that a number of drunken persons came up to vote at one time?—Yes, I did.

2489. At what time of the day did that commence?—It was about two o'clock.

2490. For whom did those persons vote?—For Sir Henry Stracey.

2491. Did they appear to you to be coming together unconvoyed or was some one convoying them?—Some one was convoying them.

2492. They came up convoyed?—Yes.

2493. Under whose convoy were they?—Mr. Hardiment's and Mr. Worledge's.

2494. Have you any general notion how many there were that you saw at one time under the convoy of Hardiment and Worledge?—About three or four at a time.

2495. Did you see any tipsiness or drunkenness, or what was it like?—Most of them were tipsy.

2496. Did they know for whom to vote when you observed them?—Some of them did not.

2497. How did you notice that?—When the poll clerk put a question to them, they replied for "Stuart" and "Patteson" in one or two cases.

2498. They are, I believe, brewers?—Yes.

2499. I may take it, I suppose, that their ale must have been drunk on that day?—Yes; probably it was that.

2500. Do you recollect by whom they were corrected?—The poll clerk put the question to them, and then they gave the names of the candidates; in several cases when they were brought up, Hardiment replied for them and said that they voted for Sir Henry Stracey, to which I objected; I objected to his doing that.

2501. Did they after that say "Stuart" and "Patteson"?—No, they did not say that then, they said "Stracey;" but the word was put into their mouths for them.

Cross-examined by Mr. Rodwell.

2502. How many cases of this sort were there?—About two or three of persons who said that they voted for "Stuart" and "Patteson."

2503. Not more than that?—No.

2504. And then they were corrected?—Yes; the poll clerks read the names over to them, and then they said the name, "Sir Henry Stracey."

2505. Hardiment, you say, interfered; in how many cases did he interfere?—I think in perhaps six or eight altogether.

2506. How many voted from two o'clock to the close of the poll?—I cannot say the number, because I had never seen the statistics of the poll, but I know that a majority of them voted for Sir Henry Stracey.

2507. Then the sober people voted for Tillett and Russell, and those who were not sober voted for Sir Henry Stracey; that is what you mean, is it?—Yes.

2508. No people at all who were intoxicated voted for Tillett and Russell?—I do not remember that.

2509. Are you sure of that?—I am quite sure that I do not remember one.

2510. You do not take any part in politics?—No.

2511. Were there many persons who voted plumpers for Sir Henry Stracey at the last election?—Yes, a large number, particularly towards the close of the poll.

2512. Mr. Baron *Martin*.] What was your number?—I think it was No. 2; it was at Mr. Atkins's.

2513. Mr. *Rodwell*.] Was it so early as two o'clock?—Yes; after two o'clock nearly all voted for Sir Henry Stracey; very few voted for Tillett in proportion, but I cannot say the number.

Mr. *Keane*.] I have the hours now before me, and I find that for Sir William Russell, in the last hour, the number was 69; for Mr. Tillett, in the last hour, 76; and for Sir Henry Stracey, in the last hour, 116.

Mr. Baron *Martin*.] Where do you get those numbers?

Mr. *Keane*.] They have been taken, my Lord, from our books, and perhaps I ought to have mentioned that before.

[The Witness withdrew.]

Mr. JACOB HENRY TILLET, sworn; examined by Mr. Keane.

Mr. J. H. Tillett. 2514. You are the Petitioner in this case?—Yes.

2515. You have for many years been a solicitor practising in Norwich?—Yes.

2516. You are also the proprietor of one of the Liberal newspapers?—I am one of the proprietors.

2517. I believe you have been made acquainted with certain lists, which have been furnished by the other side, of persons declared to have been bribers on the Liberal side at the last election?—Yes.

2518. And you find there your own name?—Yes.

2519. Is there any truth in that?—Not the slightest.

2520. In any form do you know of any corruption or treating, or intimidation, or anything wrong having been done?—I know of no case of corruption; I have made inquiries, and I have heard of no cases of corruption; I do not believe that there was one single shilling spent corruptly on my side, or that there was anything given away with a corrupt intention; I have not even heard

heard it from any of my friends that there was anything of the sort, but entirely the contrary.

Cross-examined by Mr. *Rodwell*.

2521. I believe you had several committee-rooms?—Yes; we had.

2522. You will probably confirm the statement that has been made by Mr. Stevens as to the part which several gentlemen, whose names I went through, took; I mean as to their being active partisans and agents of yours?—Yes; quite.

2523. Do you know a person of the name of Dodd?—Yes; there is a Mr. Dodd who keeps the asylum; the Bethel.

2524. Did you see him during the election?—No.

2525. I do not mean on the election day, but during the time of the election, did you see him?—I do not think I did at all.

2526. You did not see him in any of your committee-rooms?—No; and I am not aware that he took any part in the election.

2527. You know the man that I mean, as he is the keeper of the Bethel?—Yes.

2528. I believe Mr. Colman was a very active supporter of yours?—Yes; he proposed me.

2529. He is the gentleman who, it was suggested by witnesses examined yesterday, when he came into a particular ward there was a great deal of opinion expressed upon political matters?—He established a factory there, and employs a large number of hands, and is very highly respected; he is now deputy mayor of the city.

2530. Mr. Womersley is his principal manager, is he not?—Yes.

2531. He was a very active partisan of yours, was he not?—Yes; I should think so quite.

2532. Did you canvass Mr. Colman's men yourself?—Not individually; Sir William Russell and I went down to the factory, and they assembled on two occasions; that is we had a meeting in Mr. Colman's school-room and Mr. Colman was present. On another occasion I met them when Mr. Colman was not present.

2533. You are aware, I suppose, that a great many of his men voted for you?—Yes; I have no doubt that a vast majority did, but a good many voted the other way; at least several voted the other way, but Mr. Colman most distinctly told the men that they were perfectly free to vote as they pleased, and that we should respect them just as much if they voted for the Conservatives as if they voted for the Liberals, and it was publicly reported in the newspapers at the time.

2534. You have disclaimed any improper act

during the election, and do not you know that Sir Henry Stracey spoke in the strongest possible language against any improper act being done?—Yes; I believe he did.

2535. Do you know whether Mr. Colman's men had a holiday given them on the day of the election?—So far as I know they had just the time given to them to go up and vote; say two or three hours; I believe that that is the fact, but they had no holiday for the day.

2536. Do not you know that a great many of them lost half-a-day's work?—Whether they made it up afterwards, I cannot tell you, for I do not know.

2537. On the nomination day, were they allowed to go up on that day?—I believe they did go up in the same way that other workmen did.

2538. Do you know whether they lost all that day?—That I cannot speak to.

2539. Is Mr. John Boyce a man who took an active part for you in the election?—I think he did.

2540. Is he the person of whom the woman who was examined spoke?—No; he is a partner in the brewery; there is a large brewery here; Bullard's.

2541. This is the first time, I believe, you have stood for Norwich?—Yes.

2542. But you are an old hand at electioneering?—I have been employed in a good many elections, certainly.

2543. I believe you were examined on the Sudbury trial?—No; I was not, indeed.

2544. You were not there?—Yes; I was.

2545. You were employed in that election were you not?—I was there, and I should wish to state for what purpose, and what I did.

2546. Were you there?—Yes, and I will now explain what I went there for, and what I did; Mr. James Coppock was a Parliamentary agent, who had been connected with Norwich in a good many matters, corporation and other matters, as Parliamentary agent, and he employed a Mr. Wilde, who lived at Norwich at that time, to go over and manage the election at Sudbury; I was then only a young man, and Mr. Wilde asked me if I would go over and keep the poll; I knew of no intention to bribe, and I had nothing whatever to do with bribery. I went over for a specific purpose, and I did that, and nothing else; I never spoke to a voter of a corrupt character, so far as I knew it; no money passed through my hands, and I had nothing whatever to do with the bribery.

2547. I do not impute that to you; I merely mean that you were concerned in that election; is that it?—That is it; to that extent.

JEREMIAH JAMES COLMAN, Esq., sworn; Examined by Mr. *Keane*.

2548. You were Mayor of Norwich last year?—Yes.

2549. And you are one of the partners in the firm of Colman whose conduct at the time of the election, Mr. Tillet has been describing?—Yes.

2550. Is his account of what you said, or caused to be said to the men in your employ, correct?—Perfectly correct; it was reported in the newspapers verbatim at the time, and I wished the men to understand it.

2551. If we understood Mr. Tillet aright, they were at liberty to vote for which candidate they pleased without having to look for any dis-

pleasure, or any treatment one way or the other by you?—Most perfectly.

2552. Will you tell me was any arrangement made about the day of nomination?—It was understood, I believe, on both sides that the nomination should be perfectly free; that is to say, no men engaged, as I dare say has been the case upon some former elections, to go to the nomination, and I stated to our own foreman that if any of the men wished to go to the nomination upon that morning they were at liberty to do so.

2553. On either side?—Yes, certainly.

2554. And the same privilege on the day of the election?—Yes, the day of the election the same;

Mr.
J. H. Tillet.
—
16 January
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J. J. Colman,
Esq.
—

J.J. Colman, Esq. same; they were all allowed to go if they wished.

16 January 1869. 2555. If any arrangement was made for making up the time, was it quite the same with regard to the persons favouring the different candidates?—Yes, most perfectly so.

Cross-examined by *Mr. Rodwell*.

2556. That is, all your men had liberty to go and take a holiday?—Perhaps you will allow me to explain how the matter stands; what I have to say is this, that we have different departments; some men are on piece work and some are not on piece work; I directed the managers of our different departments to proceed in the matter precisely as they had been accustomed to do upon

Mr. ALFRED MASTER, sworn; Examined by *Mr. Sergeant Ballantine*.

Mr. A. Master. 2557. You are a medical gentleman residing and practising at Norwich?—I am.

2558. And I believe in partnership with another gentleman of the name of Johnson?—I was till the 31st of last month.

2559. You were one of the active supporters, I believe, of Sir Henry Stracey?—I was.

2560. And so was also your partner, Mr. Johnson?—Yes.

2561. On the morning of the day of the election was there a large breakfast party at your house?—I can hardly call it a large breakfast party; you said in your opening that there were 30 people, I think.

2562. I was so instructed?—I have been racking my brains and I cannot make out more than 23.

2563. I am quite sure that what you say upon the subject is more likely to be correct than any vague information that we have obtained; there were about 23, you say?—I think so.

2564. Were they voters for Sir Henry Stracey?—The majority of them were.

2565. Can you give me an idea of the minority?—The minority is one, I think; one voted for Tillett and two had no votes at all.

2566. One voted for Tillett and the others had a proper view of their political principles?—I consider it so.

2567. They had an exceedingly good breakfast, had they not?—I should be very sorry to sit you down to such a breakfast; I may say that I made no order at all about it; I had a circular came to me the night before to say that our friends were going to meet opposite my house, and with that I simply gave my servant directions to have some coffee ready that morning.

2568. And your servant, who knows the moderation of your orders, but the liberality of your wishes, what did he do?—I can tell you exactly what they had, for I made no preparation whatever; first of all, Mr. Johnson, whose name has been brought prominently into this question, had nothing at all, unless you call warming himself at the fire something.

2569. It was December, was it not?—It was November.

2570. Then I do call it something; of course, I never suggested that he was bribed?—But you suggested in your opening, I think, that he gave it.

2571. What had you?—We had some coffee, and I believe afterwards there was some beef and

former occasions; that is to say, when any holiday was required, I believe as a rule the men made up their time; but at the same time I should say this, that I saw a statement in the newspaper a few days before stating that the Government had given notice that the Admiralty yards would be closed, the men having a holiday with no deduction from their pay for the day of the election; and therefore, in exceptional cases where it was difficult for the men to make up their time at piece work as they ordinarily could they were to proceed, so that the business of the works should not be at all interfered with; I believe as a rule the men made up their time. The wages books are perfectly at your service, and the clerk who paid them may be here at any time.

some bread, and it might have been some butter, but I do not know of anything more.

2572. Did you all go up in a party to vote?—No, not at all.

2573. They left and voted?—The only reason Mr. Johnson was there was, that he had been ill in bed several days, and he came in rather than wait upon the plain.

2574. Did Mr. Johnson go with them?—No, he went by himself, I believe.

2575. Did he leave with them?—No, certainly not; at no one time were there more than five people in the room.

Cross-examined by *Mr. Rodwell*.

2576. It was not a large breakfast party?—Not at all.

2577. *Mr. Sergeant Ballantine.*] Were any of the committee with you?—I do not know who the committee were.

2578. Was Mr. Johnson on the committee?—I do not believe Mr. Johnson ever got into a committee-room.

2579. Was Mr. Gilbert there?—Mr. Gilman was there.

2580. He was one of the paid agents, I believe?—He was a friend of mine; I do not think he was paid.

Mr. Rodwell.] The suggestion by my learned friend is, that Mr. Johnson, your partner, was corruptly influenced by this breakfast of yours.

Mr. Serjeant Ballantine.] No certainly not.

2581. *Mr. Rodwell.*] Had Mr. Johnson's breakfast anything to do with his vote?—He had no breakfast.

2582. But the warming by the fire; had that anything to do with his vote?—Upon my word I do not know how to answer such a question.

2583. Why were those people asked to breakfast?—I never asked them at all; they were waiting shivering upon the plain, and I asked them to breakfast, or to take a cup of coffee.

2584. Upon a cold morning, instead of being shivering outside you asked them to come in and have a cup of coffee?—That is all.

2585. Was there any intention upon your part, or was there any effect produced upon the minds of those voters by what you gave them?—I deny it

it altogether; I never asked a single person in the house for their vote, nor did I do anything beyond what you say; merely gave them a cup of coffee.

2586. Mr. Serjeant *Ballantine*.] I do not in any way charge you with anything of the sort,

or impute any such motive?—Then you will take off the stigma from me, if you please.

Mr. Serjeant *Ballantine*.] I will take it off with pleasure, and I may tell his Lordship that I do not pursue that case any further.

Mr.
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ROBERT BOND, sworn; Examined by Mr. *Keane*.

2587. WHERE do you live?—In St. Martin's, at Palace.

2588. What are you?—A gardener; a labourer in a garden.

2589. Are you a voter?—I have a vote.

2590. For whom did you vote at the last election?—Sir Henry Stracey.

2591. Mr. Baron *Martin*.] Are you a freeman, or one of the new voters?—I am a new voter under the new Act.

2592. Mr. *Keane*.] Do you know Edward Fraxton, who lives in the Cathedral Close?—No, I do not.

2593. I beg your pardon; I mean Edward Traxton?—Yes, I know him.

2594. Did you see him before the election?—I did see him once, and that was in the fore part of the morning.

2595. The very same day?—Yes, the very same day.

2596. Mr. Baron *Martin*.] You mean the day of the polling?—Yes.

2597. Mr. *Keane*.] Did he say anything to you about the election?—No.

2598. Not at all?—No.

2599. Did he do anything about the election?—I never see him do anything.

2600. Did you not get a shilling from him?—No, not a fraction.

2601. Mr. Traxton did not give you a fraction?—None.

2602. Are you quite sure that he did not offer you a shilling?—Perfectly sure of it.

2603. And as much beer as you like?—I never see any of it.

2604. To vote at the "New Tavern," Tombland?—No; what I had I paid for.

2605. Probably you rejected the offer; I am curious about Traxton; I want to know whether Traxton did not offer you a shilling, and as much beer as you liked to drink at the "New Tavern," Tombland, if you would vote?—Most decidedly he did not.

2606. Nothing of the kind?—He did not.

2607. Have you seen anybody on the other side since this petition; I mean the other side to myself?—I do not know that I did.

2608. The side of the Respondent; yesterday, for instance; 24 hours ago, say?—I see so many, I do not know who I see.

2609. Did you see anybody who appeared to come from Sir Henry Stracey's or his advisers, or who came in his favour?—No.

2610. Nobody at all?—No.

2611. Did you see Mr. Vines?—No.

Mr. Baron *Martin* stated that this was not evidence bearing upon the issue before the Court.

2612. Mr. *Keane*.] Do you know a person of the name of Furze?—Yes.

2613. Where does Thomas Furze live?—I have known him for years; he lives at the corner of Queen-street.

2614. Did you see him on the day of election?—I did.

2615. Had he anyone with him?—There was some one with him.

2616. Do you recollect who it was?—I recollect a little what the man was; I did not pay much regard.

2617. Do you know a person of the name of Colby?—If I should see him I might know him; I do not know whether I should or should not know him if I were to see him.

2618. You are quite uncertain who Colby is?—I know it was a man with dark whiskers.

2619. Has the man you know of the name of Colby dark whiskers?—Yes.

2620. Did Furze offer you any money on that occasion?—No, not one farthing.

2621. Did he put any money into your hands?—No, I asked him whether he would lend me half-a-crown.

2622. On the day of the election?—Yes, on the day of the election; he said "I have not one in my pocket." I had borrowed money previously to the day of the election, you know.

2623. How long before the day of the election?—It might be two or three months, or two or three years ago I borrowed money.

2624. How shortly before the election?—I dare say about two or three months I borrowed a couple of shillings of him; I have a sickly wife and I wanted the money.

2625. On the day of the election you borrowed half-a-crown?—Yes.

2626. What time of the day was it?—I believe I had voted then.

2627. Are you certain?—I would not swear it. I come here to speak the truth; I would not swear whether the man asked me before I had voted or not; I do not remember exactly whether I had borrowed it before or after; but the man Mr. Furze never asked me.

2628. Did you ask him to lend it you?—I asked him whether he would lend me half-a-crown.

2629. What was he doing when you asked him whether he would lend you half-a-crown?—I see him in St. George's Church Alley; he was walking, and I said, "I wish to speak to you a minute"; he said, "What do you want, Bond?" I said, "Lend me half-a-crown, I am short of money." I never asked him who I was going to vote for.

2630. What ward was this?—No. 1 Ward.

2631. Had Mr. Furze anything to do with the election?—I cannot answer that question.

2632. Cannot you tell me whether he was a canvasser?—I do not know anything about it.

2633. Whether he was one of the committee?—I do not know anything about him whether he was Whig or Tory.

2634. Did he see you vote?—No, that he did not. If he did I did not see him there; that is the question. If he see me, I did not see him.

2635. Did

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2635. Did Furze speak to the person who was with you about giving you money?—No, there was nobody gave me any money.

2636. You call it lending, I call it giving?—I repaid it afterwards honorably.

2637. When?—I paid it in Mr. Grey's shop.

2638. When?—I paid it last Monday morning; I could not get it before, because I had been out of work, and I paid it as soon as I could get it.

2639. Last Monday morning was an unfortunate day; did Furze say to you that he had not got the money?—He said something of that purport, whether he said he had not got half-a-crown in his pocket I could not say.

2640. Did he not tell somebody else to pay it to you?—I borrowed half-a-crown, and I should have paid it on Saturday night, but being out of work, I had not the means.

2641. On the morning of the election I mean?—It was in the afternoon.

2642. In the afternoon of the election, when you met Furze walking with somebody else who you cannot identify as Colby; did he tell the person who was walking with him to give you any money, whatever it was?—No; I believe Mr. Furze borrowed it of this man to lend it to me; I think he did, but that I would not be sworn to. I come to speak the truth as near as I can.

2643. Were you at a public-house called the "Ribs of Beef" on that election day?—I was.

2644. What time of the day were you there?—Different times; morning and afternoon, too.

2645. Who is the person who keeps that house?—The name I think is Eccleston.

2646. Did you see any voters there?—No, I did not. I did not know who was voters and who was not voters.

2647. Did you recognise persons there as voters?—No, that I could not.

2648. Were there many persons there?—Lots.

2649. Were they drinking?—Of course we all had some beer.

2650. Were they all paying for their drink so far as you saw?—I was paying, and the other people paid; I paid for mine.

2651. Did you see that the others paid for their drink?—That I did not notice; I paid for my own, at all events.

2652. Out of the half-crown?—No, that was the afternoon, and I had money in the forepart of the day.

2653. Do you know a person of the name of Jonathan Flower, of Wensum-street?—I know Mr. Flower very well.

2654. Did you see him there?—I did.

2655. Do you recollect his coming in?—I do.

2656. Were there many persons there when he came in?—There was a lot of people in.

2657. Did he say anything about their having beer?—I never heard it asked whether they were voters or not voters.

2658. I asked whether he said anything about beer publicly?—There was some kind of asking him, "Are you not going to stand treat this morning?" I never heard the men asked whether they had voted or had not voted or not.

2659. I am not asking about voting; I am asking whether he said anything about beer?—

He said, "They must have a little beer, I suppose;" but I never sees no money paying for anything; I paid for me.

2660. Did he say, "They must have a little beer, I suppose"?—I hardly know what he did say.

2661. See if you can recollect whether he said this, "You can all have what beer you want"?—I never heard that.

2662. You swear you did not?—I am supposed to be here to swear the truth; he might have had a barrel given away, but what I speak to you I speak the truth.

2663. You say so, and I dare say it is so; and I want to know for that very reason whether you swear he did not say, "You can all have what beer you want"?—I do not recollect.

2664. You will not swear that he did not?—No, and I will not swear that he did.

2665. You have never said that Mr. Jonathan Flower there said to the men assembled, "You can all have what beer you want"?—Not in my presence, to my knowledge; if I did, I am quite unaware of it; that is all I can say.

2666. Have you never said to anybody that he said "You can all have what beer you want"?—I do not know.

2667. I am asking you whether you have not said to somebody that Mr. Flower on that occasion that you are talking of, said, addressing the men there, "You can all have what beer you want"?—If I did I am not aware of it.

2668. I will show you a gentleman to whom I say you said it, and I must ask you to be careful. Do you see this gentleman here (*pointing to a gentleman in the Court*)?—My eyesight is bad.

2669. He is Mr. Arthur Vernon; did not you say to that gentleman who is now standing by your side that Mr. Flower addressed the men that were there, and said to them, "You can all have what beer you want"?—I am sure I cannot recollect if I did.

2670. Try and recollect; here is the gentleman, and I have given you the time?—Will you oblige me by putting the question to this gentleman, whether I was sober at the time or whether I was tipsy, "Fair play is a jewel."

2671. Until the gentleman comes, I cannot put the question to him; and I prefer to put the question to him then. Will you venture to say that you did not say to that gentleman who is now standing by your side that Flower addressed the men and said to them, "You can all have what beer you want"?—When a man has got a drop of beer, he does not know exactly what he says all the time.

2672. When was it you saw the gentleman and spoke to him upon the subject?—I have seen him above once.

2673. Tell me the last time?—Blowed if I know.

2674. Can you tell me the first time?—That I could not. I saw him two or three times since the election, but I cannot say the day. I have seen him before Christmas and after Christmas; I know that.

2675. You are all right to-day, are you not?—Yes, and I hope I shall pray to-morrow.

2676. Are you perfectly sober to-day?—Yes.

2677. You mean to say that Mr. Flower did not say, "You can all have what beer you want"?—I do not recollect it; upon my word I do not.

2678. Do you mean to say that you did not tell that gentleman who was just near you that Flower did

did, on that occasion, say, "You can all have what beer you want"?—I would not swear I did or did not. I cannot recollect; I cannot say I did not, and I cannot say I did.

2679. Were there any persons in the top room of that house upon that occasion?—There were several in.

2680. Were they taken out into the lower kitchen down some steps by Flower?—No, I never saw it.

2681. Have you not said so?—I know better.

2682. But have you not said so?—Where? I do not know.

2683. Here is Mr. Vernon; have you not said so to him?—I am here to speak the truth, I suppose.

2684. I want you to do it?—I cannot speak only the truth.

2685. Will you answer me that question; did those men go one at a time from the top room with Mr. Flower down some steps?—I see them go down, but I do not know that I see Mr. Flower go down with them.

2686. Into the lower kitchen?—They were there for their own convenience, I suppose. It is on the lower floor, and they wanted to go that way.

2687. Was Dr. Allen in the kitchen?—I see Dr. Allen.

2688. Was he in that lower kitchen?—He went down, but I never see him speak to nobody.

2689. Was he there?—He was there on the day of the election.

2690. Then you told Mr. Vernon he was there?—Yes, I believe I did.

2691. Was it true?—Yes, he was; he never asked the people to give them anything.

2692. When they got down to the lower kitchen where Dr. Allen was, was the door closed?—I do not know; that I cannot answer.

2693. You have said so?—No, I cannot answer that question.

2694. Yes, you can. Surely you can tell my Lord whether or not you have said that when they got down into the lower kitchen, where Dr. Allen was also, the door was closed?—That I do not know.

2695. But do you tell my Lord you never said so?—I cannot tell my Lord I said so if I do not recollect saying so.

2696. Were you sober when you saw Mr. Vernon?—I do not know exactly whether I was or not.

2697. How long did they stay? have you not said that they stayed with Dr. Allen?—I do not recollect as I did.

2698. That the persons who went into the kitchen with Dr. Allen stayed there for a short time?—I do not recollect it.

2699. Perhaps you recollect this; when they came out of the kitchen where Dr. Allen was, did they go off to the poll?—That I do not know.

2700. Have you not said so?—I cannot say that at all.

2701. Cannot you say whether you have said so to Mr. Vernon?—Well, that I cannot say.

2702. Have you said that there was somebody there waiting outside to take them off to the poll?—I do not believe I ever said such a word.

2703. Have you not said so?—They might get up a prejudice if they think proper. I know I cannot say what I did say; having a drop of drink in me, I do not think I have done any harm.

2704. Do you mean to say that you do not know whether you said it or not?—No, I do not.

2705. Did you not tell Mr. Vernon that you yourself had been bribed to vote?—No, most decidedly I did not. I am on my oath.

2706. Did you say that Dr. Allen was the person, for he came out of the house and stood close beside you while he drank some beer?—I saw Dr. Allen drink some beer, but he never asked any one else to drink. I saw him drink out of a quart mug, I believe. I never heard him ask anybody to drink out of it, nor I do not remember anybody asking him whether he would stand treat or not.

2707. Did Dr. Allen come out from the place where he had been and stand close by the side of you and drink some beer?—He was standing in the top room, close against the doorway. It is a very small room.

Mr. Baron *Martin* stated that it was quite contrary to all the rules of evidence for Mr. Keane to cross-examine his own witness to any extent.

Cross-examined by Mr. *Rodwell*.

2708. How many times has Mr. Vernon been to you?—I have seen him two or three times.

2709. Where have you seen him?—At the "Compasses."

2710. Has he sent for you?—No; I happen to have been in when he came in.

2711. Did he take down in writing what you said to him?—I expect he did.

2712. Had he pen, ink, and paper at the time?—That I hardly noticed.

2713. Do you know who he is?—I know the gentleman again.

2714. You do not know where he comes from?—No, I do not.

2715. Did he ask you a good many questions?—No.

2716. All that my learned friend has asked you about, did he ask you about when you were with him?—I did not know nothing. I could not answer him in any shape whatever. He said, "Beware, and do not tell any lies," and I said I should speak nothing but the truth.

2717. My learned friend asked you questions about statements which you are said to have made to him; did he upon any occasion ask you questions about Dr. Allen and Mr. Furne, and so on?—I am sure I cannot say.

2718. Had that half a crown that you borrowed anything to do with your vote?—Not a bit; not a hap'orth; and I have repaid it.

Mr. *Jonathan Flower* having been called, and not answering to his name, Mr. *Keane* stated that he must call him upon a subpoena.

R. Bond.

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THOMAS BENFATHER, sworn; Examined by Mr. *Keane*.

2719. WHERE do you live?—In St. Martin's.

2720. What are you?—I am a licensed victualler.

8.

2721. What is the name of the house you keep?—The "Royal Oak." *T. Benfather.*

2722. Are you a voter?—Yes.

G 3

2723. Did

T. Benfather. 2723. Did you vote at the last election?—

Yes.

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2724. For whom?—Sir Henry Stracey.

2725. Do you know a beerhouse kept by William Clark at the corner of Jenkin's Lane?—I know there is a beerhouse at the corner of Jenkin's Lane, but who do keep it I do not know. I never see the man that I know on; I may have seen him, but I do not know him; not personally.

2726. Were you there at the corner on the afternoon of the day of the election?—I believe I was.

2727. About what time?—I should think it might be about three or four o'clock in the afternoon.

2728. Was it between three and four?—It might be so; I do not know what time exactly, but about that time.

2729. May I say about between three and four?—I say yes, about that time.

2730. What did you say when you went in there?—I did not say anything there; I only went to see my friends about there the same as I might go into another public-house.

2731. Were your friends that were about there voters?—I do not know that any one of them were voters. I went in there on the day of the election, being as I was excited, because I voted for Mr. Stracey; that was perhaps the cause; but I do not know that any of the people that were there were voters.

2732. Was a person of the name of William Clare Thorpe there?—I do not know.

2733. Are you sure he was not there?—I do not know that he was there; I do not know such a name.

2734. We probably shall be able to produce him. Was there anyone else there that you knew?—Yes, I believe there was. I tell you who it was; an old aged uncle, I should think 84 years of age, and had not had a voice for 20 years. I am certain sure he had not had a voice for 20 years; not to say a voice in the Legislature.

2735. Am I to understand that 20 years before he had a voice in the Legislature?—No; I said I looked upon him as such because he had not a voice now.

2736. You mean that he had not a vote?—He had no vote.

2737. Was there anyone else that you knew?—I do not know of anybody else being there that was a voter.

2738. Was there a person of the name of John Warren?—Not that I know of.

2739. Was there a person of the name of Benjamin Sayer?—I do not think he was there. I know Benjamin Sayer very well, but I do not think he was there.

2740. He was a voter?—He was a voter, I believe, but he was not there when I was in Mr. Clark's.

2741. Was there a person of the name of Daniel Sayer there?—I do not know such a name.

2742. Daniel Sayer, the landlord of the back yard?—I thought you said Mr. Daniel's. Daniel Sayer I know quite well. He was not in Mr. Clark's house during the forenoon, but he had voted then.

2743. He was not at Clark's?—I never see him in Mr. Clark's?

2744. Was a person of the name of White there?—I do not know who you mean. I have

never heard such a name as that before in all our parish.

2745. Was a person of the name of Moss there?—Yes, I believe he was. I tell you my uncle John was there, my old uncle, that is my uncle 84 years of age, and had not had a voice in the Legislature not for 20 years.

2746. Did you call any persons into the back room there?—No.

2747. In the presence of somebody, as I will show you, I hope, directly, when Mr. Thorpe was standing at the bar, did you not call some persons into the back room?—No. What do you call the back room? It is like this. Here is the front part of the house, and of course you can walk to the further part, and you can call that the back room, if you think proper, but I never called nobody into no room whatever.

2748. I beg your pardon; I fancy I am wrong. Is there a baking-room there?—No, certainly not; they do not carry on no baking establishment whatever.

2749. I do not ask you that; I want to know whether there is a baking room there?—That I must leave; I never see no baking going on when I was there.

2750. Did you call any persons into another room at all?—No, I did not.

2751. Not at all?—Not at all whatsoever.

2752. Did you say to the persons there, "I will call you in separately"?—No.

2753. Did you offer any money?—Not a farthing; I had none to give; I am only a poor man; I have got nothing to give.

2754. But you might have some to pay?—No, nor yet nothing to pay; as I told you, I have nothing to pay, and nothing to give.

2755. That is very possible; I understand you; you neither gave nor offered money to anybody?—No, and never took any; I wish I did, and I should have been better off than I am now.

2756. Not to a person of the name of Thorpe?—No; where is Mr. Thorpe; why does not he come in the front?

2757. John Warren; did any money pass between you and John Warren?—Not a farthing, or anyone else.

2758. Or any offer?—No, nor yet no offer. Who is John Warren?

2759. I really cannot tell you; you do not suppose I know him; the name is given to me?—I do not know John Warren no more than I know Adam, and I never knew him I am certain.

2760. Perhaps you will see him before this inquiry is over. Did any of the persons that were there go off in a cab from the place while you were there?—I am bound to speak the truth here. I expect as—I am on my oath, am not I? but I will tell you this much, that I did ride from St. Martin's down to the polling place, where I went and voted for Stracey; but who the cab belonged to I do not know.

2761. You did not pay for it, I gather from you?—No, certainly not; I could not afford it.

2762. Did any other person?—I never see nobody pay for it.

2763. Did any other person go from that beerhouse in a cab to vote?—No.

2764. To your knowledge?—No, not with me.

2765. But did you see them go into the cab for the purpose of voting?—I did not know what they were going for.

2766. You

2766. You did see some persons go from there in a cab?—I say I went from there.

2767. Did you or did you not see others go in a cab from that place in order to vote?—I cannot say whether they went to vote or no.

2768. Then you did see some persons go in a cab from that place?—I see some persons in a cab, but whether they came out or not I must leave.

2769. Were they at the door when you saw them?—No, they were in a cab.

2770. Was the cab standing still?—No, it was a-going.

2771. Did you see where they went from?—No, I did not.

2772. Am I to understand that you did not know whether they were coming back to the public-house, or not?—Certainly not; they might be coming from the “Norfolk-hotel,” for all I know.

2773. Is that in the direction of the “Norfolk-hotel”?—That is in St. Martin’s.

2774. You do not represent that you believe that it came from the “Norfolk-hotel”?—It might have come from there for what I know of; I did not take that amount of notice about the cab.

2775. You say you do not know Thorpe?—I do not know till I see him. I may know him by sight, but I do not know him by name. Let the man come in front of me.

2776. I just want to show you John Warren, and see whether you recollect him?—I may know him.

John Warren having been called, did not answer to his name.

William Clare Thorpe was called.

2777. Mr. *Keane* (to the *Witness*).] Look at the gentleman on your right hand?—I know the man.

2778. What is his name?—I believe he goes by the name of Thorpe.

WILLIAM CLARE THORPE, sworn; Examined by Mr. *Keane*.

2792. WILL you tell me what you are?—A Florist in St. Augustine-street.

2793. Where do you live?—In St. Martins-at-Oak.

2794. Are you a voter?—Yes, a freeman of the city of Norwich.

2795. Did you vote at the last election?—No.

2796. Were you in Clark’s beerhouse at a quarter past three on the day of the election?—Yes.

2797. Were there many persons there at the time?—Yes.

2798. Were they persons whom you knew to be voters?—I knew some of them to be voters.

2799. Did you see Thomas Benfather, who a few minutes ago was standing by your side; did you see him there?—Yes.

2800. Was he in there when you first came in, or did he come in after you had got there?—I was there before him, and I see him afterwards.

2801. When you first saw him did you notice whether he came into the room suddenly and opened the door, or did you suddenly see him without knowing how he came in?—He came into what they call the shop, and then he called people into another room.

8.

2779. I have asked you several questions about Thorpe on the day of the election; did you see this man on the day of the election?—I believe I did.

2780. Did you see him in Clark’s beerhouse?—I think I did.

2781. With regard to all the rest, you persist in your denial as to the purport of it?—I do not comprehend what you say.

2782. Your denials, with the exception of your not knowing Thorpe, were all correct, were they?—I did not know him, not till I see him, personally.

2783. Then the rest you persist in, or does your seeing him alter your evidence?—I say that I never gave Mr. Thorpe either money or beer on that day.

2784. Or offered any?—No, nor yet offered any.

2785. Did not you say this to him, “If 5 s. is of any use to you, you can have it”?—I never said such a thing.

2786. Nothing of the kind?—Nothing of the kind.

2787. Was not his answer to you that it was of no use to him?—He never said no such thing to me; I never offered the man no such thing.

2788. Did he say also it was against his principles to take money?—I never heard him say such a thing; certainly not. I had no conversation with him about electioneering affairs on the day of the election whatever.

2789. Do you mean to say you did not call Thorpe into a room and offer him money?—No.

2790. And whether he was not the last of many persons you called in?—I say so now.

2791. Was not he the last of several persons that you called into the room?—I never called him into no room at all whatever. I think I have dissolved your question.

2802. Was there another room on the same floor as the shop?—Not the same floor, a little higher, what they call the bake office.

2803. Is there any baking business carried on there?—No.

2804. Then it is a room in which formerly there was baking?—Yes, it was a bake office.

2805. Is it at the back or the front?—That is at the back, and there is another room by the side of it.

2806. Into which room was it that he called the persons?—The bake office.

2807. Did they all go in together?—No; there was six of us went into the bake office.

2808. Were you one of them?—Yes.

2809. What was done there when they came in?—Of course, he came from the shop, from the beerhouse first, and then he went from there to what was a bake office, and called six of us to the back, that is a room at the side of the bake office. He then called one in at a time. Then, of course, I was the last one.

2810. I do not know why of course you were, in fact, the last one?—Yes, I was.

2811. As to those persons that went in before you, did you see what happened between him and them?—Yes.

2812. What was it?—They said they would not take it.

G 4

2813. What

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2813. What happened; did you hear what was said by him?—No.

2814. Did you see what he did when they were there?—No, I stood in another room.

2815. The door was closed?—Yes.

2816. How long did each of them stay?—It was all done in a little time. They all went one by one. I cannot say what time.

2817. Did each stay about the same time there?—Yes, about there same time.

2818. When you went in, what occurred to you?—He offered me 5 s., and I said I would not take it.

2819. Just tell me, give me as near as you can, the words in which he offered you the 5 s.?—I will tell you. He said to me, "Is 5 s. any use to you?" I said, "No."

2820. Anything further?—No.

2821. Was nothing said what the 5 s. was for beyond that?—Of course, it was said to me about the 5 s. to induce me to vote for Stracey.

2822. That you believe?—I believe it myself.

2823. Was that said?—Mr. Stracey's name was not mentioned.

2824. Mr. Baron *Martin*.] That is what you said, that you said, "Vote for Sir Henry Stracey," and that you had an offer of 5 s. to do it?—Yes, I was offered 5 s.

2825. Mr. *Keane*.] What is Benfather, is he a Conservative or a Liberal, or what?—He is a Conservative.

2826. And you knew that at the time?—Of course I did.

2827. When the persons who had been in the room with Benfather, and the door was closed, came out, do you know where they went to?—Yes: I see some of them go.

2828. How did they go?—By a cab.

2829. Was the cab sent for, or was it waiting at the door, or how was it?—It was waiting at the door.

2830. Did the voters go in the cab, or did Benfather go with them?—I see some of the voters go.

2831. I want to know whether they went by themselves, or whether Benfather went with them?—I cannot say about Benfather going; I know that one went.

2832. How long did you stay in that beer-house after this occurred, after you had refused the money in the room?—Till half-past four.

2833. Did Benfather remain there, or did he go away?—He went away.

2834. How soon after you came out of the room was it, that he went away?—He went away before me a long while; I cannot say how long.

2835. How early were you at that beerhouse, on that day, the first time that you were there?—A quarter past seven.

2836. Did you see Moss there?—Yes.

2837. Cutlock?—Yes.

2838. And Brandish?—Yes.

2839. Do you know whether all those voted?—There was one not voted.

2840. Which was that?—Cutlock.

2841. When you were there, at a quarter past seven, how long did you stay?—Till half-past four; I went away to breakfast, and I went to dinner.

2842. Did you see Thomas Worlledge there?—Yes.

2843. What time did he come?—It may be a little after 10.

2844. Were there any voters there then?—Yes.

2845. Do you recollect how many?—There might be four.

2846. Did Worlledge say anything to them?—Yes.

2847. What was it?—He came in and said he had got some tickets; he said he would give them to the non-electors, and not to the electors.

2848. Then, were there some non-electors present?—Yes; they were sixpenny tickets, that I know.

2849. Did he produce the tickets?—Yes.

2850. From where?—He took them out of his own pocket, and gave it to them.

2851. How many tickets did he distribute?—He gave two to one; two to another, and two to another, and three to the last one; that is nine tickets.

2852. Mr. Baron *Martin*.] What were the tickets for?—For beer; sixpenny tickets.

2853. Mr. *Keane*.] Did he say so, or did you see it was so?—I see it come in.

2854. Who brought the beer?—Mr. Clark, that keeps the house; there is no name on the house, so I cannot say.

2855. The tickets were given to the non-electors, and when the beer came, how did the non-electors deal with the beer?—They served it all round.

2856. To the electors as well?—Yes, as well.

2857. So that the non-electors, and the electors, joined together in drinking the beer for which nine sixpenny tickets had been given to the non-electors?—I had to pay for my beer my own self.

2858. But did you see that done?—I see it served.

2859. Do you know a person of the name of Robert Hardiment, the fellmonger?—Yes.

2860. Was he there?—Yes.

2861. At what time of the day did Hardiment come there?—Just after 11.

2862. And was anyone with him when he came?—Yes; there was Mr. Freestone, and Mr. Wiseman.

2863. Was that Wiseman, junior, or Wiseman the father?—Wiseman, junior.

2864. When Hardiment came in, what did he say?—Bring a gallon of beer in.

2865. That was done without tickets?—Yes.

2866. Was it brought?—Yes.

2867. Did Hardiment say anything more?—No.

2868. Did Wiseman?—No.

2869. Was anything said about polling cards?—No.

2870. Not by anybody?—No.

2871. Who paid for the beer?—I did not see nothing paid for the beer.

Mr. *Keane*.] If your Lordship pleases, I will not go into the scrutiny at present.

Cross-examined by Mr. *Rodwell*.

2872. You paid for your own beer?—Yes.

2873. Did you have any of the non-electors' beer?—Of course, I drank with them.

2874. Then you had?—Yes; but it was very little I drank along with them.

2875. Why had you so little; had the others more than you?—Of course, they had.

2876. Why, of course; you paid for your own beer?—Yes.

2877. And

2877. And you had some of the non-electors' beer?—I drank some of it, that is all.

2878. Much?—Not much.

2879. As to those six people; who were the six people that you say went into the room?—Charles Moss was one.

2880. Now, the others?—Richard Ross was another one; I cannot mention no more, only myself; I do not know the other three.

2881. Why did not you vote?—Because I did not intend to vote that day.

2882. Which day did you intend to vote, then?—Not at all.

2883. You made up your mind?—I did not intend to vote at all.

2884. You never intended to vote at all?—Not that day.

2885. That was the only day you could vote upon?—I did not intend to vote at all.

2886. Why were you up at Clark's beerhouse?—I went for a pint, just the same as other people.

2887. You were there pretty nearly the whole day?—Of course, I was.

2888. Were you drinking the whole day?—Yes; I was drinking.

2889. Were you drunk?—No.

2890. You were there, drinking all day?—Yes, I was drinking all day.

2891. Did you ever offer your vote to anybody, if they would give you more than 5 s.?—No.

2892. Did you ever ask for anything?—No.

2893. Never?—No; and do not intend as long as I live.

2894. Are you a florist?—Yes.

2895. Do you mean an artificial flower maker, or a gardener?—A gardener.

2896. In work now?—Yes.

2897. Were you in work the day you went up to Clark's beerhouse?—Yes.

2898. Is it your own garden, or do you work for others?—Mr. Nunn's, of St. Augustine's.

2899. What did you go into the room for, that you talk about?—What room?

2900. You tell us that Benfather called you into a room?—I paid for a pint of ale; he called six of us; "Come in together; go into the other room at the back of the room; go on together."

2901. Why did you go into that room?—I did not go myself; I was looking what was going on.

2902. Did you go into the room yourself?—No; yes, I went, what I call myself as far as the door, and Benfather came to my face and asked me, "Is 5 s. any use to you?" and I said, "No."

2903. Had you told him in the morning that you were not going to vote at the election?—I had never seen him that morning.

2904. Was it known that you were not going to vote?—No; not that morning.

2905. Had you been asked for your vote?—Yes; about two o'clock, and I said I would not vote at all.

2906. It was well known, was it not, in Clark's beerhouse, that you would not vote?—Yes.

2907. Can you tell me why you went into that room when the 5 s. was offered; did you know, when you went into that room, what you were going in for, if your story is true?—Yes, I was looking what was going on.

2908. Do you swear that you went in to see what was going on, and for that sole purpose?—Yes; I can swear that I only see what was going

on; I said, "I will go and see what is going on."

2909. You were watching, then?—Yes, I was a-watching.

2910. You did not take any great interest in the election?—Yes, I was looking after the election all the same for that.

2911. Did you care much which side got in?—Yes; I thought myself if Mr. Tillett got in it would have been a good thing for me.

2912. Why did you not vote for him, then?—Of course I was standing out; not for money I was not.

2913. What do you mean by "standing out"?—Not for money.

2914. What for, then?—I said to myself I did not intend to vote at all.

2915. You told me this moment the reason you did not vote was, you were standing out; what were you standing out for?—Nothing at all.

2916. And yet you wished Mr. Tillett to get in?—I should have liked to have seen him get in one way.

2917. Can you give me any other reason than that you did not wish to vote?—I did not intend to vote at all.

2918. Then, when you used the words "standing out" just now, it meant nothing?—It meant nothing at all.

2919. Then you went to watch?—Of course I was a-watching.

2920. You went to watch?—I was not a-watching in one way, and yet I was, you may say.

2921. Just whichever you please; did you go there to watch or not?—Of course I go there, and get just a pint of ale with other people.

2922. Did you go there to watch what was taking place at Clark's beerhouse?—Of course I was looking on.

2923. Did you go there for the express purpose of seeing what was doing there?—I went there to see what was a-going on.

2924. Did you tell what you saw there afterwards to anybody?—No.

2925. You must have told it to somebody; you have told it before to-day?—Yes, of course I have; I went and told it at Mr. Tillett's office.

2926. When?—I cannot say the day of the month.

2927. Was it the next morning?—No, not the next morning.

2928. Was it the morning after that?—No; later than that.

2929. About when was it; was it three days after that you went to Tillett's office with this story?—(*The Witness hesitated.*)

2930. Mr. Baron *Martin*.] Was it a week or a fortnight after?—A fortnight or three weeks after the election.

2931. Mr. *Rodwell*.] How came you to go there; what induced you to go there?—I went myself.

2932. Why?—Of course I see a lot of things going on.

2933. To give the information?—Of course.

2934. You went to Clark's beerhouse for the purpose of getting information to take to Tillett's side?—Of course I went there.

2935. That was really the object?—Yes.

2936. When you got information, what did you say when you got to Tillett's; "I have got something to tell you"?—I said the truth.

H

2937. You

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2937. You told them you had got something worth knowing, I suppose?—No, I said nothing about that.

2938. Whom did you see?—I cannot say; I do not know the name.

2939-40. You did not go into the office, and tell all this before all the clerks, did you? Whom did you see at Tillet's?—I see a clerk there.

2941. What is his name?—I cannot say.

2942. Do you see him now?—I can see one of them.

2943. Which is he?—That gentleman up in the corner (*pointing to a person in court*).

2944. What did you tell him, then?—I told him the truth.

2945. Did you tell him what you have been telling us to-day?—Yes.

2946. Was anything said about money at that time; about your having any money?—What money?

2947. Was anything said about your expenses as a witness?—Nothing was paid me for expenses.

2948. Was anything said about your being paid?—No; I had not had no expense.

2949. Have you been paid anything by anybody?—No.

2950. Or been promised anything?—No.

2951. Have you ever asked for anything?—No.

2952. Have you received any money for doing anything since the election?—No; not a half-penny.

2953. Why did not you go before; why did not you go the next morning to Mr. Tillet?—That was my business; I could go when I liked.

2954. Was not there a person came to you, and advised you to go to Tillet's?—No.

2955. No one at all?—When?

2956. Never mind when; I ask you whether there was not a person came to you, and told you that it would be good for you to go and tell at Tillet's what you had seen, or what you had said you had seen?—No; I did not see anybody.

2957. Do you mean to swear that you have had no conversation with anybody, and that a person had not advised you to go to Tillet's and give this information; was that so or not; say "yes" or "no"?—There was one.

2958. Who was it?—I do not know his name.

2959. Is he in court?—I do not see him.

2960. Was it in consequence of what he told you that you went to Tillet's?—No.

2961. Had you not gone before you had seen him?—No; I had not.

2962. How soon after you had seen him, was it that you went to Tillet's; the next morning, was it not?—Yes; the next morning.

2963. Do you mean to say that you cannot tell who it was?—If I were to see him I could.

2964. Mr. Baron Martin.] Can you or not?—If I see him I could.

2965. Mr. Rodwell.] In consequence of what he told you, you went to Tillet's?—Yes.

2966. Did he not tell you that if you went to Tillet's, and gave information with regard to the election, you would get well paid; did he not tell you that, or words to that effect?—No; not to me nor to nobody else.

2967. What did he say to you?—"Meet at Tillet's office next morning."

2968. Did you meet him?—I see that gentleman again.

2969. With that gentleman too (*pointing to a gentleman in court*)?—Yes; I see him along with that gentleman and all.

2970. When he advised you to go and give this information to Tillet's, I want to know what did he say to you?—(*The Witness hesitated.*)

2971. Do tell us, if you please?—He told me of course to "speak the truth," that is all.

2972. Do you mean that a man came to you and said "speak the truth," and that is all?—Yes; that is all.

2973. How long was he with you?—Half-an-hour.

2974. Was not the whole of that half-hour's conversation about what you said you saw at Clark's?—Not the whole half-hour, I sat there a long while before I went in.

2975. Looking at one another?—No; he was there along with me waiting.

2976. He came to your house, did he not?—No; not my house, I beg your pardon.

2977. Where did you see him?—Where I work.

2978. He came to you where you work?—Yes.

2979. How long were you having a conversation with him?—Not five minutes; not in the garden, he left me.

2980. He came to you first?—Yes; and he left me afterwards.

2981. He came to you first, and he asked you about Clark's, did he not?—No; not about Clark's, he did not.

2982. About Clark's beer house?—Not the first time.

2983. What did he ask you the first time?—Of course he came to me, and asked me to meet in St. Andrew's, Mr. Tillet's office, at 11 o'clock on that morning, and I went.

2984. Go on; what then?—Of course I went, and I see him there.

2985. Did he not tell you what you were to go to Tillet's for?—No.

2986. Did you not know what you were going to Tillet's for on the following morning?—I did not.

2987. Do you mean to say, upon your oath, that you did not know what you were going to Tillet's for?—I knew what for.

2988. For what?—To inform.

2989. I ask you again whether the person who told you to go to Tillet's office, had not told you that your information was very valuable?—Not at all.

2990. What did he say, was it merely "come to Tillet's"?—He said nothing to me.

2991. And that is what you ask us to believe; that you would not have gone to Tillet's unless it had been for him?—Yes, I should have gone all the same for that.

2992. Why did you not go before?—Of course I did not want to go for a day or two; I did not think about going for a day or two.

2993. Why did you say just now that it would have been good for you if Mr. Tillet had been returned; why would it have been good for you?—So of course it would now.

2994. Had you any particular reason, or merely upon public grounds, is that what you mean?—I mean in politics.

2995. Did the man who came to you, tell you why he came to you?—No.

2996. Not

2996. Not a word?—No, not a word.
 2997. Is he a Norwich man who came to you?
 —Yes.
 2998. Where does he live?—I do not know.
 2999. How do you know that he is a Norwich man?—I know he lives in Norwich, that is all I know.
 3000. Do you know him by sight?—Yes.
 3001. Do you see him about the streets?—Yes.
 3002. Is he a gentleman or a working man, or a what?—He may be a working man, or he may be a gentleman. I cannot say that.
 3003. You can tell me whether he was a person

like a lawyer's clerk or a working man, one of your own class?—He might be in my own class.
 3004. Do you know?—He may be in my own class.
 3005. Is he?—He may be; not in the class; I do not say that; he may be a working man.

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Re-examined by Mr. Keane.

3006. I understand you received nothing at all?—Nothing at all.
 3007. From anybody?—No.

GEORGE SEXTON, sworn; Examined by Mr. Keane.

3008. Do you live in Barrack-yard, Saint Michael's, at Coslany?—Yes.
 3009. Is that in the Eighth Ward?—Yes.
 3010. Are you a voter?—Yes.
 3011. What business are you?—A shoe-maker.
 3012. For whom did you vote at the last election?—For Sir Henry Stracey.
 3013. Do you know a man of the name of Green, who is a plasterer?—Yes.
 3014. Whereabouts does he live?—In St. Miles's.
 3015. Did you see him in the afternoon of the day of the election?—Yes.
 3016. What time?—About three or a little after three.
 3017. Had you voted at that time?—Yes; not the first time I had not.
 3018. What was the time you first saw him that day?—Three or a little after three.
 3019. And you had not voted then?—No.
 3020. Did anything about money pass between you and him?—Yes.
 3021. What was it that passed between you and him?—He asked me whether I had voted, and I told him "No." He asked me whether I would go and vote for Stracey, and I said, "No, I shall not."
 3022. What was the next thing he said?—He said, "You might as well; it will only help the Conservative cause one little bit, and Stracey cannot win the election." Then I said, "What will you give me?" And he said, "Half-a-sovereign;" and I said, "I want 1 l."
 3023. When you told him you wanted 1 l., what did he say?—He said he would go and hear whether he could get me 1 l.
 3024. Did he go away?—Yes.
 3025. Did you see where he went to?—He went towards St. George's Colegate Church. I do not know whether he went in; he went that way.
 3026. Was there any appointment for you to see him again?—Yes.
 3027. Where were you to see him again?—If he got me the pound he was to go into his house, and I was to follow him.
 3028. Were you to keep him in sight?—I was to keep about that part.
 3029. And if he got 1 l. for you, he would go into his house, and you would follow him?—Yes.
 3030. Did you keep about that part?—I went

from that part up to St. George's Plain, so I did not go away.

3031. Did you see him again?—Yes.
 3032. Did he go into his house?—No.
 3033. Did he come up to you?—Yes.
 3034. What passed between you and him?—I asked him how he got on, but he told me he could not get me more than three half-crowns, and the other half-crown he would give me out of his own pocket.
 3035. Did he?—He gave me half-a-sovereign then; after I had voted he gave me half-a-sovereign; not before I voted.
 3036. You were to go and vote first?—Yes.
 3037. Was that half-sovereign given you in the form of a half-sovereign, or was it three half-crowns?—In a half-sovereign.
 3038. Was it a new one?—I do not recollect.
 3039. Had you anything to drink?—A glass of porter.
 3040. Whereabouts?—At the "Shakespeare," I believe.
 3041. Mr. Baron Martin.] About what o'clock did you vote?—About 20 minutes to four.
 3042. Had you seen Green before interfering with this election?—About a week before he asked me whether I would vote for Stracey, and I told him "No."
 3043. He canvassed you, in fact?—I saw him in the street.
 3044. About a week before, was it?—About a week before.
 3045. What did you say then?—I said, "No; I should not vote for Stracey at all."
 3046. Did you see him address any other electors about it?—I cannot say that I did; I saw him with Mr. Balls on the day of the election.
 3047. Who is he; was Balls a voter?—Yes.
 3048. Did you see any money pass between them?—No.
 3049. What was he doing with Balls?—He was in conversation along with him.
 3050. What is Balls?—A tailor.
 3051. A master tailor?—Yes.
 3052. Is he an Eighth Ward man?—Yes.

G. Sexton.

Cross-examined by Mr. Rodwell.

3053. And what is Green?—A plasterer.
 3054. Mr. Baron Martin.] Are you a new voter or a freeman?—A new voter.

JEREMIAH TILLET, sworn; Examined by Mr. Keane.

J. Tillet.
 16 January 1869.
 3055. WHAT are you?—A Tory.
 3056. I mean, what is your trade?—A fish-monger.
 3057. Where do you live?—St. Augustine, in Middle-street.
 3058. Are you a voter?—Yes.
 3059. For what ward?—The Eighth Ward.
 3060. Did you vote at the last election?—Yes.
 3061. For whom did you vote?—For Sir Henry Stracey.
 3062. What time did you vote?—Between three and four o'clock.

3063. Do you know a place kept by Henry William Cartwright, a general shop in Rosemary-lane?—No.
 3064. Do not you know Cartwright?—No.
 3065. Do you know Hardiment?—No.
 3066. And you were not at Cartwright's?—No.
 3067. Did you receive any money that day?—No.
 3068. From nobody?—No.
 3069. Mr. Baron *Martin*.] You received no money for your vote?—No.

JOHN WARREN, sworn; Examined by Mr. Keane.

J. Warren.
 3070. Do you live in Plumber's-yard, St. Martin's, or did you?—Yes.
 3071. Did you vote on the day of the last election?—No.
 3072. Do you recollect being in Clarke's public-house, in Oak-street, on the day of the election?—Yes, quite well.
 3073. Were you drinking there?—Yes.
 3074. Were many persons there?—Yes.
 3075. How many?—I might say 30, or perhaps more.
 3076. Were they voters, or some of them?—Twenty of them were voters.
 3077. Did you see Wiseman and Hardiment there?—Yes.
 3078. Were they there more than once?—Yes.
 3079. How often did they go and come in the course of the day?—If I said a dozen times I should not tell a story.
 3080. May I take it at least a dozen times?—Yes.
 3081. Do you recollect the time between three and four o'clock; were you there then?—Yes.
 3082. Was Hardiment there then?—During the time; he was not there altogether during the afternoon, only in and out, as you might say, like a dog in a fair.
 3083. But, during a portion of that hour between three and four, was he there?—Yes.
 3084. Were you called into a room?—Yes.
 3085. By whom?—By Mr. Thomas Benfather.
 3086. Did you go?—Yes.
 3087. And whom did you see there?—I saw Mr. Thomas Benfather and some friend he had with him, but who he was I could not tell; I do not know who that friend was.
 3088. Did Thomas Benfather want you to do anything?—Yes.
 3089. What occurred?—We was allowed 5s. of course a-head, and that was supposed to be for a day's work.
 3090. What was the day's work you did?—I am a brushmaker by trade.
 3091. Was it for brushmaking you were to have it?—No.
 3092. What was the work you were supposed to do?—For taking this 5s., we were supposed to vote for Sir Henry Stracey.
 3093. How many of you got the 5s., to your knowledge?—Five.
 3094. On the supposition that they were having a day's work, and that day's work was to go and vote for Sir Henry Stracey?—Yes.

3095. Can you give me the names of the five?—No.
 3096. Cutlock was one; did you go towards the poll at all?—Yes; we went to the poll, and the Blue party was so strong that when the fly drove up, the Blue party would not allow us to vote till the time was up; in fact, they kept us out.
 3097. How did you go to the poll; did you go in a cab?—Yes.
 3098. How many in the cab?—Five of us.
 3099. How many of those five voted?—I cannot say; none of them did not vote, because they kept us off, and would not allow us to vote till the clock had struck.
 3100. Till it was too late?—Yes.
 3101. Is the Blue party the Liberal party?—Yes.
 3102. Mr. Baron *Martin*.] Is Stracey yellow or blue, or what?—Orange and purple is Stracey's colours.
 3103. Did you see Worledge at all on that day?—Yes; several times during the day I saw him; Mr. Thomas Worledge, I mean.
 3104. Did you see this Worledge canvass?—Yes.
 3105. Did you see a person of the name of Green canvassing?—I cannot say as I did.
 3106. I mentioned to you the name of Cutlock; he was one of them?—Yes, Frederick Cutlock.
 3107. Was Joseph Engall one?—Yes.
 3108. Do you know a person of the name of Thorpe?—Yes.
 3109. Was he one?—Yes.

Cross-examined by Mr. Rodwell.

3110. What did you see Worledge do?—I did not see him do anything, no further than canvassing for Sir Henry Stracey; what he did to each individual, I cannot say.
 3111. You say you saw him canvass; did you see him canvass any one voter?—Of course; he was canvassing throughout the parish.
 3112. But you did not see him canvassing throughout the parish?—It is true, I did not.
 3113. I want to know what you saw Worledge do in the way of canvassing; what voters did you see him go and canvass?—I cannot say that I did any.
 3114. So that when my learned friend asked you whether you saw Worledge canvassing, you merely go by what you have heard?—But what you might suppose, because we was none of us allowed;

allowed; there was not two of us allowed in at a time; there was only one allowed in at a time, so you cannot say what each individual done.

3115. With the exception of what you saw then, you had not seen Worledge canvassing throughout the city?—I had seen him many times in the parish of St. Martin's during the day.

3116. And you did not vote yourself, at all?—No.

Re-examined by Mr. *Keane*.

3117. Did I correctly understand you to say that only one of you was allowed in the room at a time?—That is all.

Mr. *Keane* stated that he had a great number of witnesses to produce who would give evidence to the same effect.

Mr. Baron *Martin* stated that the main question being whether Sir Henry Stracey was duly elected or not, he did not think that Mr. Keane was forwarding his case by adducing any more evidence of that class, the question of scrutiny being a totally different one, upon which Mr. Keane could afterwards proceed or not as he might be advised.

Mr. *Keane* stated that that concluded the evidence which he had to bring forward upon the first branch of the case.

Mr. *Rodwell* was heard to open the case on behalf of Sir Henry Stracey.

[Adjourned to Monday next,
at 10 o'clock.

J. Warren.
16 January
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Monday, 18th January 1869.

Sir HENRY JOSIAS STRACEY, Bart., sworn; Examined by Mr. Rodwell.

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3118. You are the sitting Member for the City of Norwich?—I am.

3119. Will you state the period at which you first consented to become a candidate for the representation of Norwich, and under what circumstances?—I fancy, to the best of my recollection, that it was about a fortnight before the election took place.

3120. Had you received deputations from influential parties in Norwich previously to your coming forward?—I had received two deputations previously to the one when I consented to come forward.

3121. Was Mr. Patteson one of the gentlemen who came to you?—No.

3122. Who were they?—The first gentlemen who came to me came from the Eldon Club.

3123. Did you upon that occasion, in your communication with them, state the terms upon which you would come forward?—As soon as I heard their invitation to me to stand, I told them, "Before entering upon business, gentlemen, I wish you to understand that I will neither countenance nor recognise any illegal act of any kind, nor will I pay one shilling beyond the legal election expenses."

3124. From the short period that there was between your acceptance of the invitation to become a candidate, and the day of election, I believe, you did not make a personal canvass?—Not an individual canvass at all.

3125-6. What did you do?—Whenever I had an opportunity of hearing of many being together—

3127. Mr. Baron *Martin*.] You mean many voters?—Yes, my Lord; I addressed them *en masse*.

3128. Mr. *Rodwell*] On any occasions previously to the election, when you were addressing them, or had been in their company, were any overtures made to you, or was anything said to you about giving something for a vote?—Yes.

3129. Can you name the day when that was?—It was the previous day—to the best of my recollection, and I believe I am right—to the election itself.

3130. What took place?—I had been addressing the persons congregated in front of the balcony.

3131. What balcony?—Of the "Waterloo Tavern." On coming into the room, a small man came up to me saying, "Some one," he muttered in a very low tone of voice, and he said, "I wish to speak to you aside, Sir Henry." I told him, "That will not do for me, sir; speak up before everyone." He then came forward, and in the hearing of the gentlemen immediately about me, he said, "Some one has offered me," his expression was, "ten bob for my vote, and now he refuses to pay me." I then said, seeing at once that it was merely a plant

upon me, "I know nothing, sir, of any ten bob, but I tell you this, and I tell all in the room"—I saying it loudly in the room, and everyone in all probability hearing me in it—"if I hear of any illegal practices going on in my favour, I will that moment withdraw."

3132. Had you, previously to this, made inquiries as to whether any improper practices were going on, of your agent?—

Mr. Baron *Martin*.] The day of polling was on Thursday, the 19th, I think?

Mr. Serjeant *Ballantine*.] The 17th, my Lord; on Tuesday.

3133. Mr. *Rodwell*.] That was the nomination day, was it?—I dare say it was; I fancy it was the day before the election.

3134. Mr. Baron *Martin*.] Tuesday the 17th was the polling day?—Yes.

3135. Mr. *Rodwell*.] I was asking you whether before this you had ascertained, as far as you could, whether anything like a corrupt practice had been carried on in your behalf, or any improper practice?—To the best of my belief it was subsequently to the election taking place to the nomination and canvassing, and so on, at the meeting at Sir Samuel Bignold's to which, I think, you allude.

3136. Mr. Baron *Martin*.] Was that before the election?—Yes, a fortnight before the election, or thereabouts. A gentleman was proposed to me as an election agent. There were several gentlemen in the room; Sir Samuel Bignold was in the chair, and I said, "Then I must request that this gentleman may be sent for, so that I may speak to him before the gentlemen present."

3137. That was Mr. Chittock?—Yes.

3138. And was Mr. Chittock the gentleman who had the conduct of your election on the occasion in question?—Yes; and I told him at that time, in the presence of the gentlemen, and in the hearing of them all, "You are recommended to me, sir, as my election agent, and I wish to tell you, before the gentlemen present, that I will not recognise or countenance any illegal act. I will not pay one shilling beyond the election expenses, and every shilling I do pay must bear the strictest scrutiny."

3139. Have you, directly or indirectly, spent one farthing, or know of the expenditure of one farthing, except for the legal purposes of this election?—I will take my oath I have not.

3140. Until you came to this court and heard the evidence given before his Lordship, had you any notion that in any way such practices had been carried on?—No.

3141. Did you take every means in your power to discountenance and prevent anything of that kind occurring?—Whenever I had an opportunity I told the men assembled that I would not pay anything but the legal expenses. I, particularly

particularly in one instance of a man, said that I would not countenance any kind of illegal expense, and I did not.

3142. I will now go to the "Trumpet." Do you remember going there on the day of the election?—I do, not knowing it was called the "Trumpet," but I remember going there, and it was accidental, quite, our going.

3143. You say that your visit to the "Trumpet" was quite accidental; how did it take place?—It was called the central committee-room, though I had no committee, but it was so called. Some man said to Mr. Patteson and myself, "There are several voters at the 'Trumpet;' who say they will vote for Sir Henry Stracey if he will only ask them." Mr. Patteson then proposed to me to go there, and I assented.

3144. Can you fix the time?—Between two and three, I believe. I do not feel quite confident, but I believe that was the time.

3145. How did you go?—I think we walked there.

3146. Did you walk or go in your carriage?—I believe we walked; the carriage, I think followed, because I remember being in the carriage afterwards.

3147. What took place when you got to the "Trumpet," what did you see going on there?—When I got to the "Trumpet," there was a certain crowd about the door. I went into the room which was full of men (whether voters or not, I do not know, but I supposed they were). I believe I said either these words, or words to this effect, "My friends, I understand you want me to ask you to vote for me. I shall be obliged to you to do so, and if there be any questions you may like to put to me, I shall be very happy to answer them."—Some man or other, or men, said, "Cannot you give us something to drink?" I answered, "I cannot give you one farthing, not even half a pint of beer."

3148. Was that said loud enough for all of them to hear it?—Every one.

3149. Did you know at that time a man, who has appeared here, by the name of Hunt?—I never saw him before, to the best of my recollection, and I did not know his name was Hunt.

3150. Did you have any conversation with him?—To the best of my recollection, the only conversation I had with him was immediately after getting into the carriage. He said, "There are several voters here" (I am not sure whether he did not mention the number, that I cannot remember), "all of whom will vote for you;" and to the best of my recollection I said, in consequence of his being a fine large looking fellow, and very much flushed with liquor, "Then my fine fellow you go and head them to the poll."

3151. You did not know his name at that time?—Not a bit. I never saw him before, to the best of my recollection.

3152. You took him to be a voter?—Yes, I suppose so.

3153. What state was Hunt in at that time?—He was very much flushed with liquor, and he gave me the idea of being three parts drunk.

3154. I believe there were a good many men about in somewhat a similar condition?—Not only there, but throughout the town at that time of the day.

3155. It has been said that, when you went to

the "Trumpet," you whispered to Hunt on going out into the passage; is that true?—It is totally false. I never whispered to any man in any passage, or in any room, during the whole of the election day, or at any time, to the best of my recollection.

3156. Did you whisper upon that occasion, or did anyone there whisper to you, as has been suggested?—No one that I heard or saw.

3157. How long altogether were you there?—A very few minutes.

3158. Do you recollect using this expression, as you were driving off, "Westminster is won, and so is Norwich"?—I think I did say "Westminster is won." I could not have said "Norwich is won." "Norwich will be won," I might have said. I could not have said "Norwich was won."

3159. Did you visit the "Trumpet" upon any other occasion that day?—No.

3160. Had you been to the "Trumpet" before during the election?—Never, I believe, in my life. I did not know there was such a place as the "Trumpet," to say the truth.

3161. Did you there go into any back room, when you were there, or into any private room?—Never.

3162. Were you in company with Mr. Patteson from the first moment that you went into that house till you came out of it?—I was.

3163. Did you object, and did you decline going on any occasion by yourself to where there was a company of voters?—I do not remember declining to go to any one.

3164. Was it your practice to go alone?—I do not remember that I ever went alone.

3165. You never did go alone?—I do not remember that I did; I am sure I never went alone.

3166. You took Mr. Patteson advisedly with you on this occasion?—I took him; he very kindly came with me, and proposed to me to go there.

3167. With regard to another portion of this transaction, a man by the name of Hardiment has been mentioned throughout the whole of this inquiry very often; do you know such a man?—I not only do not know him, but, to the best of my belief, I never saw him.

3168. Or have you ever had any communication with him, directly or indirectly, of any kind whatever?—I am sure I never have.

3169. Were you aware, until this inquiry, that such a person as Hardiment had ever been engaged in any sort of way with regard to the election?—I never heard it from Mr. Chittock; I never heard his name mentioned; to say the truth, I did not know there was a man of that name living in Norwich, or anywhere else.

3170. The statements that you have heard made in court with regard to your proceedings at the "Trumpet," as far as any intercourse with Hunt is concerned, you say distinctly are utterly untrue?—Totally false.

3171. Mr. Baron Martin.] Had you no communication with Hunt otherwise than what you have stated?—Not otherwise than what I have stated.

3172. Mr. Rodwell.] You heard what my learned friend said in his opening, that you supplied the means for carrying out these corrupt practices at the election, and that these things were organised and done with your approval; is there a syllable of truth or ground for that

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statement?—I beg to say that the learned gentleman's remarks—

3173. You had better answer my question first?—I beg to say, if I may be permitted, that those remarks were totally inapplicable to me, and that they were false as far as I was concerned.

3174. Mr. Baron *Martin*.] As I understand your evidence, you have stated that you did not provide any funds of any kind for paying illegal expenses, or for the purpose of paying for anything at Norwich?—I supplied no funds whatever, my Lord, for any illegal expenses.

3175. Mr. *Rodwell*.] Nor were any funds supplied, directly or indirectly, for such purposes with your knowledge, consent, or privity?—Certainly not, with my knowledge, consent, or privity, connivance or knowledge of any kind.

Cross-examined by Mr. Serjeant *Ballantine*.

3176. Do you know a person of the name of Dumbleton?—I did know a person of the name of Dumbleton at Yarmouth.

3177. He was a person who figured constantly at Yarmouth, was he not?—Yes, I believe so; and a very respectable man.

3178. He was the person who figured there, and, as you say, was a very respectable man?—Yes; to the best of my belief.

3179. Did you know that he was scheduled among the bribers?—

Mr. *Rodwell* stated that he must take his Lordship's opinion, as Dumbleton's name had been mentioned by his learned friend, who was embarking in an inquiry connected with the Yarmouth Election Petition, whether he could pursue such a line of examination.

Mr. Baron *Martin* stated, that as it had been imputed to Sir Henry Stracey that he had been concerned in bribery at the Norwich Election, he had no means of stopping the evidence; that he had already intimated as clearly as he could what he considered to be the real question, and that he hoped the cross-examination would be confined to that as nearly as possible.

Mr. Serjeant *Ballantine* stated that he believed the question in this case was as to agency in relation to particular parties, and as to direct complicity on one particular occasion; that to these two questions he proposed to confine himself, and that he was now about to examine the Witness as to the latter.

3180. (To the *Witness*.) You say that Dumbleton was a respectable man; I ask you whether you do not know that he was scheduled as one of the bribers on your election at Yarmouth?—No, I do not know that.

3181. Have you never heard it?—No.

3182. Do you really mean to say that you do not know whether he was scheduled as a briber?—I do not know whether he was.

3183. Do you know that he was charged with being one of the bribers?—No.

3184. Am I to understand that in a matter of such grave importance to you, you do not know that Dumbleton was not only charged, but actually scheduled, as a briber?—I tell you that I do not know it.

3185. Have you never heard it?—Never.

3186. Then this is the first time that you have heard it suggested?—It is.

3187. Have you not read the report?—What report?

3188. Of the Yarmouth Election?—No, I have not.

3189. Not a word of it?—Not a word.

3190. You know that there you were charged with very extensive bribery?—I know I was.

3191. Without troubling you to go through a variety of details, you substantially admitted it, did you not?—I sat, and there was a petition, and the decision upon the petition was in my favour; that is in Sir Edmund Lacon's and in my favour; we sat in consequence.

3192. And afterwards there was a Royal Commission?—Yes, there was; eight or ten years afterwards.

3193. Did you, in substance, admit that you were aware that bribery was going on during the progress of that election?—No, I did not; I did not in substance admit it.

3194. Mr. Baron *Martin*.] You were not Member for Yarmouth when the Royal Commission was issued?—No; a Parliament had intervened.

3195. Mr. Serjeant *Ballantine*.] You had not stood upon the second occasion?—No.

3196. This was a commission to inquire into the practices of the borough at the time when you were a Member, was it not?—No; it was not for that purpose; it was to inquire into the practices of the election when Mr. Goodson, the railroad contractor, and Sir Edmund Lacon, were returned.

3197. Do you not know that the Royal Commission found "That the said election was conducted on behalf of Sir Edmund Lacon, and by and on behalf of Sir Henry Stracey, in a corrupt and illegal manner;" do not you know that that was found in relation to yourself upon that inquiry?—I believe it was so found; not that I ever saw it.

3198. You never saw it, but you believed it was found?—I never disputed it.

3199. That is just what I asked you?—No; you put a leading question as to that; I never acknowledged it. I think, my Lord, that as the petitioner was allowed to make some statement with reference to Sudbury, you will perhaps allow me to make certain statements in case of being reflected upon afterwards as to Yarmouth.

Mr. Baron *Martin*.] No; I do not think we will try to set off one against the other.

3200. (To the *Witness*.) In 1859 you were elected Member for Yarmouth; was there any petition against you then?—Yes.

3201. The petition was in favour of the sitting Members?—Yes.

3202. At the following election there was another petition?—There was another petition, and a Royal Commission was recommended, which sat, and then the Members at the previous election were examined, and I was one of them.

3203. Mr. Serjeant *Ballantine*.] And then the two elections were inquired into?—Yes.

3204. And this report is the finding of the Commissioners upon the facts as to the two elections?—Yes.

3205. At all events, you were examined upon that occasion; was that so?—Yes.

3206. Were you asked this question; "I suppose

suppose I may take it that you deliberately abstained from inquiring into the expense, because you felt assured part of that expense would go in an illegal manner?" And was not your answer this: "You know I know nothing of any individual instance of illegality, and I made a point of never inquiring anything about it; but if you ask me what was my opinion, in fact, what was my conviction at the election, I have stated my conviction was, that there was corruption going on, although I knew nothing about it?"—True enough, that was my conviction, but I afterwards supposed that I was wrong; I never had any bill.

3207. You say that you never had any bill?—No; I said that my opinion altered; it was a perfectly correct one at first, but it altered, because I had received no account of the expenses for at least a year and a-half afterwards; but I may say a few words upon that, and I will put it in this way: Sir Edmund Lacon, after I had consented to stand, waited upon me, I may say, and he asked me, "Am I right in supposing that you agree to stand with me?" and I said, "Yes, I will." Then I told him, "I will pay half the expenses." I said this, certainly, unguardedly, because by reason of this; because Mr. Preston, upon whom I relied, and whom we looked upon as the leader of the party there, and another gentleman, Mr. Reynolds, said that there would be no opposition if I, who had previously represented the county, would stand there, and stand with Sir Edmund Lacon, who was a banker and brewer in the town. Upon that, and with the full conviction that there would be no opposition, I said that I would pay half the expenses. We went on with our canvass, and to my surprise I saw men going about the town, and as the learned counsel asked me what was my opinion of the conduct of these men, truthfully I told the Royal Commission that my opinion was that those men were going about bribing on both sides. Afterwards I thought this opinion was wrong, because I did not receive any account of any additional expenses than the election expenses for a year and a-half afterwards. But when I did receive this extra account I felt and saw clearly that my opinion at that time was right; I could not call off, as I had told Sir Edmund Lacon "I would bear half the expenses," and consequently the election went on, and we were elected; we were petitioned against, but we sat, and it was not for a year and a-half afterwards that I knew of any illegal expenses having been entered into.

3208. Were you examined?—Yes, but I did not state all that I have stated now.

3209. Before you came to Yarmouth, were you aware of the character of that borough?—Perfectly.

3210. I will read your answer to Question 25,028. "I think the heads of the party have always struck me as being enlightened to a degree as a constituency, and most worthy and respectable men, but my belief is, that I heard that there were nearly one-fourth of the electors venal; that is my impression. When I say one-fourth, I believe it was more than one-fourth of the electors were represented to me as venal?"—Perfectly right.

3211. Then you were asked, "You deliberately abstained from inquiring?" and your answer was, "Not deliberately, but I made a point of not doing it?"—I did answer so.

3212. That is true, is it?—Yes; I dare say I did give that answer; I believe I did.

3213. Why did you make a point of not inquiring?—You may draw your own inference from that; that was quite enough for me.

3214. Then you were asked, "When did you settle up with the bankers; when did you ascertain the whole that it cost you?" and you answered, "It is some seven or eight years since, and I do not remember?"—That is true.

3215. Then you go on to say, "I never ascertained what it cost me, as I tell you there were so many different things to settle?"—I believe that that was the case too.

3216. Then you say, "I am not sure whether I had not bought land at the time. There were so many different things that I arranged with my bankers, and put my account in a proper state, and from, I presume, some securities which I had, and the balance at my other bankers; that I do not accurately know, but I know that I put it all straight and proper?"—Quite right.

3217. Then there were some other questions, with which I will not trouble you?—Do, if you like.

3218. I will not; I will do it if you like it?—No.

3219. Then there is this question, "How did you pay Mr. Reynolds" (your agent) "when he asked you for a sum or account?" You say then, "At that time he was paid through my bankers, and he had a carte blanche at my bankers to be supplied with any money that was requisite for the election expenses?"—Perfectly true; but will you allow me to say this: When I agreed to stand, it was said to me by Mr. Preston, "Well, to carry out the election expenses we must have the money, some one of us; and perhaps you will give, or both." I think he said, "An order upon your bankers;" and I said, "Yes; for what amount?" He did not tell me, and I requested my bankers, having full confidence in the honour of those gentlemen, to forward them what amount they required; my banker, I understand, says, "I have no doubt he is right;" and he told me it was necessary to mention a certain limit, and he proposed that that limit should be 1,500 *l.* I have no doubt that he was perfectly right.

3220. Mr. Harvey was your banker?—Yes; now Sir Robert Harvey. That answer that I gave you is the answer that I gave to the Royal Commission.

3221. It was Mr. Preston, was it not, who told you what a corrupt place Yarmouth was?—Quite so; everybody knew it, and you know that as well as anyone.

3222. When you gave Mr. Reynolds a carte blanche to draw what he liked, you authorised the banker to pay him?—I authorised both Mr. Preston and Mr. Reynolds.

3223. Have you ever settled the matter up?—Yes, every shilling, as soon as I was told what was required.

3224. What were the expenses?—I cannot give you that.

3225. Can you give me an approximate notion?—No.

3226. Within 1,000 *l.*?—No, I do not think I can.

3227. Within 2,000 *l.*?—No; and the reason is because I bought land, and I settled other things.

3228. You must give a reason; your evidence is

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is in direct contradiction to the other evidence? —It is in direct contradiction to Sir Edmund Lacon's evidence.

3229. You must settle that with him; he is Member for Norfolk now, is he not?—Yes.

3230. And he has a petition against him?—That has nothing to do with this question.

3231. Cannot you tell me within 2,000*l.* what your expenses were?—I do not think I can.

3232. Can you within 5,000*l.*?—I dare say I can. I do not remember the amount. I have had accounts at different bankers, and all I can say is that I have a large family, and whatever the expenses were, I do not know what they were.

3233. Mr. Baron *Martin*.] Surely you can say whether it was 5,000*l.*?—It was not 5,000*l.*

3234. Mr. Serjeant *Ballantine*.] Will you give me an approximate sum?—I cannot, if it comprehends several other things.

3235. What did you pay; what did the Yarmouth election cost you?—I cannot tell you.

3236. Did not it cost you more than 5,000*l.*?—It did not cost me anything like that, to the best of my belief.

3237. Do you undertake to say that it did not cost you 5,000*l.*?—I do.

3238. Did it cost you 4,000*l.*?—I do not know; I do not believe it did at all.

3239. Here is Question 25,051, with which I will conclude this part: "Was it understood at the time that you were to share both the legal and illegal expenses?" and the answer is, "I never referred to the illegal expenses, nor did he. I knew nothing about that. All I know is that I determined to pay half the expenses, whatever they were?"—Who gave that answer?

3240. You?—I did, and it is perfectly right, but not applying to illegal matters at all.

3241. Do you know that there was a person of the name of Dumbleton who was examined upon that Commission?—No, I do not.

3242. You did not know that he was scheduled?—No, I did not.

Mr. Baron *Martin*.] Is that the report of the Royal Commission that you have been reading from?

Mr. Serjeant *Ballantine*.] Yes, my Lord.

3243. (To the Witness.) You say that you knew Dumbleton to be a respectable man?—And I believe him to be so now.

3244. Do you know that he was employed on this election?—No.

3245. Do you know of his having been employed?—I never heard of it.

3246. Are you sure of that?—I should not answer decidedly unless I was sure of it.

3247. Have you never seen him since the election?—No.

3248. Have you written to him?—I have; that is to say, I have answered a letter of his.

3249. When was that?—He told me that he was subpoenaed, but that is all that I know of it; and I wrote to him saying that I was sorry he should have the trouble to attend, and nothing more than that.

3250. You are sure about that, are you?—I really believe it was so. I do not remember every word of the letter, but I am quite sure that was the purport of it.

3251. Did he not say that he had been active for you?—No; I am sure that he did not.

3252. Or that he had been canvassing for you?—No; I do not think that he said anything about it.

3253. Have you got the letter?—No, I have not.

3254. When you say that he did not mention the services he had done for you, do you mean that in your letter you did not thank him for those services?—I beg your pardon. If it was a matter of courtesy, I am sure that I did thank him for them; but I do not believe that he made any boast of any services he had done for me in that letter.

3255. What I want to know, Sir Henry, is this: in writing back to him, did you not thank him for those services that he had performed for you?—I have no doubt that I did, although I do not remember that I did, if he alluded to them.

3256. Have you any doubt that you did do so?—Upon my word I cannot say that I have any doubt about it, if they were referred to.

3257. Do not you believe that you did?—I dare say that I did, but I do not know whether I did or not.

3258. You will not say that you did not?—No.

3259. You know the letter may be in existence?—Then let it be brought forward; I shall only be too glad. I am telling you what I believe to be the truth.

3260. Then you may have thanked him for his services?—I tell you that if he had told me that he had acted for me, and that he had exerted himself for me in any way, I am sure that I should have said I was much obliged to him for it.

3261. Do not you now believe that he did allude to the services he had given you, and that you thanked him for them?—I do not believe the least in the world about it; I do not remember it.

3262. Did you not a few minutes ago declare that you were not aware that he had done anything whatever for you?—Yes, I did, and so I do now.

3263. But you cannot recollect whether he reminded you or not of the services he had done?—I am sure of this, that they were not of that material nature that they would make any impression upon me or anyone else; but I remember this, that he congratulated me upon my success, and he said that he had been subpoenaed. I believe that was the substance of the letter.

3264. I think I can remind you now of what it was, and I ask you whether in answer to that letter you did not thank him for the material use he had been to you towards that success?—I do not remember doing so.

3265. Will you undertake to say that you did not thank him for the material use he had been to you?—No, I will not undertake to swear that; but I do not remember it.

3266. Is this man's name Robert Dumbleton?—I do not know.

3267. Do you know a man of the name of Bunn?—Yes, I know one man of that name, James Bunn.

3268. Charles Victor Bunn?—No, I do not know him.

3269. Did you never hear of him?—No.

3270. Was not he one of the Yarmouth people?—I know the name at Yarmouth.

3271. Are you equally ignorant as to whether he was scheduled as one of the bribers?—I am.
I never

I never heard of his acting upon the election, and I never saw him.

3272. You have stated that you did not know Hardiment, either by name or by sight?—Yes, certainly.

3273. Have you made any inquiries about Hardiment since this petition was filed?—No, I have not.

3274. Or have you directed your agent to make any inquiries?—No.

3275. Did you know that it was charged against Hardiment that he had been a very extensive briber on your behalf?—I have only heard it since this petition has been filed.

3276. Mr. Baron *Martin*.] Since the trial commenced?—Yes.

3277. Mr. Serjeant *Ballantine*.] Am I really to understand that you have never been told that Hardiment was charged as being an extensive briber until this trial commenced, and has been going on?—Quite so. I never heard of it.

3278. Neither from Mr. Chittock, nor from anybody else?—No, nor from anybody else.

3279. And you had not heard of his name before this trial?—Never, to the best of my remembrance; nor did I know that a man of that name lived in Norwich.

3280. Let me ask you this, did your dog-cart go to the election?—No.

3281. Did any dog-cart go up to the election in charge of a groom of yours?—I do not know, but I think not.

3282. Did you send any dog-cart up, or was any sent to your knowledge?—No.

3283. To your knowledge Hardiment was not using a dog-cart of yours?—Certainly not.

3284. As I understand you, you have made no inquiry either one way or the other about Hardiment?—I made no inquiry whatever.

3285. Do you mean to say, as you seem to have done at Yarmouth, that you have abstained from making any inquiry on purpose?—I knew nothing of Hardiment, and I know nothing of him, and, consequently, I have made no inquiry about him.

3286. You were the sitting Member for Norwich, and I understand you to say that you have not ascertained from your agent what the charges against you were, and who the parties were who made those charges?—I have not.

3287. You have made no inquiry upon the subject?—No; here is my election solicitor sitting near me, and I have made no inquiry about Hardiment or anybody else.

3288. Assuming yourself to be entirely free from any imputation upon these matters, you have not even asked the names of the men who brought these charges against you?—Never.

3289. You have made no inquiry whatever?—No.

3290. You have not made the least inquiry as to the nature of the charges brought against you?—I have read them in the newspapers.

3291. Have you not referred at any time to your own agent in relation to the nature of the charges brought against you?—Indeed I have not.

3292. Have you never asked a single question about them?—I do not think that I have put one question upon them; indeed I am sure of it.

3293. How does that happen?—That is your affair to find out; I have not done it, and I cannot

give you any reason for not having done it, any further than I have already done.

3294. You made pretty much the same answer in the Yarmouth matter, that you had made no inquiry; but your reason there we did find out?—

Mr. *Rodwell*.] That is not so.

3295. Mr. *Field*.] Let me ask you this: why did you make no inquiry?—I can only suppose this, that I wished to have my mind perfectly free so as to be able to give my answers conscientiously and truthfully, as I trust I always have done, and shall continue to do, consequently perhaps that was the chief reason why I did not make myself acquainted with anything about it. As to the man you have referred to, Hardiment, I never heard of his name before this trial.

3296. But you would have heard of the name if you had made any inquiry?—Yes.

3297. You deliberately avoided making any inquiry?—I beg pardon, I never thought of it.

3298. And I understand from you that your reason was that you wished to keep your mind perfectly clear?—Yes; and perfectly unbiassed.

3299. You then deliberately abstained from making any inquiry?—Yes; I do not mean to say that I had anything to fear; I had nothing to fear as to the inquiry, but I did not think it necessary to concern myself with that of which I knew I was perfectly guiltless.

3300. How could you know that you were perfectly guiltless until you had heard what you were charged with?—I beg your pardon, I did see it in the newspapers.

3301. Then you had seen Hardiment's name, had you not, in the newspapers?—No, I did not; I have only seen it since the trial; I have only seen the alleged charges against me by the Petitioner since then.

3302. You know, do you not, that it was alleged you had been guilty by yourself and agents of bribing; and am I to understand that you made no inquiry as to the particulars of those charges?—You are perfectly to understand that.

3303. Was Worledge an acquaintance of yours?—I never saw him in my life, that I know of, nor did I ever hear his name mentioned, to the best of my recollection.

3304. Do you know a person of the name of Stanley?—I know a Mr. Stanley, who is a stonemason, and I also know his son, who, I believe, is a respectable solicitor in the town.

3305. Was he with you that day, the election day?—I do not recollect seeing him at all on the day of the election.

3306. Try and recall this to your memory, and say whether he was not in your company at the "Bull and Butcher"?—Not that I know of; I do not remember it, and indeed I did not know that there was such a house.

3307. I will tell you where it is; it is upon "Grapes Hill"?—I do not know where that is.

3308. Do you know where the committee-room was?—Upon my word I cannot tell you; I will answer you in a straightforward manner to every question, and you need not suppose for one moment that I am not answering you as directly as a gentleman can answer you. You have been most unscrupulous and most unjustifiable,

Sir *H. J. Stracey*,
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able, I think, in the remarks you have made towards me.

3309. You used in your examination-in-chief the term "committee-room," but you corrected yourself and said, "although in reality I had no committee"?—That is true enough.

3310. What room did you then refer to?—The central committee-room, as it was called. It was at a place which was an hotel, called the "Swan;" I believe it is now unoccupied.

3311. You have stated, I think, that you do not know any house that is called the "Bull and Butcher"?—I do not.

3312. I mean the committee-room, as it was called, in the third ward?—I do not know it.

3313. Were you at that time in any public-house with Stanley?—I do not remember it.

3314. Can you say whether you were or not in a public-house with Stanley?—No, I cannot.

3315. Do you know a man of the name of Fuller?—No.

3316. Did you not go to all the committee-rooms, or to all those that were called committee-rooms, during the election?—Yes, I believe I did; I believe I went to all the ward rooms.

3317. That is to say, to the whole eight, for I believe there were eight ward rooms?—I believe I went to all of them; I am not sure, but I believe I did.

3318. Can you tell me where the committee-room was of No. 3 Ward?—I am sorry to say I cannot; I ought to know more, but really I do not know it.

3319. Had not Stanley the management of No. 3 Ward?—I am sure I do not know.

3320. You went to all the committee-rooms, and did you not know the persons who had the management of them?—I did not.

3321. Do not you know that Stanley was active there?—No.

3322. Do not you know that you saw him at the third ward?—No, I do not.

3323. And you do not know where the committee-room was?—No.

3324. Are you able to say whether, when you went in, you saw Stanley or not?—No.

3325. Did not Stanley go in with you to that committee-room?—I do not remember it.

3326. Will you swear that he did not go in with you?—No, I will not.

3327. You will not say that he did not?—I have already answered the question.

3328. I ask you upon that, did you not learn upon the occasion of Stanley going in with you, that the state of the poll was going in favour of Tillet?—Not that I remember.

3329. Can you say that you did not learn it?—No; but I do not remember it; not a shade of it.

3330. You were told it by somebody, were you not?—Indeed; I do not know that; I do not remember it.

3331. You do not recollect that?—No.

3332. Was Mr. Patteson, who keeps a large brewery in Norwich, there?—Yes.

3333. Was he with you at the time I am referring to, at that committee-room?—I fancy that he was; he went with me, I believe, to all of them.

3334. Then I ask you this: When Mr. Patteson was with you, was not Stanley with you also?—I do not know that he was; I do not re-

member him, but Mr. Patteson went to all of them with me on that day.

3335. Did not Stanley say this: "You are losing very fast, and you have but one alternative"?—I am quite positive that he did not say so in my hearing, nor do I believe that he could have made that observation in my friend Mr. Patteson's hearing.

3336. But the question I have put to you refers to your own hearing?—I am sure that he did not; I never heard him say so, nor anything approaching it.

3337. Can you remember whether he said that you were losing very fast?—I told you just now that I never heard him say anything approaching it.

3338. You heard nothing of that kind?—No.

3339. I ask you whether, after that had occurred, you did not go straight from there to the "Trumpet"?—I did not return to the "Trumpet," to the best of my recollection.

3340. I am assuming a transaction to have taken place before going to the "Trumpet," and I ask you whether, after a remark of that kind, but which you deny, had been made, you did not, accompanied by Mr. Patteson and others, go to the "Trumpet"?—I never heard the remark made, to the best of my belief. We went direct from the committee-room, the central committee-room, to the "Trumpet."

3341. Was Mr. Bignold with you that day?—No; but I do not know which you mean.

3342. Any Mr. Bignold?—I do not know that he was, and I do not think that any Mr. Bignold accompanied us.

3343. Was there a Mr. Bignold at the "Trumpet"?—I do not think there was; I have no recollection of it.

3344. You are not sure of it?—No, I have not the least recollection of it.

Re-examined by Mr. Rodwell.

3345. My learned friend has asked you some questions founded upon some extracts from the Evidence given before the Royal Commissioners at Yarmouth as to the expense of the election for Yarmouth. You were asked a question, and I think you gave this answer, that you could not give a very definite answer as to the amount?—Yes.

3346. What were the reasons which made it difficult to you to state the expenses connected with the Yarmouth election?—To the best of my recollection I had bought some land, as I have told you. I have sons in the army, and other expenses to meet. I do not know exactly the answer that I gave, but all I can say is that as soon as I heard the amount which was owing to the banker, which made my account consequently on the wrong side, I at once, from other securities, or from my accounts at other bankers, made up that amount to Sir Robert Harvey.

3347. Is it the fact that at that time there were mixed up with the overdrawn account the expenses for your previous county election, which were unpaid?—True enough, I believe they were.

3348. You have stated that all those expenses were under 5,000 £., but that they may have been as much as 4,000 £.?—It is very possible. I do not know that they were not.

3349. My

3349. My learned friend has suggested to you, as to the proceedings at this election, and as to the persons who were engaged in it, that you made a point never to inquire anything about the election. I see in your answer to Question 25,029, which was "I suppose I may take it that you deliberately abstained from inquiring into the expense, because you felt assured part of that expense would go in an illegal manner." You say, "You know I know nothing of any individual instance of illegality, and I made a point of never inquiring anything about it." Now I ask you whether you did not in this case, during the course of the election, make it your business to inquire as to what was going on in Norwich?—Yes.

3350. Whatever you may have done as to Yarmouth on this point, you pursued an exactly opposite course in the case of Norwich?—Yes, that is perfectly right; I put a question to Mr. Chittock after having cautioned him before Sir Samuel Bignold and others as to every shilling that had been spent bearing the strictest scrutiny; I put the question to him when the election was going on as to whether he was sure there had been no illegal practice or not, and he told me, "I do not believe that there has been any illegal practice of any kind going on, Sir." Then at the end of the election I again said to him, "Has there been any illegal practice?" and he said, "I know of none, and I believe there has been none." I then said to him, "Then am I to understand that this is a pure election?" and he said "Perfectly pure, to the best of my belief."

3351. My learned friend has asked you as to your conduct since this Petition has been started, and he has asked you whether you have made any inquiry as to the charges that were made against you, and I understood you to say that as to there being a charge of personal bribery and acts done with your knowledge, you know nothing, and therefore can give, no information?—I will take my oath that I know nothing, and consequently can give no information.

3352. Further that you have put the matter into Mr. Skipper's hands, and you have left the case for him to deal with?—Yes, totally.

3353. Beyond that you have not shut your eyes to anything that was going on?—I have not shut my eyes, nor opened them, to say the truth; I have avoided nothing.

3354. With regard to the Yarmouth election, I think, I understood you to say that when you made that arrangement with Sir Edmund Lacon, your belief was then that there would be no contest?—Certainly, fully.

3355. Did you intend at that moment, or did you convey to Sir Edmund Lacon that you were ready to embark with him in any illegal expenditure for that election?—Not the least in the world; I had agreed to bear half the expenses, and after that I felt it a matter of duty to adhere to my agreement as a man of honour.

3356. And as a man of honour you did so?—Yes.

3357. You have been asked about Dumbleton. Am I to take it from you distinctly that if he made a claim to have done anything for you, you

are perfectly unconscious of his having done so?—Yes. I am perfectly unconscious of his having done anything for me.

3358. Do you know him?—I know him by sight.

3359. Did you, during the election, see him in Norwich?—Never.

3360. I do not know what the suggestion meant, but I am bound to ask you this question: I believe that Mr. Stanley is a solicitor in the town?—Yes.

3361. Did you upon any occasion see him during the election, or not; were you in communication with him occasionally?—Indeed I do not remember having any communication with him; I might have seen him, and in all probability I did, but I do not remember any conversation that I had with him, and I do not believe that I had any.

3362. Mr. Baron *Martin*.] I think you have stated that you know nothing of Hardiment?—True.

3363. He is a stranger to you entirely?—Totally.

3364. You have made no inquiry as to who he is, or what he is?—Quite so; I have made no inquiry as to who he is, or what he is. I have heard his wife give her evidence, and that is all I know.

3365. He is a fellmonger in this town, is he not?—He may be, but I do not know it; I heard his wife say so.

3366. Is he in such circumstances as not to be able to advance money out of his own funds?—I know nothing about that.

3367. Have you any suspicion or belief as to where the money came from with which that man bribed?—I know no more than I have stated; I do not know from whence it came; I have no idea that he did bribe.

3368. You have heard the evidence as well as I have; have you any suspicion as to where the money came from with which that man bribed?—No, I have not indeed.

Mr. Serjeant *Ballantine*.] Will your Lordship be kind enough to ask the same question with regard to Hunt?

Mr. Baron *Martin*.] No, I think not.

The *Witness*.] Pray do.

3369. Mr. Baron *Martin*.] You may make any statement that you think fit, if you desire to do so?—I have nothing more to say as to Hunt or any other person, unless your Lordship wishes it. I may say that I never saw him, to the best of my recollection. I am sure that I have not seen him since I saw him there; and I was doubtful, when I saw him in the witness-box, whether it was the same man or not, because when I saw him before I think he was in his shirt-sleeves, and he was very much flushed; he appeared to me to be three-parts drunk, and looked a very fine, large fellow; I was rather surprised to see the diminished man that he appeared in the witness-box.

[The *Witness* withdrew.

Sir H. J.
Stracey,
Bart.

18 January
1869.

Mr. HENRY STANIFORTH PATTESON, sworn; Examined by Mr. Serjeant *Sleigh*.

Mr. H. S.
Patteson.

18 January
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3370. You carry on business, I believe, in this city as a Brewer?—I do.

3371. Were you one of the deputation who waited upon Sir Henry Stracey to ask him to stand for this city?—No, I was not.

3372. Were you present at a meeting at Sir Samuel Bignold's of the friends of the Conservative cause, when Sir Henry Stracey was there?—I was.

3373. Do you remember what Sir Henry Stracey said in reference to accepting an invitation to stand for the borough?—Sir Henry Stracey said that there had been one or two deputations who had waited upon him to ask him to come forward, and he said that if he had the support of all the heads of the party he would do so; and consequently he came and met many gentlemen at Sir Samuel Bignold's, and we all said that we would give him our support if he came forward. Upon that we suggested to him Mr. Chittock as his agent, and he requested Mr. Chittock to be sent for. When he came into the room, Sir Henry Stracey said that the gentlemen had recommended him very highly as a fitting person to conduct the election, and he wished before the whole party to say the terms upon which he meant to come forward; and those terms were, that he was quite willing to throw himself into the hands of the Conservative party, and to come forward. He stated that he would pay all the legitimate expenses of the election, but that he would not sanction or pay one farthing for any matter that was illegal, or in any way to corrupt the constituency.

3374. Did you, upon various occasions, accompany Sir Henry Stracey during the progress of the election?—I did, constantly.

3375. Did you happen to be present when he was addressing people from the window of the "Waterloo" tavern?—I was not there that day.

3376. Upon the day of the election, the polling day, do you remember that?—I might say that I was not in the room; I was passing through the market-place just at the end of the speech.

3377. Did you happen to hear some person come and say anything to Sir Henry Stracey?—No, I did not hear that.

3378. Upon the day of the polling, in the afternoon, were you present when some person came to Sir Henry and said that there were some voters at the "Trumpet" public-house who would vote for him if he would go and ask them?—Yes, I was.

3379. Perhaps you will be good enough to tell his Lordship what occurred upon that. What did Sir Henry do upon having it communicated to him that if he would go to the "Trumpet" and ask those who were there, they would vote for him; but, first of all, where was it that this person came up to Sir Henry and made that communication to him about the men at the "Trumpet"?—It was coming out of one of the committee-rooms.

3380. Which committee-room?—We had just come from the central committee-room; we were then coming out from the committee-room of the Fifth Ward, in St. Stephen's.

3381. Were you walking at that time?—We were just coming out of the committee-room, and

going to get into the carriage to drive to another committee-room; there was a great crowd, and some person, I should know his face again, but not his name, came and said: "There are several voters at the 'Trumpet' who are inclined to vote for Sir Henry Stracey; if he will go and ask them they will vote for him." I said: "Will you go?" and he said that he had no objection.

3382. Did you and Sir Henry walk to the "Trumpet," or did you go in a carriage?—We walked, and the carriage followed us; it was about 50 yards or 100 yards from the committee-room.

3383. Can you state what passed at the "Trumpet"?—There was a great crowd round the door, and great cheering. I went in first and said to the landlord, I think it was, "I understand there are some voters here who have not voted, is that correct?"

3384. Mr. Baron *Martin*.] About what o'clock was this?—Somewhere about a quarter to three, so far as I can remember, or between two and three, I cannot say exactly; perhaps it was half-past two or a quarter to three; and he said that there were several voters who had not voted. I said, "Where are they?" and he said, "Through there, in that room," to which he pointed. We all went in, there being a great many behind hurraing and cheering; there was a great crowd, and I saw several men sitting in the room. I said to them, "Is it true that you have not voted?" and some of them said that they had not. I said, "Why have you not voted?" and they said that they "had not made up their minds." I then said, "When are you going to make up your minds?" and they said that they did not know, and that there was "plenty of time." I said, "There is no time;" and further, I said, "Who do you wish to see returned—'Tillet' or 'Sir Henry'?" and they said, "We will have nothing to do with 'Tillet.'" I said, "You will have him returned if you do not go directly and vote for Stracey." Sir Henry Stracey then said, "My friends, will you give me your vote?" and then they said, "Oh, we should wish for you, Sir Henry; cannot you give us a drop of beer?" and he said, "I will not give you a farthing, nor yet half a farthing;" and he said, "Come along, let us go."

3385. Was anything said at that time about rates?—Yes, Sir Henry Stracey said, "Is there anything that I can explain to you about the rating clause?" and they said, "No, we do not want that."

3386. Did you accompany Sir Henry Stracey from the room, and go out?—Yes.

3387. Did he speak or whisper to any person in the passage, or outside the "Waterloo Tavern," or did any person whisper to him?—I never saw it, and I do not believe that anything of the kind was done.

3388. Could it have occurred without your seeing or hearing it?—It might, because I was walking out in the front, but I am quite sure there was nothing of the kind.

3389. Did you get from the room in which those men were out to the carriage as fast as you could?—Yes, as fast as we could get through; we went through, and got into the carriage.

3390. When

3390. When you got into the carriage, did you see anything of a man of the name of Hunt?—The same man who was here? I did not know his name till I was in court; he was standing by the door, and cheering, among many others.

3391. Did you see him whisper to Sir Henry Stracey, or Sir Henry Stracey whisper to him?—No, nothing of that kind.

3392. What did Hunt say, do you recollect?—I believe he cheered, and said, “We will bring you in”; I did not hear him say anything myself.

3393. I believe the state of the poll at Westminster was known at that time at Norwich, and that Sir Henry Stracey said, “Westminster is won”?—I believe he did.

3394. Did you see Mr. Stanley upon the day that I have been mentioning, at any time when you were with Sir Henry, come up and speak to Sir Henry?—No, I have no recollection of his coming up to speak to Sir Henry at all; I recollect seeing him going into one of the committee-rooms, but I do not remember which it was.

3395. Did anything of this kind pass between Sir Henry Stracey and Mr. Stanley; Mr. Stanley saying, “We are losing fast, Sir Henry, and you have only one alternative”?—I never heard him say that.

3396. Did you go to the different ward-rooms during the day of the polling?—I did.

3397. With Sir Henry Stracey?—Yes.

3398. How would that happen?—Sir William Russell and Mr. Tillett were driving about frequently in their carriage, to their different committee-rooms, and I thought it was advisable, and that it would help Sir Henry’s cause, if he showed himself more about the town; and I suggested that he should drive round to the different committee-rooms.

3399. It was at your suggestion, was it, that he drove about to the different parts of the town?—Yes; Sir Henry did not in the least know where the committee-rooms were situated, and he had to be told when we went round.

Cross-examined by Mr. Serjeant Ballantine.

3400. You know Stanley, do you not?—Yes, quite well.

3401. Was he the manager of No. 3 committee-room?—I did not know it till I heard to-day that he was; I thought that another person was.

3402. Did you see him?—Yes, during the day; but I cannot quite recall to mind whether it was in that committee-room.

3403. Can you recollect seeing him in company with Sir Henry Stracey?—Yes, once during that time.

3404. Can you recollect his saying anything to you?—Nothing at all.

3405. Not about the state of the poll, or that you were losing on your side?—No, I never heard anything at all of the kind.

3406. What was said about explaining the subject of the rates, to the party of not very sober people at the “Trumpet”?—The great feeling in the town was upon the subject of the rating clause, because Mr. Tillett had stated generally in his speech that the Conservative party had been the cause of the rating; that was his point upon almost all occasions, and Sir Henry said therefore, to the men, “Is there anything that I can explain to you to satisfy you and make you willing to vote for me?”

3407. Nothing was said about the rates?—No, not a word was said by any of them.

3408. Did you leave the room and go into any passage at all?—No passage at all, it was quite through; it led from the room to the street-door.

3409. Mr. Baron Martin.] Do you know Hardiment at all?—No, I never saw him, and I do not know him.

3410. Do you know the man at all by name or by reputation?—I have heard of him, but I do not know him.

3411. I suppose you have heard of him since this trial has been going on?—Yes.

3412. Have you no suspicion as to where that man got the money to bribe with?—I have not the slightest idea; I have not the least idea where it came from.

[The Witness withdrew.

MR. JOHN CARSAY CHITTOCK, sworn; Examined by Mr. Rodwell.

3413. You are a Solicitor, practising in Norwich?—Yes.

3414. Were you appointed managing agent for Sir Henry Stracey at the last election?—I was.

3415. What means did you adopt for the purpose of securing his election, with regard to the agents and persons to carry on the election?—The city was divided into eight wards, and one of the wards being a very large one, I divided it into two parts; I appointed nine managing men to those ward-rooms, and head clerks or managers; I sent a sufficient number of clerks to those ward-rooms, and messengers, and I remained at the central room myself.

3416. Who were the parties; how were they appointed, those that you say were managers at those ward-rooms; who appointed them?—I appointed them.

3417. What were their duties?—They were always to be at the ward-rooms; they were to send me in any information which they might obtain in the wards themselves; they were to send out all circulars and notices of meetings, and the voting cards, and everything connected with the election. I prepared generally all the papers at the central room, and then sent them out into the wards for circulation.

3418. Had you at that time engaged or employed any canvassers whatever on behalf of Sir Henry Stracey?—I never did engage or employ a canvasser for Sir Henry Stracey; almost immediately after I was appointed I told Sir Henry Stracey that there was no time for making a regular canvass of the city, there being only about a fortnight, and therefore no canvassers were engaged.

3419. Did you attend those separate wards yourself

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yourself occasionally, or not?—Very seldom I went round; I did go round.

3420. As to those rooms; were many people in the habit of going in in the course of the day?—I have no doubt that there were.

3421. Did you see many people there?—When I was there I had always seen people there; different people, or any person connected with a ward went there for information.

3422. Did many go there merely for gossip?—Judging from my experience, more went in for gossip than for any other purpose.

3423. What number of persons did you see go in and out in a day at the central committee-room?—I think I should not be exaggerating if I said from 400 to 500 a day; I have no doubt that at least half came in for no business whatever, and made no excuse to come, but just to say "How are you getting on," or "Will you give me a report of the last meeting," and so they went on.

3424. We understand that a man named Wiseman was the manager of the eighth ward?—He was.

3425. Who appointed him?—I did.

3426. In an answer which he gave?—I do not know whether it was reported.

3427. Mr. Baron *Martin*.] That was the man who was examined first on Saturday morning, was it not?—Yes.

3428. Mr. *Rodwell*.] He stated that Hardiment appointed him, is that correct?—Certainly not; I do not remember his saying that, and I heard his evidence.

3429. You appointed him, did you?—Yes; I appointed him; he might not know it in this way; probably I can explain what he meant; I allowed those who were in the different wards to suggest names to me, and after I had approved of them I appointed them, but Wiseman was not there, and he did not know who suggested him, and I do not know who suggested his name, but I appointed him.

3430. Will you say that Hardiment did not suggest him?—I do not remember that he was there.

3431. Had you any knowledge of Hardiment's exertions during the election?—Certainly not.

3432. Had you directly or indirectly any communications with him with reference to the election?—Certainly not.

3433. I do not know whether you know him?—I do; he has been a client of mine.

3434. What is he?—A fellmonger.

3435. What are his means?—I am not able to say that. I have trusted him myself; I should say that he is such a man that I should say I would trust him with 50 l. if he asked me to lend it him.

3436. Is he in a good way of business?—He does a good deal of business, I have no doubt; I do not mean to say that he is not worth more than 50 l.

3437. He would have no difficulty, I suppose, in getting 50 l. if he wanted it?—That is my opinion.

3438. Would you say that Hardiment was or was not a man of property?—Whether he has any real property I cannot say, but in his business I have no doubt that he is a man of property.

3439. Had Wiseman any authority from you to appoint any persons to act in that ward room where he was?—Certainly not.

3440. Was an application made by him or other persons in a similar position to appoint persons for that room?—The only application that I had was very shortly before the election, for the purpose of delivering out the voting cards; I was told that they had not a sufficient staff of messengers to get them delivered, and that the post could not deliver them; therefore I said, "If it is necessary for you to have an extra messenger or two to deliver those voting cards, you must find one or two;" but beyond that they had no authority.

3441. Did you manage all the financial part of the election?—Yes, I did.

3442. Are you aware of one sixpence having been spent in anything but a legal and proper manner?—I do not know of so much as a penny. I have delivered my accounts to the sheriff, and I will swear that; those accounts include every penny that I have spent.

3443. You heard Sir Henry Stracey examined this morning, did you not?—I did.

3444. Did he give you the instructions which he stated he gave you as to the expenditure, and did he also inquire of you as to whether there had been any improper expenditure?—He did.

3445. Did he evince as sincere a desire as possible to prevent anything like an improper expenditure of money?—He did. I am quite sure, from what he told me, that if he had heard that one penny had been expended improperly he would have withdrawn.

3446. You say that you believe that?—He told me so, and I believe it.

Cross-examined by Mr. Serjeant *Ballantine*.

3447. How long has Hardiment been a client of yours?—I should think for about three years.

3448. Did you know that he was going abroad?—I did not. I may say that I have done no business for him, I should think, for nine months.

3449. There is nothing going on between you now of any kind?—No business whatever.

3450. And you did not know that he was going abroad or away?—Not the slightest.

3451. I suppose you knew that he had gone away?—Until a day or two ago, when this petition commenced, I did not know that he was gone away.

3452. Were you aware that he was one of the persons to whom it was imputed that he had been guilty of bribery?—I was not aware that it had been imputed to him that he had been guilty of bribery until, I will not say the precise day, but I believe that I was not aware of it till the day his Lordship came here.

3453. You had no notion of it at all?—No.

3454. Was Hardiment one of the central committee?—He was not; there was no central committee.

3455. Was he in No. 8 committee room?—I am not aware that he was.

3456. Was not his name posted up as one of the committee-men?—Not that I am aware of.

3457. I may take it, I suppose, that as you only so recently knew about Hardiment, there have been no means taken to bring him home?—Certainly not; I am not conducting the defence here.

here, and therefore I have taken no part whatever in it.

3458. Mr. Baron *Martin*.] You are not engaged in this inquiry?—I am not engaged in defending the seat.

Re-examined by Mr. *Rodwell*.

3459. In fact, you know nothing about the case, or that Hardiment was implicated in any

way?—Nothing whatever; he was not concerned in the election.

3460. Mr. Baron *Martin*.] You are not concerned in the petition as a professional man?—No, my Lord.

[The Witness withdrew.

Mr. *Rodwell* stated that he was now going into the recriminatory case.

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EDWARD HENRY ANDREWS, sworn; Examined by Mr. Serjeant *Sleigh*.

3461. Do you carry on the business of a Blacksmith?—Yes.

3462. Do you live in Magdalen-street, Norwich?—Yes.

3463. Is that in the Seventh Ward?—Yes; in the parish of St. Paul's.

3464. Is there a yard close to this street, called Morgan's-yard?—It joins the street.

3465. Did you vote at the election, or are you a voter?—Yes.

3466. For whom did you vote?—For Sir Henry Stracey.

3467. You were out and about upon the polling day, like other people?—Yes.

3468. In the course of the afternoon of that day did you go into Morgan's-yard?—I did.

3469. About what o'clock was it?—About two o'clock, as near as I can guess. There I saw Mr. Womersley.

3470. Besides Mr. Womersley, in Morgan's-yard, whom else did you see there; how many people?—Three or four people besides.

3471. Did you know them as voters?—I knew one of them.

3472. As a voter?—Yes.

3473. Do you know what his name was?—Henry Moore.

3474. Did you hear Mr. Womersley speaking to Moore, or Moore to Womersley?—I heard Womersley say to Moore, soliciting him for his vote, he said, "Go and vote at once; call upon me in a day or two afterwards, and I will oblige you with what you ask."

3475. What did Moore say to that?—Moore said, "he wanted it now"; he said, "I want it now."

3476. What did Womersley say in reply to that?—"I cannot give it to you now, my dear fellow, but call upon me in a day or two afterwards, and I will oblige you."

3477. Did you make any observation upon hearing this pass?—I went to Mr. Womersley directly, and told him that it was bribery.

3478. What did he say to that?—He said it was not; "Could not he oblige me, or that man, or any other man, without it being termed bribery."

3479. Did you say anything to Womersley about it, or about who he was?—Yes; I told him to act honourably with him, and that I

knew him; I said, "Your name is Womersley, you live at Thorpe, and you are manager for Colman's Starch Mill."

3480. Did you tell Womersley who you were?—I told him to go further still; that my name was Andrews, and that I lived in Magdalen-street, and offered him my card.

3481. Did he accept it?—No.

3482. Had you seen Womersley about the City during the election?—Not previous.

Cross-examined by Mr. Serjeant *Ballantine*.

3483. How did you vote?—For Sir Henry Stracey.

3484. When this matter took place in Morgan's-yard, there were other persons present, were there?—Yes.

3485. Did you know them?—Only one; I knew one man that was standing against the door.

3486. Who was that?—Henry Moore was the one that I knew up the yard; but one was standing against the yard to keep the yard, as I suppose, clear.

3487. Was that Smith?—No.

3488. Was it Kitton?—No.

3489. Do you know the people; I mean, Smith or Kitton?—Yes.

3490. Was either of them there?—I did not see them.

3491. Could they have been there without your seeing them?—I did not notice that they were; I did not see them.

3492. Could they have been quite close by you without your seeing them?—It was according to which way I was looking.

3493. Do you mean to represent that they may have been close to you, and you not see them?—They might have been; I do not say close; if they had been close, I must have seen them.

3494. I mean so close that they could hear everything that passed?—I should say not.

3495. Will you swear that they were not close?—No; I will not swear, for I did not see them.

3496. Did you call at Womersley's house about a fortnight ago?—No.

3497. Is Moore here?—I believe he is.

[The Witness withdrew.

E. H.
Andrews.

JAMES NICHOLS, sworn; Examined by Mr. *O'Malley*.

3498. You live in the Seventh Ward?—Yes.

3499. Do you know Morgan's-yard?—Yes.

3500. Leading out of Magdalen-street?—Yes.

3501. Were you there on the afternoon of the polling day?—Yes.

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3502. At what time?—Just at three o'clock, or somewhere about three o'clock.

3503. When you went there, did you see other persons in the yard?—Yes.

3504. Can you tell me the names of any of these persons?—Yes.

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3505. Who

J. Nichols.

J. Nichols. 3505. Who was one of them?—Mr. Womersley was one of them.
 18 January 1869. 3506. Give me another?—Mr. Smith was one.
 3507. Do you know a man of the name of Moore?—Yes.
 3508. Was he there?—Yes.
 3509. Did you hear any conversation there, between Womersley and Moore?—Yes.
 3510. Who began it?—They wanted 5 s.
 3511. Who?—Mr. Moore.
 3512. Mr. Baron *Martin*.] Moore wanted 5 s.?—Yes.
 3513. Mr. *O'Malley*.] What did Womersley say?—He said, if he would go and vote, he might call upon him to-morrow, or another day, and he would oblige him with what he asked for.
 3514. Do you know a man of the name of Andrews?—Yes.
 3515. Did you see the last witness?—Yes.
 3516. Was he there at this time?—Yes.
 3517. Did you hear him say anything?—Yes.
 3518. What did he say?—He asked Mr. Womersley whether it was bribery; and he said, "No, that is nothing;" that is what Mr. Womersley said.
 3519. What did Andrews say to that?—He said, "I know you, Mr. Womersley, you work for Mr. Colman's, you are foreman at those works"; he said, "My name is Andrews, the blacksmith, here is my card," but he refused to take it.
 Cross-examined by Mr. Serjeant *Ballantine*.
 3520. When did you mention this matter to anyone?—That afternoon.

3521. The same afternoon?—Yes.
 3522. Whom did you tell?—Mr. Andrews went up to the committee for him to come down directly.
 3523. He had heard that?—He did not know that the men were in Morgan's-yard till I went and told him.
 3524. Then Andrews came down?—Yes; along with me.
 3525. After Womersley had come in?—No; I heard them in the yard, and went to the committee-room.
 3526. Have you been staying in Norwich since that time?—Yes.
 3527. Ever since?—Yes.
 3528. You are sure about that, are you?—Yes.
 3529. You swear that you have been in Norwich since that time?—Yes.
 3530. And you have not been staying anywhere else?—No; I have not been out of the city.
 3531. Have you not been staying at Yarmouth?—No.
 3532. Did you see Kitten there?—On the opposite side, along with Jerrold.

Re-examined by Mr. *Rodwell*.

3533. How far were they off?—Fifteen or 16 yards.

3534. Was he alone?—There was a man of the name of Gerrold, they tell me, and Mr. Smith, and Mr. Womersley, went and joined Mr. Kitten's company.

[The Witness withdrew.]

HENRY MOORE, sworn; Examined by Mr. *Rodwell*.

H. Moore. 3535. WHAT is your name?—Henry Moore.
 3536. What are you?—A Weaver.
 3537. Where do you live?—In Paddick on Silver-road.
 3538. Are you a voter?—Yes.
 3539. Were you canvassed by any one for your vote?—When I was there in the afternoon, I saw a man standing there, and I said, "I will go and vote."
 3540. Were you canvassed for your vote by any one; were you asked to vote?—No, I was not.
 3541. No one asked you to vote?—No; only one man.
 3542. Who was it?—Mr. Chapman; he said, "Which way are you going to vote?"
 3543. What time of the day was this?—Before eight o'clock in the morning.
 3544. What did you tell him on the election day?—I told him that I was going to vote for Sir William Russell or Mr. Tillet; one of the two.
 3545. What time did you vote?—It might have been I was a little intoxicated; at three or half-past three o'clock.
 3546. You added something; what was it?—I was a little intoxicated.
 3547. For whom did you vote?—For Mr. Russell.
 3548. Whom did you go to the poll with?—Nobody; I walked up alone.

3549. Where did you come from?—I had been standing about the street, close by Mr. Morgan's pawn shop.
 3550. Is there a yard next to Mr. Morgan's pawn shop?—Joining on to it.
 3551. How came you to go to Mr. Morgan's yard?—I went to Mr. Morgan; when I said, "I will go and vote," two gentlemen came and said, "Which way are you going to vote?"
 3552. What did you go to Mr. Morgan's yard for?—I will tell you if you will give me the liberty to tell you.
 3553. I want that information?—I am telling you.
 3554. What did you go there for?—I got called in the yard.
 3555. Where were you when you were called in?—I might be a yard or a couple of yards from the yard.
 3556. What took you within a yard or two of Mr. Morgan's yard; how came you to go there?—I had been standing about there.
 3557. How long had you been standing about there?—Not but a very few minutes; I had not been staying about there.
 3558. Where did you come from to there?—Close against the Golden Dog-lane.
 3559. Did you come from the workhouse there?—No.
 3560. Where had you been getting intoxicated?—At Mr. Cooper's.

3561. What

3561. What is the sign of his house?—The “Man Loaded with Mischief.”

3562. Did you go alone up to Mr. Morgan’s door?—Within a yard or two of Mr. Morgan’s yard. There were several in the yard.

3563. Did you go up there by yourself?—I went in the yard, but there were several in all, at one time.

3564. Did you go there alone?—There was two.

3565. Who went with you?—That I cannot tell; I only go by their saying; I did not know the men.

3566. Neither of them?—Neither of them; I never saw them before in my life.

3567. Have you seen them since?—No.

3568. How came you to go to Mr. Morgan’s yard with those two strangers?—When they came and asked me, “which side do you vote for?” I said, “That is my business,” and I went walking on, and one of them said, “Come here, let me speak to you”; he said, “who are you going to vote for?” And I said, “I shall vote for Tillet or Russell.” “That is right,” he said, “go and vote like a man, for principle,” and I said, “I think that every man ought to have 5 s. for his day’s work; every man.” “That is right, go and vote like a man”; he said, “I dare not give you a farthing,” and we came out of the yard.

3569. Did you get the 5 s.?—Certainly not; he said, he “dare not give a farthing”; I said, “I did not say you durst”; I said, “Every man ought to be paid 5 s. for his day’s work.”

3570. Were you waiting to be paid before you voted?—No, certainly not.

3571. Then you went up to vote?—Yes; I went up to vote; it might be half an hour afterwards; I stood about the street till I thought proper to go my way home, and I voted, as I went.

3572. Do you know a man of the name of Henry Edward Andrews, a blacksmith?—I know a blacksmith in Magdalen-street, I do not know whether that is the man.

3573. Do you know the man?—I should know him if it is the man I saw here this morning.

3574. Do you recollect his coming up?—I do not remember it.

3575. Will you swear that he did not come up to the men that spoke to you?—Certainly; I will not swear that he did not.

3576. Do you remember whether it was Andrews or not, who came up when you talked about the 5 s., and said something about bribery?—I do not remember it.

3577. Will you swear that he did not come up?—I will swear that.

3578. Did no one come up?—I will swear that no one never asked them to give any money.

3579. When you had this conversation about the 5 s.; or whatever it was, do you remember anybody coming up and saying anything?—I think there was a man of the name of Seeman, who came up at the same time.

3580. I am talking of Andrews; did you see him come up?—I did not.

3581. Will you swear that he did not come up?—Certainly not.

3582. Will you swear that he did not say to the men you were speaking to, “That is bribery”?—I never heard any such word.

3583. Will you swear that he did not say that?

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—No, I will not swear that he never said it, but I never heard it.

3584. Do you remember a man being there, and taking a card out of his pocket?—I do not remember it.

3585. Did you see one man offer a card out of his pocket to another man?—No, I do not remember it.

3586. Will you swear that you did not see it?—I can swear that I do not remember any such thing.

3587. But you will not swear that it did not take place?—I do not remember it.

3588. Were you very drunk at the time?—I was intoxicated.

3589. Were you very bad?—Yes; I was; I had been ill for a long time, and a little beer took effect upon me.

3590. You cannot tell us which man, or who it was whom you asked for those 5 s.?—I never asked for 5 s.

3591. You said that just now, did not you?—I did not; I said, “A man ought to be paid 5 s. for his day’s work,” those were my words. “I dare not give a farthing,” he said. I said, “I did not say you durst.”

3592. What did he say to that?—We came out of the yard.

3593. Was anything said after the election was over?—I never heard anything.

3594. Will you swear that it was not said?—No, I will not swear that it was not said; but I never heard it.

3595. Will you swear that these words were not spoken to a man that you were talking to: “Come my good fellow to me to-morrow, and you shall have what you ask”?—I never heard any such thing.

3596. Will you swear that it was not said?—No; I will not swear that it was not said, but I will swear that I never heard it.

3597. Have you tried to find out who those two men were?—No. I never thought any more about it till this paper came here. I have kept to my work, and I did not trouble anything about it.

3598. Have you not seen a single person about this matter?—No; I do not know a man.

3599. Have you seen any one at all, or been to any one about what took place in Morgan’s yard?—Yes; Mr. Webb and Mr. Jervis, and another man, but I cannot recall his name.

3600. When did you go to them?—I did not go to them; they came to me.

3601. Was there anybody else besides those three; have you been to anyone else about this matter?—No.

3602. Not anyone?—No.

3603. You are positive of that, are you?—Yes.

3604. Have you been to Mr. Colman’s starch manufactory about this?—I was never in the place in my life.

3605. Have you been nowhere about this at all; about what took place at Morgan’s yard?—Not anywhere.

Cross-examined by Mr. Serjeant Ballantine.

3606. I observe that my learned friend did not go much further into it. When Mr. Webb and Mr. Jarvis came to you, what did they want with you?—They came and asked me what I knew about Morgan’s yard, and I said the same as I have now stated.

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3607. Did

H. Moore.

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H. Moore. 3607. Did you tell them what you have told us to-day?—Yes, the same.
 18 January 3608. What did they say?—They said, “You must know something different to that.” I said, “Do you want me to tell a lie, or what?”
 1869. 3609. And what did they say?—They got angry, and so did I, and I said, “Don’t get angry, I am telling you the truth”; that is what I said.

3610. You told them the same story that you have told us to-day?—Yes; I told the same story.

3611. Are you sure that you never went to the house of Mr. Womersley?—I do not know where the man lives; I never knew the man.

[The Witness withdrew.]

Mr. JOSEPH METCALFE, sworn; Examined by Mr. Serjeant Sleigh.

J. Metcalfe. 3612. Do you reside in Peacock-street, in the Seventh Ward in this City?—Yes.
 3613. You are an elector, I suppose?—Yes.
 3614. Did you happen to be passing by Morgan’s yard on the afternoon of the polling day, and did you go into the yard?—Yes.
 3615. Did you, on going into the yard, see some people there?—I saw three or four there.
 3616. Did you know any of them?—I did not know any of the parties that were there, but I knew a gentleman that was with them.
 3617. What was the name of that gentlemen?—Smith was one of them.
 3618. Was there anybody else?—Mr. Womersley was outside.
 3619. Did you hear Mr. Womersley speak to those persons there?—I heard him speak to one outside, that came out of the yard.
 3620. Did you see the witness who has been examined just now, there?—I saw him, the man that I passed.
 3621. Was he one of the men in the yard?—No.
 3622. Was he outside the yard?—I went and fetched him, Mr. Andrews, I mean.
 3623. You went and fetched Mr. Andrews?—Yes, from the committee-room.
 3624. Mr. Baron *Martin*.] From where?—From the committee-room, or I met him at the outside.
 3625. Mr. Serjeant *Sleigh*.] When you and Mr. Andrews went to Morgan’s yard, was Mr. Womersley there then?—Yes; outside on the pavement.
 3626. Now, tell us the whole of what you heard Mr. Womersley say to any of those people

about voting?—He told this man he “might as well vote first as last.”

3627. What did the man say to that?—I could not hear what he said; he whispered something to him.

3628. Who whispered something to him?—This man.

3629. To whom?—To Mr. Womersley.

3630. Did you hear Mr. Womersley say anything to him after he had whispered to Womersley?—Yes.

3631. Will you oblige me by telling me what it was?—He said, “I cannot promise you to-day, but I will to-morrow, or some other day.”

3632. Did you hear Andrews say anything to Womersley upon this taking place?—Mr. Andrews said, “That is bribery.”

3633. He said that to Mr. Womersley?—Yes; “a case of bribery.”

3634. Go on; what else was said?—Mr. Womersley said, “Why can’t I oblige him, or you, or any other man?”

3635. What did Mr. Andrews say to that?—He said, “I know you, your name is Womersley, and my name is Andrews.”

3636. He offered him his card, did he not?—Yes, which he did not accept.

3637. What became of this man who had been whispering to Mr. Womersley?—I left, and then they went back to the committee.

3638. You left them in the yard, did you?—Outside.

Mr. Serjeant *Ballantine* stated, that he had no question to put to the witness.

[The Witness withdrew.]

Mr. WILLIAM NEWTON, sworn; Examined by Mr. Serjeant Sleigh.

Mr. W. Newton. 3639. Do you live in Barrack-street, Pockthorpe?—Yes.
 3640. Is there a public-house in that neighbourhood called the “Marquis of Granby,” and kept by John Mackley?—Yes.
 3641. On the day of the election, the polling, were you at that public house?—Yes.
 Mr. Baron *Martin*.] It is not the same man that keeps the “Woollpack,” is it?
 Mr. Serjeant *Sleigh*.] No, my Lord.
 3642. (To the Witness). When did you first go to the public house?—Between twelve and one o’clock.
 3643. In the course of that afternoon were there other people who were voters there, besides you?—Yes, there were about five or six there when we first went in.
 3644. You are a voter, are you?—Yes.
 3645. Do you know the names of any of the persons who were there upon your first visit?—Yes; when I first went there, I was along with

five or six men; Mr. Dent, Laws, Mr. Moy, and Mr. Edwards.

3646. Was there anybody else?—Mr. Moy, and myself.

3647. Did any of those men, or anybody else, there call you out of the room and speak to you?—Yes; I was called out of the room, and we went into a back yard.

3648. Who were “we”?—The men whom I have mentioned; Mr. Laws, Mr. Moy, Mr. Dent, and me; we walked into a yard along with the gentlemen.

3649. Who called you out into the yard?—Mr. Womersley, and Mr. Smith, and Mr. Brownfield.

3650. Did any one of those gentlemen speak to you in the yard?—Yes; they asked us whether we were voters.

3651. Who did?—The three gentlemen that were there; and we said, “Yes, we was”; some of us what was there were voters; but not all of them.

3652. Go

3652. Go on?—They asked us “whether we had voted,” and we said, “No, we have not voted;” and they asked us “what we wanted,” and we told them “we wanted 2 l. each;” and they said, “It was too much”; they said, “Perhaps if we waited half-an-hour perhaps we might get 1 l.”

3653. Can you tell me which of the gentlemen said that?—No, I could not be on my oath, as they were talking together; they all appeared to me to be speaking at one time, so I could not say which it was.

3654. They were all together, were they?—Yes, in the yard.

3655. What became of you then, after they said if you were to wait half-an-hour you might get 1 l.; was anything said to you by either of them as to what you were to do?—They told us to go inside, and we went inside, and we had some beer.

3656. Did you pay for it?—No.

3657. You went inside; where do you mean?—In the tap-room.

3658. Do you know what became of those gentlemen?—They went round out of the back way; where they went to, I do not know.

3659. Before they went away, did either of them say anything to you about other voters?—They asked us “whether we knew of any more voters,” and we said, “Yes.”

3660. Was there anything more said?—When I went into the house, after I was there a short time, there were several men come into the room; the room was pretty well full; after 20 minutes or half-an-hour, there might be 20 or 30.

3661. Did you know them to be voters, or most of them?—There was a great many who had votes, and parties who had not votes at all.

3662. Did you see anything of either of those gentlemen whom you have named presently; afterwards?—No; I did not see any more of them; I never spoke to any of them after that.

3663. How long did you wait in the tap-room?—I think I might have waited, from the time

that I went in, for about an hour, and then I left the place.

3664. Did either of those gentlemen, after you had waited there for about an hour, before you left the place, come back; did one come back?—No; I never saw anything more of them.

3665. With respect to the other men who were in the room when it was pretty nearly full; was any drinking going on?—Yes; we had some beer to drink.

3666. Did you see any of them pay for it?—I saw none of them pay for it; I do not know who paid for it.

3667. As to this house called the “Marquis of Granby,” what house was that; a “Tillett” house?—That I could not say; people who voted for the Whig party was at this house.

3668. Have you been in Norwich ever since the election, or have you been away part of the time at Yarmouth?—I have been at Yarmouth some of the time since the election.

Mr. Baron *Martin*.] What has that to do with it?

Mr. *Rodwell*.] You will hear, my Lord.

Cross-examined by Mr. Serjeant *Ballantine*.

3669. Did you vote for Sir Henry Stracey, or for whom?—For Sir Henry Stracey.

3670. Most of the other people who were in that house voted in the same way, did they not?—That I cannot say.

3671. Do not you know whether they did or not?—No; some of them voted for Sir Henry Stracey, and some for the other party.

3672. Did you see a man of the name of Deans there?—If he was there, I could not swear to him; there were many people, and I do not know.

3673. Was Mr. Stevens there?—I do not know.

3674. I want to know whether you people did get any money?—I never received anything, and I never saw anybody else take anything.

[The Witness withdrew.

WILLIAM MOY, sworn; Examined by Mr. *O'Malley*.

3675. Do you live at the “Seven Stars,” Pockthorpe?—I live down that yard.

3676. Do you know the “Marquis of Granby”?—Yes.

3677. Which is kept by Mr. Mackley?—Yes.

3678. Were you there on the day of the election?—Yes.

3679. What time did you go there?—At half-past 12 o'clock.

3680. And you remained there, I suppose, some time?—For an hour and a-half or an hour and a-quarter.

3681. Did you see a number of persons there?—They was not there when I was there.

3682. But while you were there?—Yes.

3683. Can you tell me the names of some of them?—Yes; I saw several gentlemen that I knew; Mr. Smith, Mr. Womersley, Mr. Brownfield, Mr. Herring, and Mr. Campling.

3684. Those were the gentlemen you knew; now the others?—I saw one of them; I did not know all of them; I saw Laws there; I saw Mr. Butcher; that is all I knew.

3685. Did you see the last witness, Mr. Newton, there?—Yes.

3686. While you were there, did any of those

gentlemen come in and speak to you?—Yes; they came and asked me; not only me; they asked “what we wanted”?

3687. Mr. Baron *Martin*.] Who were “they”?—I saw Mr. Brownfield come in.

3688. He spoke to you?—No; he came in and spoke to the whole of us.

3689. Mr. Brownfield spoke to you?—Yes.

3690. Mr. *O'Malley*.] What did he say?—He asked us “what we were all waiting for”; he said, “Are you all voters”?

3691. You said before that there were some gentlemen, and you mentioned their names; now you say that Mr. Brownfield came in and spoke?—Yes.

3692. Were those other gentlemen with Mr. Brownfield?—Some were outside, and some were in the backyard; they were not altogether.

3693. Can you mention some of those who were with Mr. Brownfield?—Yes, but not inside the house; I never saw them in with Mr. Brownfield; I see Mr. Smith standing in the door; when Mr. Brownfield spoke he was along with Mr. Barber.

3694. Now give me another?—Mr. Womersley stood in the back yard along with several more.

K 3

3695. Did

Mr.
W. Newton.
—
18 January
1869.

Wm. Moy.
—

Wm. Moy.
18 January
1869.

3695. Did you go into the back yard?—Yes; after Mr. Brownfield came in.

3696. When you went into the backyard with Mr. Brownfield, what was said?—They said, "Are you all voters?"

3697. Mr. Baron *Martin*.] Who was it that spoke in the backyard?—Several of them; not one alone.

3698. Mr. *O'Malley*.] What did the others say?—We said, "Yes, all but about two or three"; they said, "What are you stopping for?" And they said, "To get paid for our day's work."

3699. Did you go out then?—Yes, I stood against the door.

3700. Were you drinking beer there?—Yes.

3701. Did the others drink also?—Yes.

3702. Did you pay for it?—I never paid for anything.

3703. About the talking in the backyard, what else happened?—I told them that we wanted 2*l*. for our day's work.

3704. Who did you tell?—I told them all; they were altogether then.

3705. You told them all, did you?—Yes, three or four of them; I do not say that they were all there. They said "they could not think about giving on it to us." Mr. Barber came to me and said, "You had better stop about 20 minutes, and I think you will get 1*l*."

3706. At the "Marquis of Granby," which party was it for?—The Liberal party; Mr. Mackley hired it.

Cross examined by Mr. Serjeant *Ballantine*.

3707. Which way did you vote?—For Sir Henry Stracey.

3708. You waited 20 minutes, did you?—Yes.

Re-examined by Mr. *Rodwell*.

3709. Why did you wait 20 minutes?—Because if I could have got the money I should have taken it.

[The Witness withdrew.]

GEORGE ENGALL, sworn; Examined by Mr. *Rodwell*.

G. Engall.

3710. You are a voter for Norwich?—Yes.

3711. Where do you live?—In St. George's, Middle-street.

3712. Do you remember the day of the election?—Yes.

3713. Do you know the "Marquis of Granby," which was kept by John Mackley?—Yes.

3714. Were you there on the day of the election?—No, the Thursday after.

3715. Mr. Baron *Martin*.] The election was on the Tuesday, was it not?—I believe it was.

3716. Mr. *Rodwell*.] You say that you were not there on the day of the election?—No, the Thursday after, with a stock of rabbits on my back; I am a rabbit seller.

3717. Have you seen Mr. Wormersley since the day of election?—No; I do not know him.

WILLIAM DENT, sworn; Examined by Mr. Serjeant *Sleigh*.

Wm. Dent.

3718. ARE you a voter?—No.

3719. Do you live at Pockthorpe?—Yes.

3720. What ward is that in?—The seventh Ward, I believe.

3721. Do you know the "Marquis of Granby," kept by Mackley?—Yes.

3722. Did you happen to go there on the day of the polling?—Yes.

3723. About what o'clock?—Between 12 and 1 o'clock.

3724. Did you find any people there?—Yes, there were several people.

3725. Voters?—Yes, they were nearly all voters, I believe.

3726. And some not, I suppose?—Yes.

3727. Were there any gentlemen whom you knew by name?—I knew two or three; Mr. Wormersley, and Mr. Smith, and Mr. Brownfield.

3728. Did you hear either of those gentlemen say anything to the people who were voters?—They asked whether they were all voters.

3729. Who did?—Mr. Brownfield and Mr. Smith, and Mr. Wormersley too.

3730. What did they say?—They says, "Yes."

3731. Was anything asked about whom they were going to vote for?—They asked if they had voted, and they said, "No."

3732. Were those gentlemen all together?—In the back yard.

3733. When they said they had not voted, was anything else asked of them, whether they were

going to vote?—They said they wanted to be paid for their day's work.

3734. Did anybody ask them what they wanted?—Mr. Brownfield and Mr. Smith asked what they wanted. They said 2*l*. They said that they was to remain, and if they waited 20 minutes they might perhaps get 1*l*.

3735. What became of the gentlemen after they said that, after they asked them to wait 20 minutes?—They went away; I never see no more of them.

3736. Just tell me about how many were there all together, as well as you can remember, at the time this conversation took place; how many voters I mean?—Between 20 and 30 there might be.

3737. Was there any beer drinking going on? Yes, there was a little beer on the way.

3738. Did you see anybody pay for it?—No.

Cross-examined by Mr. Serjeant *Ballantine*.

3739. Was Dr. Allen in your room at all?—I never see him.

3740. Whom did you vote for?—I have no vote; I did not vote at all.

3741. Did you wait?—I waited half-an-hour and more.

3742. To see if any sovereign came?—No, I never see no money at all.

3743. When somebody said, "Wait, and you may get 1*l*," who did you say was present; was Mr. Brownfield present?—Mr. Brownfield and Mr. Smith.

JAMES TOMLINSON, sworn; Examined by Mr. Serjeant Sleigh.

3744. You reside at Pockthorpe?—Yes.
3745. Were you at the “Marquis of Granby” on the polling day?—Yes, I was at work for Mr. Mackley at the time that morning.

3746. Towards the afternoon of that day, were there many people in and out of that house?—Yes, up to 40 or 50.

3747. Voters and non-voters, I suppose?—Yes, but the biggest part voters.

3748. Did you see any gentlemen there whom you knew by name?—Yes.

3749. Tell me who they were?—Mr. Womersley, Mr. Smith, the chemist, and Dr. Brownfield.

3750. Did you hear either of those gentlemen say anything to any of the men who were there?—Mr. Smith came into the yard to me, and axed me where the men were; whether Mr. Mackley had them in his house? I said, “There is no men here; if you want men,” I says, “you can soon have them.” He said, “Go. and fetch the lot”; he said, “I want to see them.”

3751. What did you do upon that?—I went; I left my employment, and went and waited on Mr. Smith, and told a lot of men there was some gentleman wanted to see them at Mr. Mackley’s, for what purpose I did not know.

3752. Were they voters?—Yes.

3753. Where did you find them?—Some in one public-house and some in another.

3754. When you brought them up to Mackley’s, to the “Marquis of Granby,” did you find Dr. Brownfield and the other gentleman, Mr.

Smith, there then?—No, I did not; I see Mr. Womersley walking outside the door with a great stick in his hand, but where Mr. Smith was I do not know. *J. Tomlinson.*
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3755. Did you hear either of the gentlemen you have named speak to those people whom you brought to the house, the voters?—No, I did not hear them speak to them, but the job was this, that we were to have 2*l.* a-piece.

3756. Who said anything about 2*l.*?—It was mentioned among the people that was there that we should have 2*l.*

3757. Was anything said by any of the gentlemen about it?—If we waited 20 minutes we should get 1*l.*

3758. Who said that?—I am not able to say what gentleman said it; it was told to me by the voters.

3759. Just tell me this, did any gentleman pull his watch out?—Yes.

3760. Mr. Serjeant Ballantine.] Was that told to you?—No; I see the watch pulled out.

3761. Mr. Serjeant Sleigh.] Who was it pulled his watch out?—I am not able to say.

3762. Was it one of the gentlemen whose names you have given us to-day?—No, I do not think it was.

Cross-examined by Mr. Serjeant Ballantine.

3763. Which way did you vote?—I never voted at all.

JACOB WATSON, sworn; Examined by Mr. O’Malley.

3764. ARE you a Marine Store Dealer?—Yes.

3765. Are you a voter in Norwich?—Yes.

3766. Where is your place of business?—Lower Westbrook-street, St. Lawrence.

3767. What ward is that?—The Second Ward.

3768. What time in the day did you vote?—It was either a quarter past three or half-past three; I cannot say.

3769. Before that had you said anything about which way you meant to vote?—No.

3770. Before you voted, did any men come down to you to your place?—Yes.

3771. Can you tell me what their names were?—I can tell what name one gentleman’s was; it was Mr. Boyce.

3772. With Mr. Boyce who else came?—I do not know the gentleman’s name; I do not know that ever I had seen him before that; I mean the one along with Mr. Boyce.

3773. Before they came to you, had you not said something about which way you went to vote?—No.

3774. About which way you did not mean to vote?—I left them, and did not say anything at all about which way I intended to vote.

3775. What did you say you told them?—When they came to me, I did not tell them any way that I intended to vote.

3776. Not then, but before?—I had no one solicit me for my vote till Mr. Boyce came and the other gentleman.

3777. What did Boyce say?—He asked me

whether I would vote for Tillett, and I said “No, I had not made up my mind.” *J. Watson.*

3778. You had not made up your mind to vote for Tillett?—For Tillett and Russell.

3779. What did Boyce say then; did you not tell him why you had not made up your mind; what reason did you give him?—I told him he never obliged me in any way not in regard of doing business with me; for that reason I never intended to oblige him.

3780. Whom did you say that to?—To Mr. Boyce.

3781. When the other man was there?—Yes.

3782. Had Mr. Boyce had any dealings with you?—No.

3783. But the other man, had he?—No.

3784. What did you mean by that, then?—About 12 months ago I used to supply Mr. Boyce’s firm or Mr. Bullard’s firm.

3785. Who is Mr. Bullard?—Mr. Bullard, the brewer.

3786. Mr. Bullard was there with Mr. Boyce, was he not?—No.

3787. You had supplied Mr. Bullard’s firm?—Yes, with mops; and I said that I did not see that I had any occasion to oblige him, being as he did not oblige me.

3788. How was it that he did not oblige you?—At one time I used to supply him with materials down at the brew office, and he did not take them of me; not the latter part of the time; he stopped taking them of me.

3789. And you said you would not vote for him?—I told him I would not oblige him in regard

J. Watson. gard to the vote. I had not made up my mind which way I would vote; I told that to Mr. Boyce.
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3790. After you told that to Mr. Boyce, did those men go away, Mr. Boyce and the others?—Yes, they did.

3791. Did they all go away?—Yes.

3792. Did one of them stop?—No, they both went away together, for there was some goods came to the shop, whereby I was obliged to wait upon the goods that came, to buy the goods that came to the shop, and of course the gentlemen went away, and left me to do my business.

3793. There were more than two with him, were there not?—No; they went away, and I never see no more of them for some time.

3794. Do you mean that Mr. Boyce and the other man came alone?—Yes, the first part of the time, about 11 or 12 o'clock.

3795. I am speaking of when Mr. Boyce came to you?—Yes, when they went away I got the got the goods that I bought, and they went away when the things come for me to buy at the shop; they left me to do my business at the shop.

3796. Who came to buy at the shop?—A lot of things came to the shop for me to buy.

3797. Who were the people?—People out of the country, with a cart-load of goods.

3798. But they were not the only people, were they?—Yes, they were the only people.

3799. Did Mr. Boyce come in again in the course of that day?—No, I never see no more of Mr. Boyce that day.

3800. Whom did you vote for?—Mr. Tillett and Russell.

3801. What made you change your mind?—I said I had not made up my mind which way I should vote for.

3802. What made you make up your mind then?—There was no particular reason at all.

3803. Between the time when Mr. Boyce called upon you and you voted, did you not see Mr. Bullard?—I see one of the Bullards.

3804. What time of the day did you see that one Mr. Bullard?—I cannot say; I see him some time in the forenoon, and then at that time I was busy.

3805. When you saw that Mr. Bullard, he spoke to you, did he not?—He asked me whether I had not voted; I told him, "No, I had not voted, I was busy"; he said, "Have you made up your mind to vote?"

3806. What did you say?—I told him, "No, I had not made up my mind to vote."

3807. You told him the reason why, I suppose?—No, I did not, then.

3808. Why not?—He never asked me any question about the reason why I did not intend to vote.

3809. What did Mr. Bullard say to you?—He asked me whether I had voted, and I said, "I have not made up my mind yet."

3810. Did he say anything more?—He said, "Will you oblige me;" I said, "I will not oblige you."

3811. Did you not say you would oblige him if he would oblige you?—I said so to Mr. Boyce.

3812. Had you said that to Mr. Boyce before you saw Mr. Bullard?—Yes; I said that to Mr. Boyce in the fore part of the forenoon.

3813. That you would oblige Mr. Boyce if Mr. Bullard would oblige you?—No; I did not say anything at all about Mr. Bullard.

3814. Mr. Boyce and Mr. Bullard are partners, are they not?—Yes, they are.

3815. The same concern?—Yes, I believe they are.

3816. You said to Mr. Boyne, "If he would oblige you"?—I said, the firm never obliged me.

3817. Then Mr. Boyce told you he would oblige you?—No, he did not.

3818. Then how came you to vote?—I voted to oblige Mr. Colman, the grocer; he came with Mr. Bullard at the latter part of the forenoon; and he came to me and said, "Watson, have you voted?" I said, "No"; he said, "Why is the reason you have not voted"; I said, "I have not made up my mind to vote at all"; he said, "You better oblige me, for I very often oblige you with changing cheques for you, and so on, and for that reason"; he says, "Come in and vote along with me"; and me and Mr. Colman went up to the Cross, and I voted for Tillett and Russell. I did not vote at all to oblige Mr. Bullard's people.

3819. Though you said you would?—I said I would not oblige Mr. Bullard's people. I obliged Colman, the grocer, by voting.

Mr. Rodwell.] I believe, my Lord, on this part of the case, that is all the evidence I have to offer. Of course there are other cases that we have for another purpose, but with regard to this recriminatory charge, that is all the evidence which I think it worth while to lay before your Lordship.

Mr. Baron Martin.] Am I to understand you to say that your case is closed with regard to what we may call the preliminary inquiry as to the capacity of Sir Henry Stracey to be elected and returned, and the capacity of the Petitioner, Mr. Tillett, to be elected and returned?

Mr. Rodwell.] That is all; I have no other witnesses to call.

Mr. JOSHUA WORMERSLEY, sworn; Examined by Mr. Serjeant Ballantine.

Mr. J. Wormersley.

3820. WHAT are you?—I am a Paper Maker.

3821. And do you live in Norwich?—I live in Norwich.

3822. Were you active on the day of the election?—I was active.

3823. Are you a friend of Mr. Tillett's, and a warm supporter of him?—I am a friend of Mr. Tillett's.

3824. And a supporter of the Liberal party?—And a supporter of the Liberal party.

3825. You, I suppose, divided your vote?—I divided my vote.

3826. Upon the day of the election, was some information given you in relation to what was going on at the "Marquis of Granby"?—There was an intimation given me.

3827. There was some intimation given you in consequence of which did you call upon Smith, at shop?—I did not come to his shop; I called at Mr. Kitton's.

3828. Besides you, Mr. Kitton, and Mr. Smith; was anybody else with you?—I and Mr. Smith, Mr. Kitton, and Mr. Brownfield, we all, I believe,

I believe, went, along with Mr. Harper (I think he was with us), to the "Marquis of Granby."

3829. When you were at the "Marquis of Granby," did you find any men there?—Very few.

3830. But you found some?—I found some there.

3831. Did either you or Mr. Brownfield say, or was anything said, about 2 *l.*, in your hearing?—I never heard such a thing mentioned; neither 2 *l.* nor yet 1 *l.*

3832. Did either you or Mr. Smith, or Mr. Brownfield, or Mr. Harper, in your presence, say anything about waiting for 20 minutes, and then they might get the pound?—I never heard such a thing.

3833. Is there one word of truth in it?—Not a bit of truth; it is a fabrication from beginning to end.

3834. After leaving the "Marquis of Granby," did you go to Morgan's-yard?—Mr. Smith and I went arm-in-arm down Magdalen-street, and as we were going down Magdalen-street, there was some one came up to us, and said, "Here is a voter."

3835. Did you see Mr. Kitton?—Mr. Kitton was with us, I believe.

3836. You do not quite recollect; but, at all events, Mr. Smith was with you?—Yes; he had hold of my arm.

3837. Did you go to Morgan's-yard?—Yes; we went to Morgan's-yard.

3838. What for; was it in consequence of what had been said to you?—It was in consequence of what had been said to us.

3839. When at Morgan's yard, did you promise, or did anybody in your presence promise, anything to those people for their vote?—There was not anything mentioned about a promise in any shape or form.

3840. By any one of you?—Not by any one of us.

3841. Or to anybody?—Not to anybody; I never heard of it.

3842. Did you promise it?—Not at all.

3843. There is a man of the name of Moore, (I think that is the man's name who has been sworn) who was called?—Yes; he is a voter; he is a man who was brought to us by two or three, who was waiting, and they would say, "Here is a voter."

3844. What state was he in?—I think he was intoxicated; he spoke very low and very hoarse.

3845. So he did to-day?—I thought he was intoxicated; he seemed like it.

3846. What was said about Moore; they said, "Here is a voter"?—Yes; "Here is a voter that has not voted;" I said, "Go and vote, my man."

3847. Did anything else take place?—He said something about he wanted 5 *s.* for a day's work, and I said, "I shall not give you a farthing."

3848. And did you say anything to him, or in his hearing, about if he waited a day or two, or that you might in a day or two give him the money?—Not at all; not a word of the sort was said.

3849. Not that you might oblige him in a day or two?—I never said such a thing, and never heard such a thing mentioned.

3850. You had no sort of instruction, I presume, either to promise or to pay a single farthing?—Not any instruction at all, and we kept

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to it all day. We never paid a farthing; I do not believe there was a farthing spent at all.

3851. Or a promise?—Or a promise.

Cross-examined by Mr. Rodwell.

3852. Do you recollect a person coming up, and saying to you, "Here is my card"?—I do not remember seeing a card.

3853. Do you recollect a person coming up, and saying to you, "Here is my card"?—I do not recollect such a thing. Such a thing was never put before me, to my recollection.

3854. You say, to your recollection, of course that is tantamount to saying that it never did take place?—I do not know for that.

3855. I really do not quite understand you?—I do not recollect such a thing.

3856. Do you mean to say that it is possible that a person may have offered you a card, and said, "My name is Andrews," and you have forgotten it?—There was a lot of people round about at the time, and there was a good deal of excitement, and I do not remember a card being presented to me. I never saw a card, to my recollection, presented to me by anybody.

3857. Do you know Andrews?—I do not know Andrews. I know this person that calls himself Andrews. I saw him that day, and I have seen him here this morning, and so of course I know him.

3858. Andrews is his name?—I suppose it is if he says so. I know no more about it than that.

3859. Did any one come and say to you, "That is bribery, Mr. Wormersley"?—I cannot recollect it; it may have been said so. There was a good deal said; I did not pay any regard to anything of the kind.

3860. When you were in Morgan's yard, do you remember or do you not remember a person coming up and saying, "Mr. Wormersley, I know you; that is bribery"?—A person never said to me in Morgan's yard, and I do not remember hearing such a thing said as "That is bribery" during the day of the election. I say so positively on my oath.

3861. You say that that never did take place?—Mr. Smith was with me at the same time, and was close to my side, and if there was anything of that sort heard, he would hear it as well as myself.

3862. Did Andrews upon any other day say that it was bribery?—I have never seen Andrews from that day to this, till now.

3863. It might have been before?—Not before the election. I did not know there was such a man in existence.

3864. I understand you distinctly to deny what Andrews has said?—I deny it *in toto*.

3865. You do not mean that it is a question of memory?—It is not a question of memory, and I believe that I never saw the man.

3866. Have you known either of the other two men who were called since, Nichol, for instance?—No; they may have been there; there was a great crowd there at the time, because this voter was a little elevated, and he was brought to us by some people as we were passing, and I think the last word that was said to him was, "Go and vote," and we left him, and went away.

3867. You were at the "Marquis of Granby," we hear from Mr. Stephens, the first witness who was called?—I have told you so since I have been here.

L

3868. Who

Mr. J.
Wormersley.
18 January
1869.

Mr. J. Wormersley.
18 January 1869.

3868. Who went up with you there?—I have told you, Dr. Brownfield, Mr. Smith, and Mr. Harper.

3869. Was Dr. Brownfield an active person during the election?—I do not think he was. I believe he is one of the quietest men in an election that there is in Norwich.

3870. He exerted himself, did he not?—I do not think he did. He went with me to see if there were any voters; that was the only place I saw him that day.

3871. That was exerting himself?—That was not any exertion.

3872. Which ward did he belong to?—I do not know. I suppose the 7th Ward; he lives down that way.

3873. Was he on the committee?—I do not think he was.

3874. Did you see him in the central committee-room?—I do not think I did.

3875. Do you know Mr. Barber?—Yes.

3876. Did you on any occasion accompany him on the canvass?—Yes, I did.

3877. How many people did you canvass with Barber?—I cannot say.

3878. A good many?—Yes.

3879. You canvassed pretty nearly the whole of the ward with him?—Yes.

3880. Who else went with you?—I went mostly alone; but Barber went with me on one or two occasions.

3881. Were you aware that anything had been said before this election petition came on for trial, that you had been charged with having done anything improper in this Morgan's yard?—I am very sorry that I have been charged, and most scandalously so. There are two or three gentlemen here who ought to have been ashamed of themselves. That is what I say.

3882. I have nothing to do with them, of course?—I shall have something to do with them.

3883. Have you heard this charge before?—Yes, I have heard this charge before, many times, and I had a person come to me when I was going out of here the other day; he has been a witness to-day; he put his fist in my face last Friday in a most abominable way; I expect he was employed by some of them, I will not say by whom. I have been treated most shamefully, and it is a disgrace to Norwich that a respectable man should be imposed upon as I have been.

3884. Mr. Serjeant Ballantine.] Do you know what man it was?—He gave his evidence here to-day.

3885. Mr. Baron Martin.] Has he been a witness here to-day?—Yes, I believe he was the first witness called; I should know him again if I saw him.

Mr. Baron Martin stated that it had better be understood that if any person insulted any

of the witnesses who had given evidence before the Court, he would send them to prison.

3886. Mr. Rodwell.] Whilst they are looking for that witness, perhaps you can tell me this; have you had any communication with Moore at all, the man who was called here to-day?—I do not remember. There was a person came to me last Sunday week night, and called me out; it was, I suppose, about nine o'clock, and I went into the passage of my house. Outside the house there is a passage.

Henry Edward Andrews came into Court.

3887. Is that the man?—That is not the man.

3888. Who was that man who came to you on Sunday?—I do not know his name; I could not see the man; it was dark; but I will tell you what he said.

3889. I know nothing about it; it may be something private, for all I know?—I will let you know, if you ask for it. He told me that there was three or four persons paid 5 s. a piece to go to Yarmouth to be kept there out of the way, and to come up here on evidence if they was wanted, and that he was subpoenaed; and they came and wanted him to identify a man, and described me to him; and he said he could not recollect such a man. This man said, "Do you remember Morgan's yard?" and I said, "I do remember Morgan's yard." He said, "These three men said to me, 'Was not there a person spoke to you about your vote?' and he said, 'Yes, there was somebody spoke to me about my vote,' and he said, 'Was not there somebody asked you about giving him something after the election?' and he said, 'There was no person came to me and gave me anything of that sort.' I told him that if he was subpoenaed, he must go and speak the truth, and nothing but the truth.

3890. Did not you find out his name?—I never asked his name.

3891. Why did not you ask his name?—I do not know his name.

3892. Did you not ask him?—No, I did not.

3893. He told you that the men at Morgan's yard were gone away to Yarmouth?—Yes, were gone away to Yarmouth, and had 5 s. a-day.

3894. One witness was asked, my learned friend did not ask the other; but did you hear that witness say that he had been at Norwich the whole time, and never had been to Yarmouth?—I heard a witness say so; I should like to see that person brought forward."

Mr. Baron Martin.] If you find him, get one of the policemen to bring him in here. I will engage that he will not insult you again. It is one of the most gross contempts of Court that can be committed.

JOSEPH DE CARL SMITH, sworn; Examined by Mr. Keane.

J. De Carl Smith.

3895. I BELIEVE you are a wholesale Druggist, at Norwich?—I am.

3896. And you have lived there all your life?—I have.

3897. Were you in court during the examination of Mr. Wormersley?—I was.

3898. Were you also in court during the examination of the witnesses to whom he referred?—I was.

3899. Do you or do you not agree with him in denying the statements that were made respecting him?—I perfectly agree with him, as far as I know anything about them.

3900. Did you see any card handed to him?—Certainly not; I do not think there could have been any card without my seeing it.

3901. I believe you went with Mr. Wormersley, when he went to Morgan's yard, remained there while

while he was in the yard, and went away with him; is that so?—I was the means of Mr. Wormersley going into Morgan's yard.

3902. You were there the whole time?—Yes; I was the means of his going into it. About three o'clock in the afternoon, on the day of the election, as near as I can remember (I would not say that was the exact time, or a quarter past or a quarter before), I was going from the committee-room in Magdalen-street with Mr. Wormersley and Mr. John Kitton, direct to the central committee-room; when we arrived nearly at Morgan's yard, a man came running after us, and said to me, "Mr. Smith, here are some men who have not voted"; I turned back immediately, and there were two men, and they appeared to me to be excited from what they had taken. I said, "They tell me you have not voted; why have you not voted?" "Well, look here sir, if you will give us a day's wages, we will vote"; I said, "Come out of the crowd," and I took the men myself, or a man, I do not know exactly how many there were, into the yard, and Mr. Wormersley followed me; and I said, "Now, why do not you vote"?—They said, "If you will

give us a day's wages we will vote"; I said, "I would not give a day's wages for a gross of you"; "Go now and act like men, and vote"; that is all that passed; and I left the yard, and so did Mr. Wormersley.

*J. De Carl
Smith.*
18 January
1869.

Walter Newton was brought into court.

3903. Mr. Baron *Martin* (to Mr. *Womersley*).] Is that the man who put his fist into your face?—Yes, that is the man.

3904. Mr. Baron *Martin* (to *Newton*).] Is it true that you put your fist into that gentleman's face the other evening when leaving this court?—I will be on my oath upon it, and will bring witnesses to prove that it was not.

3905. Mr. Baron *Martin* (to Mr. *Womersley*).] Will you state what this man did to you?—I was leaving this court last Friday after the court was over, and as soon as I got out of the place there was a good deal of yelling and hooting at me as soon as they saw me, and this person steps out before me and came to me, and says, "Hoo! hoo!" in my face as I was going down, and I particularly looked at him at the time.

WILLIAM NEWTON, sworn again.

3906. Mr. Baron *Martin*.] WHAT do you say to that; you have heard what Mr. *Womersley* said?—Mr. *Womersley* said I insulted him on last Friday evening; I will bring a witness to prove that I did not.

3907. What do you say yourself?—I never spoke to the man.

3908. You said that did not occur which he has stated?—It did not; I will be upon my oath upon it; I am here to speak the truth; I have not spoke to the gentleman that I see at Mr. *Mackley's*.

Mr. Baron *Martin*.] It is not usual in

these matters to go into the question of proof; if a person who is charged with contempt of court denies upon his oath the contempt imputed to him, it is usual for it to drop.

Mr. *Rodwell* stated that he felt that those who instructed him had been most grievously and unfortunately misled by the statements of other witnesses, and he did not think that he should be justified in occupying the time of the court by proceeding further with that part of the case.

W. Newton.

Mr. JOSEPH DE CARL SMITH, recalled; further Examined by Mr. *Keane*.

3909. I THINK about 12 o'clock on the election day you were induced to go to *Mackley's* at the "Marquis of Granby"?—I think it must have been later than 12; I should think nearer one than 12.

3910. Will you tell us why you went down, and what you saw there?—I went down because I was informed by Mr. *Wormersley*, and I think by Mr. *Harper*, when I was engaged with Mr. *John Kitton* in his counting-room on business, that there were a great many people at the "Marquis of Granby" who were waiting there to be bribed; I could not believe it, but I said "I will go with you where, and ascertain the fact, and do all I can to prevent it." I immediately went with those gentlemen to the "Marquis of Granby," and if his Lordship will allow me I will tell him exactly what took place; I went immediately with the gentlemen down to the "Marquis of Granby;" I went into the house; it seems that the entrance into the house is a sort of bar where they sell liquor, a narrow passage; Mr. *Wormersley* stopped in the passage; I did not; I went through into the yard to see where the voters were; I there met a man who has given evidence this morning, and I said to

him, "Are there many voters here?" He said, "No sir, they are not here, but if you want them I can soon get them"; "Well," I said, "You go and get them"; I do not know his name; he left to collect those voters together; I went round and came outside into the street, and I said, I think it was to Dr. *Brownfield*, "Doctor, it is no use our staying here; those men want to be bribed; there is no question about the fact; I shall go." In less than a minute or two Dr. *Brownfield*, Mr. *John Kitton*, myself, and Mr. *Wormersley*, walked away from the place, and we did not go back; I did not, nor did any of those gentlemen to the best of my knowledge; I want as much as any man in Norwich to stop the corruption that surrounds us.

Mr. *Rodwell* stated that he ought to make the same remark with regard to this case as the other, that there must have been some grievous mistake.

Witness.] There was not a word said to Dr. *Brownfield*, in my hearing, about money at all; the voters were not there; we did not see them even.

Mr.
*J. De Carl
Smith.*

Mr. JOHN BROWNFIELD, sworn ; Examined by Mr. Serjeant *Ballantine*.

Mr. J. Brownfield. 3911. ARE you by profession a surgeon?—
I am.
3912. And registrar I believe of this district?
—Yes.

18 January
1869.

3913. I conclude that you have been in practice for a great number of years?—Yes.

3914. Were you at the “Marquis of Granby” upon the day of election?—Yes.

3915. Were you also at Morgan’s yard?—No.

3916. You were at the “Marquis of Granby” only?—Yes.

3917. Did you promise a single farthing, or mention any money in any way whatever there?—Certainly not.

3918. Is there one single word of truth in what has been imputed to you?—Not one.

Mr. JOHN KITTON, sworn ; Examined by Mr. Serjeant *Ballantine*.

Mr. J. Kitton. 3919. WHAT are you?—A wholesale grocer at Norwich.

3920. Have you carried on business for many years in Norwich?—Yes.

3921. Have you heard what has been stated

in relation to Morgan’s yard and the “Marquis of Granby”?—Yes.

3922. Is there one word of truth in it?—Not one word.

Mr. SAMUEL DAYNES, sworn ; Examined by Mr. Serjeant *Ballantine*.

Mr. S. Daynes. 3923. WHAT are you?—I am a printer by trade.

3924. On the day of the election were you at the “Marquis of Granby” at all?—I was.

3925. Were you at Morgan’s yard at all?—I was not.

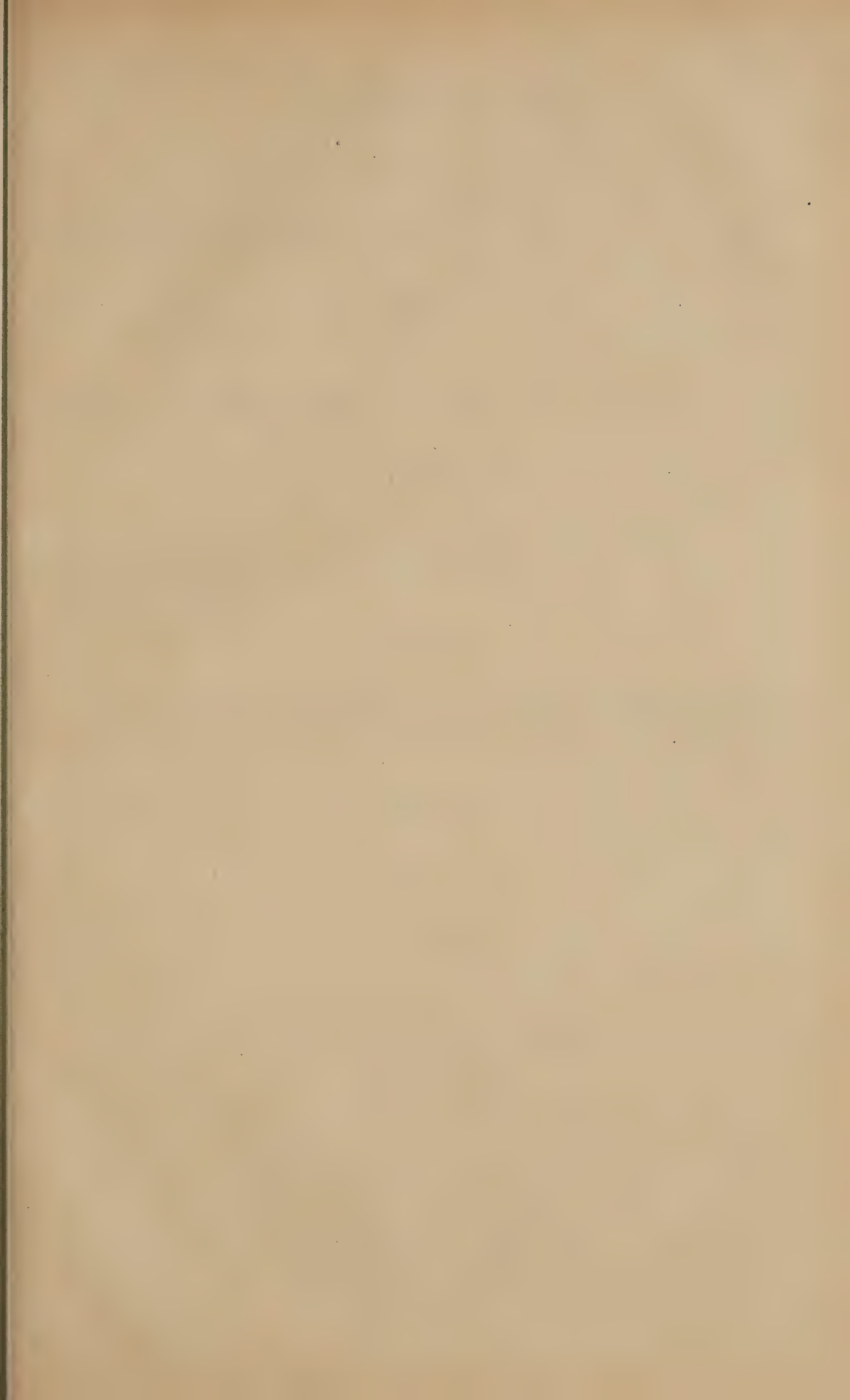
3926. At the “Marquis of Granby” did you offer any money, or promise any money, or talk about it in any way whatever?—I did not, except in one respect I talked to some gentlemen that I have seen here this morning; the occasion of my going there was a rumour that had reached us, and I went down to ascertain the truth of it, and, in a conversation which I had with Mr. Smith and Mr. Wormersley, we alto-

gether repudiated the idea of bribery being even considered on our side.

3927. Mr. Baron *Martin*.] As far as you know it was a pure election on the part of Mr. Tillett?—I know of no act in connection with the election on the Liberal side but what was perfectly pure.

Mr. Serjeant *Ballantine* stated that that was all the evidence which he had to offer upon that part of the case.

Mr. *Rodwell* was heard to address the court again with regard to the case on the part of Sir Henry Stracey, with a view to exonerate him from the charge of cognizance of bribery, and also upon the question of agency.



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TAKEN AT

THE TRIAL

OF THE

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16 March 1869.*

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R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

THE SLIGO BOROUGH ELECTION PETITION.

IN the matter of the Petition of Michael Foley and Joseph Foley, Petitioners
Major Lawrence Edward Knox, M.P., Respondent.

THE matter of this Petition (of which I annex a copy) came on to be tried before me, at Carrick on Shannon, on the 19th day of February last, and continued four succeeding days, in presence of the parties, their counsel and agents; and having heard the evidence, and what was offered on both sides, I did then determine and do accordingly certify,

That the last election for the said borough of Sligo was a void election.

That the said Major Lawrence Edward Knox was not duly elected to serve in Parliament for the said borough of Sligo.

That the said Major Lawrence Edward Knox was by his agents guilty of bribery at said election; and I hereby report,

That it has not been proved before me that such bribery was committed by, or with the knowledge or consent of, the said Major Lawrence Edward Knox; and I do further report,

That John Shiel, a voter, did, immediately before said election, receive money and goods to the amount of 8*l.* 6*s.* 2*d.* from Stephen M. Cherry, acting on behalf of the said Major Lawrence Edward Knox, and did agree to receive a further sum of 31*l.* 13*s.* 10*d.* from the said Stephen M. Cherry, for agreeing to refrain from voting at said election, and was guilty of bribery.

That Patrick Neilan, Patrick Flynn, Martin Mulligan, and Charles Tiernan, received money for agreeing to vote for the said Major Lawrence Edward Knox at said election, and were guilty of bribery.

That, in addition to the persons whose names I have so reported, it was proved by the evidence of the said Major Lawrence Edward Knox, and other testimony, that divers of the electors of said borough, from 30 to 40 in number, were in the habit of applying for payment of money directly to the said Major Lawrence Edward Knox, and to other persons acting on his behalf, in consideration of their agreeing to vote for, or to refrain from voting against, the said Major Lawrence Edward Knox.

That Thomas Brennan, Stephen M. Cherry, John H. Galbraith, Robert Stokes, William A. Woods, and Joseph L. Woods, were proved to have offered and promised various sums of money to divers electors of said borough in order to induce said electors to vote for the said Major Lawrence Edward Knox, or to refrain from voting for Captain John Flanagan, a candidate at said election, and were guilty of bribery.

And I do report that corrupt practices have extensively prevailed at the said election for the borough of Sligo; and

That a system of intimidation and violence was organised and carried out for months previous to and during the said last election for the said borough of Sligo, subversive of freedom of election, and endangering the lives and properties of the electors; and outrages were committed previous to and during the said election, which were calculated to deter, and did in fact deter, electors from exercising their franchise at said election, but such intimidation and violence was almost entirely practised by large mobs of persons acting in opposition to the said Major Lawrence Edward Knox; and it was proved before me, that such intimidation was continued in said borough of Sligo from the time of said election down to and during the trial of said Election Petition.

Given under my hand this Second of March, One thousand Eight hundred and Sixty-nine.

WILLIAM KEOGH,

Judge of the Court of Common Pleas on the Rota for
the Trial of Election Petitions in Ireland.

To the Right Honourable
The Speaker of the House of Commons.

THE copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand writer, who was duly sworn before me faithfully to take down the same pursuant to the Statute, accompanies this my certificate.

WILLIAM KEOGH.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION for the Borough of Sligo, holden on the 19th day of November, in the Year of our Lord 1868.

THE PETITION of *Michael Foley*, of Water-lane, in the Borough and County of Sligo, and *Joseph Foley*, of No. 8, Knox's-street, in the Borough and County of Sligo aforesaid, whose names are subscribed.

1. Your Petitioner, Michael Foley, is a person who voted at the above election, and your Petitioner, Joseph Foley, is a person who voted at the above election.

2. And your Petitioners state that the election was holden on the 19th day of November, in the year of our Lord 1868, when John Woulf Flanagan and Lawrence Edward Knox were candidates, and the returning officer has returned Lawrence Edward Knox as being duly elected.

3. And your Petitioners say that before, during, and after the said election, the said Lawrence Edward Knox, by himself and his agents, and by other persons on his behalf, directly and indirectly, did give and lend, and agree to give and lend, and did offer and promise, and did offer and promise to procure, and did promise to endeavour to procure, money and other valuable considerations, and also offices, places, and employment to and for divers persons having votes at the said election, and to and for other persons on behalf of such voters, in order to induce such several voters to vote, or refrain from voting, at the said election; and did also corruptly make such gifts, loans, and promises of many and other valuable considerations, and of offices, places, and employments to divers voters at the said election, and to other persons on behalf of such voters, to induce such voters to abstain from voting, or on account of such voters having voted, or refrained from voting, at the said election; and did also make such gifts, loans, offers, and promises as aforesaid, to divers persons, in order to induce them to procure, or endeavour to procure, the return of the said Lawrence Edward Knox to serve in the present Parliament for the said Borough of Sligo; and did also advance and pay, and caused to be paid, money to and to the use of certain persons, with the intent that such money, or some part thereof, should be expended in bribery at the said election.

4. And your Petitioners say that the said Lawrence Edward Knox, by himself and his agents, and other persons on his behalf, directly and indirectly, did pay and give, and agree to pay and give, or promise to pay and give, monies to divers persons, and to divers other persons having votes at the said election, on account of the conveyance of voters who voted at the said election, contrary to the provisions of the Statute in that behalf.

5. And your Petitioners say that before, during, and after the said election, the said Lawrence Edward Knox, by himself and his agents, and by and with other persons on his behalf, directly and indirectly, corruptly gave and provided, and did knowingly allow to be given and provided, and was accessory to the giving and providing of, and did wholly or in part pay for, meat, drink, entertainment, and provisions to and for divers persons having votes at the said election, and to and for other persons on behalf of such voters, in order to be elected, and for being elected, and also for the purpose of corruptly influencing such persons and other persons to give, or refrain from giving, their votes at the said election; and did also so do to divers persons on account of such persons having voted, or refrained from voting, or being about to vote, or refrain from voting, at the said election.

6. And your Petitioners say that the said Lawrence Edward Knox did, by himself and his agents, and by other persons on his behalf, directly and indirectly, make use of, and threaten to make use of, force, violence, and restraint, and inflicted and threatened the infliction of injury, loss, damage, and harm, and did in divers other ways practice intimidation

dation on certain persons having votes at the said election, in order to induce or compel such persons to vote, or refrain from voting, or on account of such persons having voted, or refrained from voting, at the said election; and did, by abduction, duress, and other fraudulent devices and contrivances, impede, prevent, and otherwise interfere with the free exercise of the franchise of divers voters at the said election, and did thereby compel, induce, and prevail upon such voters either to vote, or refrain from voting, at the said election.

7. And your Petitioners say that the said Lawrence Edward Knox, by himself and his agents, did influence and procure several persons to vote, and to record their votes, in favour of the said Lawrence Edward Knox, although the said persons were at the time of so voting, to the knowledge of the said Lawrence Edward Knox and his agents, prohibited and disqualified by Statute from voting.

Whereupon your Petitioners pray that it may be determined that the said Lawrence Edward Knox was not duly elected or returned, and that the said election was null and void.

MICHAEL FOLEY.
JOSEPH FOLEY.

Present when signed by the said Petitioners,

PAT KEIGHRON, J. P.

Received this 12th of December 1868.

C. G. BURKE.

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MINUTES OF EVIDENCE

TAKEN before the Right Honourable Mr. Justice *Keogh*, on the TRIAL of the ELECTION
PETITION for the BOROUGH of SLIGO, at the Court House, *Carrick-on-Shannon*.

Friday, 19th February 1869.

MICHAEL FOLEY and JOSEPH FOLEY - - - - Petitioners.
Major LAWRENCE EDWARD KNOX - - - - Respondent.

Mr. *Coffey*, Q.C., Mr. *Palles*, Q.C., Mr. *Waters*, Q.C., and Mr. *O'Loughlin* appeared as Counsel for the Petitioners. Mr. *Michael Molony* appeared as Agent. 19 February 1869.

Mr. *Macdonogh*, Q.C., Mr. *James Robinson*, Q.C., Mr. *W. H. Kay*, LL.D., and Mr. *Hartigan* appeared as Counsel for the Respondent. Mr. *William Lawder* appeared as Agent.

Mr. *Coffey* was heard to open the allegations of the Petition.

JOHN SHEIL, sworn; Examined by Mr. *Palles*.

1. I BELIEVE you are a voter for the borough of Sligo?—Yes.

2. What occupation are you?—I am a Chandler.

3. In whose employment?—John Connolly's.

4. That is Mr. Connolly of Sligo?—Yes.

5. Do you know a Mr. Stephen Moor Cherry, or Mr. Stephen M. Cherry?—I do.

6. Does he reside at Sligo?—Yes.

7. What trade does he carry on?—A general drapery.

8. In the end of last year, 1868, before the election, did you owe Mr. Cherry any money?—I did.

9. How much?—£.5 10s., or thereabouts.

10. Do you remember seeing Mr. Cherry at any time before the election; was any message brought to you to go to Mr. Cherry?—There was.

11. Were more messages than one brought?—There were.

12. Did you go to him more than once?—I did, two or three times; I was sent for each time.

13. We will take the first time. About how long before the election was that?—The Monday week before it I was sent for.

Mr. Justice *Keogh*.] What day of the month was it?

14. Mr. *Palles*.] The nomination was Tuesday, the 17th of November, and the polling on Thursday, the 19th. You say the Monday week before that?—Yes.

85.

15. Will you tell his Lordship what passed between you and Mr. Cherry the first time you went there?—I did not go to him when I was sent for the first time, and when I went to him he brought me upstairs, and he told me that I was an old customer of his, and he would wish to do something for me; that he had it now in his power. He would not ask me to vote for Major Knox, but if I would leave the town he would make it worth my while. I said that if I would do that I might not come back to town again; and he said, "Oh, it was no matter about that, for he had been speaking to the Major about me on the evening before, and he said that he himself would find me employment, no matter whether it was at my own or not, should it interfere with my business in Sligo."

16. What did you say to that; tell us all the conversation?—I said that I would speak at home about it. He told me not to speak at home about it, for that would ruin all; but to think over it till the next morning at breakfast time, and go back and tell him. I did not go back until he sent for me.

17. Have you substantially told me everything that you remember about that first interview?—Yes.

18. Was there anything about America in the first interview?—No.

19. You then left; when did you go back to him?—He sent for me, I think, the following day or the day after.

A

20. That

John Sheil.

John Sheil.
19 February
1869.

20. That would be Tuesday or Wednesday?—Thursday. I did not go to him at first until Wednesday; when again on Thursday he sent for me, and it was arranged then.

21. Then you went to him?—I went to him.

22. Where was it that you saw him the second time?—The boy came to Mr. Conolly's shop for me the second time. I happened to be in the shop at the time, and went down to Mr. Cherry.

23. Do you know the name of that boy?—I do not; I know him well by eyesight.

24. You know him by appearance?—By appearance.

25. Do you know in whose employment he is?—Mr. Cherry's employment.

26. And has been so for some time?—For years.

27. Would you know him again?—Yes.

28. Where was it that you saw Mr. Cherry the second time; in his own house?—He was in his own shop, and he brought me upstairs again.

29. To the same room?—To the ware-room.

30. Tell us all the conversation that occurred between you and Mr. Cherry on the second occasion?—He had a decree against me for a balance of a large amount, and I was afraid that he would put me into gaol on the head of that decree if I would not go according to what he wanted me to do; therefore, I took in hand for to leave Sligo, and he was to give me 40 l.

31. When you took it in hand, what did you tell Mr. Cherry, or what did Mr. Cherry tell you?—He told me that if it would interfere with me, either in my business, or in any way even to my safety, he would look after it, and I would not be a loser by it. This decree was then in existence, and I thought the best way for me to do was to say that I was going to America, in order for to get a clear receipt.

32. Then you told Mr. Cherry that you were going to America?—Yes.

33. Go on, and tell me everything that Mr. Cherry said to you and you said to Mr. Cherry, as well as you remember?—Well, he said he could give me a letter to a friend of his in America, and that he was sure he would do all he could for me, and that was the whole of it.

34. Did he say anything about money; tell me what he did say about money; you said something about 40 l.?—At first he offered me 30 l., which I objected to.

35. What did he offer you the 30 l. for?—For to leave the town during the time of Major Knox's election.

36. You refused the 30 l.?—I did.

37. What did he offer you then?—He said he would put 10 l. more to it; that was 40 l.

38. What did you say to the 40 l.?—I agreed to it.

39. Was there any talk between you as to how that 40 l. should be paid?—There was.

40. Tell me, as well as you remember, everything that took place?—The balance that was due, along with a little extra goods and 1 l. of cash, he gave me a receipt for, and in that receipt there are pencil marks from that to the difference of 20 l.

41. Look at that receipt, and then give it to me back if that is the document (*handing the receipt to the Witness*); is all that in Mr. Cherry's handwriting?—It is.

[*The document was put in and marked, and is as follows:*]

"33, Castle-street, Sligo,
November 1868.

"Mr. John Sheils,

"To Stephen M. Cherry,

Dr.

	£.	s.	d.
"To balance - - - - -	5	16	8
	1	9	6

7 6 2

"Cash - - - - - 1 0 0

20

8 16 2

8 6 2

11 3 10

"S. M. Cherry."

42. Do you see those figures 20 at the bottom?—I do.

43. And the deduction from it?—£. 8 16 s. 2 d. deducted from it.

44. I see that the amount of that account is 7 l. 6 s. 2 d.; did you owe that sum to Mr. Cherry at the time?—Yes.

45. Part of that, you say, there was a decree for?—Yes.

46. I observe a sum of 1 l. under that; did he give it you on that occasion?—Yes.

47. That bill is receipted; did you give Mr. Cherry money in any way for that 8 l. 16 s. 2 d. I observe at the bottom 8 l. 16 s. 2 d., and a balance brought out; did you see Mr. Cherry write that?—I did.

48. Did he say anything to you when he wrote it?—He said he would not put a date to it, for it might be taken for election purposes.

49. You were not paid at that time the 11 l. odd?—I was not.

50. Was there any conversation between you and Mr. Cherry as to how that 11 l. odd should be paid?—There was; it was to be paid to my friends at home.

51. Who are your friends?—Two sisters. When I was to leave for America, he was to send that money.

52. Did you ask Mr. Cherry, or how was it, that this balance, 11 l. 3 s. 10 d., was to be given to your sisters and not to yourself?—It was my own request that he should pay it that way.

53. I suppose you had been the support of your sisters?—Yes.

54. That was only 20 l.; was there any conversation as to how you were to get the other 20 l. to make up the 40 l.?—There was.

55. What was it?—He read a letter to me to some merchants at Dublin, with a bank order in it for 24 l. or 25 l., I do not remember which; they were to take a balance that he was due to them out of it, and I was to get 20 l. on the morning after the election at Sligo.

56. You were to call on them?—I was to call on them.

57. Do you know the names of those merchants that you were to call upon?—I disremember it now.

58. Look at that envelope (*handing one to the Witness*); do not take out what is inside it; he gave you that envelope at that time?—He did.

59. Did you see him write it?—I did not.

60. He gave it to you?—He gave it to me.

61. Do you know whose handwriting that is in; if you are not sure, do not say so?—I am positive

positive it is his handwriting, for I have seen a great deal of his handwriting.

62. At the time he gave it to you, did you see him put anything in that envelope?—I did not.

63. Did you open that envelope afterwards?—I did.

64. Did you see in it that card (*shewing one to the Witness*)?—I did.

Mr. *Palles* stated that the card had upon it, "Mr. Stephen M. Cherry" in ordinary copper plate, and the initials "S. M. C."

65. Do you know in whose handwriting those letters "S. M. C." are?—I will swear to his initials.

66. Did you also find this document (*shewing one to the Witness*) in the envelope when you opened it?—I did.

[*The document was put in, and marked, and is as follows:—*]

"MEMORANDUM.

186 .

From *Stephen M. Cherry*, Sligo, to —.

Mr. *Palles* stated that the envelope was addressed, Messrs. Cooter, Brodie & Co., wholesale stationers, 16, Lower Ormond Quay, Dublin.

67. Did he tell you what you were to do with that envelope?—I was to deliver it to the address, that is all.

68. The day after the election?—I do not know that; but as soon as I would go to Dublin, of course I would give the paper that I had to the parties they were for.

69. The 20*l.* was to be paid to you the day after the election?—Yes.

70. You say that you saw him put a bank order into an envelope?—I did.

71. Did you see that envelope directed yourself?—I did not.

72. Did he tell you to whom he was sending that envelope?—Coster, Brodie & Co.

73. He did not give you that letter; it was sent some other way?—He held it in his hand while he read it to me across the counter in the ware-room.

74. What was in the letter that he read to you?—It was telling them that he remitted so much money, that they were to keep the balance of so much; 4*l.* or 5*l.* odd, I disremember which, and the remaining 20*l.* was to be given to me, and above all for to watch that I should not get it for to return to Sligo before the election.

75. Will you look at that envelope directed to Mr. Hughes; did he give you that document?—He did.

76. What did he say when he gave it to you?—I was to call at that address.

77. When you called at Hughes's address, what were you to do, or what were you to get there?—"And you'll be seen all right when you get there."

78. This is addressed, "Mr. Hughes, 23, Queen-street, Dublin." Do you know in whose handwriting that is?—I do not; it is not his.

79. Had he this envelope written before you came in, or did he go again out of the room, do you remember?—He had it in his breast pocket.

80. You yourself, I suppose, do not know Mr. Hughes?—I do not.

81. Was it arranged that you were to stop at

Mr. Hughes's when you were in Dublin?—Until after the election, unless that I could get a vessel for to bring me to America before the election was over. In that case I was to get the money before it.

82. Was there any conversation with you at that time as to how you were to leave Sligo?—There was.

83. What did Mr. Cherry tell you?—That he wanted me at the time when he saw me first, at least the second interview, for to leave on the spot, and not wait until the end of the week, because that there might be a look-out for voters, and I said that I could not leave before Sunday, and then it was arranged that he would have a car from Mrs. Buchanan's for me, and it was to meet me outside the town, or at least it would be there waiting for me, and I could ask the driver if that was the way to the "Gold Rappers;" and he was to answer, "All right, jump up." However, I got out of the town.

84. I am asking you the conversation you had with Cherry; was it arranged by which route you were to go to Dublin?—It was.

85. Which was it?—By Manorhamilton, "Black Lion," Enniskillen, and then by train to Dublin.

86. You were to drive to Enniskillen?—Yes.

87. You were not to go out of the town by a car, but to be overtaken by a car; were you told where you were to stop the first night?—In the "Black Lion."

88. Look at that document (*handing one to the Witness*)?—This is it, "Mrs. Buchanan, Black Lion."

89. Mr. Cherry gave you that upon that occasion?—Yes.

90. Do you know in whose handwriting that document is?—I do not.

91. Had he that ready prepared when you went in?—Yes.

92. About how many miles is it from Sligo to Enniskillen by Manorhamilton?—I think it is 34 or 35 miles.

93. Irish miles?—Thirty Irish miles, I have heard it called.

94. You told me there was a conversation about your going to America; did he give you a letter to take to a friend in America?—He did.

95. That is the letter, and the envelope (*handing them to Witness*)?—This is it.

[*The letter was put in, and marked, and is as follows:—*]

"Sligo, 14 November 1868.—Dear Mr. Logan, —The bearer, John Sheils, is an old customer of mine, whom you doubtless remember. If you can do anything by way of getting him a situation, I will feel greatly obliged. I should have replied to your last much sooner. You have got your election over, and Grant returned. The right man, I say. We are on the eve of our elections here; next week they begin. Do anything you can for the bearer. All well here. —Yours, very sincerely, S. M. Cherry." (The envelope is addressed, Mr. John Logan, Broadway, and 10th street, New York).

96. It was arranged that you were to go away upon the Sunday at six o'clock in the morning?—Yes.

A 2

97. Did

John Sheil.

19 February 1869.

John Sheil.

97. Did you, on the Sunday morning, walk out of town?—I did.

19 February 1869. 98. Were you afterwards overtaken by a car?—I was.

99. You had not ordered that car yourself?—No.

100. When you were overtaken by the car, what happened?—I mentioned the words I was told, and he told me to get up.

101. You did get up?—I did.

102. Can you tell me the name of the man who drove that car?—I believe it was Dan M'Gowan.

Daniel M'Gowan, called.

103. Is that the man?—It is.

104. Did he give you a document?—He did.

105. Is that it (*handing one to Witness*)?—That is it.

106. Do you know the handwriting; if you are not sure, do not tell me?—Well, I think it is.

107. You think it is whose?—Mr. Cherry's.

[*The document was put in, and marked, and is as follows:—*]

"Go on to Enniskillen without stopping. The driver will tell you where to stop there. Pay for your bed, &c.; it will be settled in Dublin. This was arranged since I see you."

108. Was there any person else on that car?—There was, an old lady.

109. Do you know her name?—I heard the landlady of the hotel in Manorhamilton call her Mrs. Cole.

110. Where did you go in that car; did you go to Enniskillen ultimately; first you went to Manorhamilton?—To Manorhamilton, and changed cars at the hotel in Manorhamilton, and went into Enniskillen straight.

111. Who was it that arranged about getting another car; was it you?—The driver.

112. The man who was produced to you?—Yes.

113. He drove you on to Enniskillen?—He did not.

114. You did not pay for the second car?—I did not.

115. Do you know the name of the person in Manorhamilton from whom that second car was got?—Johnson, I believe.

116. What were the words that you were to tell M'Gowan when he overtook you?—"Was that the way to the 'Gold Rappers'?"

117. And he was to say "all right"?—"All right."

118. I believe that ultimately you did return to Sligo?—I did.

119. You did not go to Dublin?—I did not.

120. You voted for Captain Flanagan?—I did.

121. When was it you returned to Sligo?—On the Tuesday morning before the election.

122. That was on the day of the nomination, I suppose?—Yes.

123. I suppose you paid your own expenses back to Sligo?—I did.

124. Tell me, were you offered by any person money since the election to give up those papers?—I was.

125. By whom?—That is what I do not know. I do not know the man.

126. Would you know his appearance if you saw him again?—I would.

127. Do you know Mr. Thomas Wilson?—He is very like the man, but not him.

Thomas Wilson, called.

128. Is that the gentleman?—It is not.

129. What was it this man told you?—He told me that I had papers upon the Saturday night.

Mr. Macdonogh objected to the question.

Mr. Palles stated that he might afterwards be able to prove agency, and in the meantime the evidence was admissible.

Mr. Justice Keogh ruled that an isolated act, and not a portion of the alleged bribery, but a transaction altogether of another nature, was not admissible till agency had been proved, in which case he would allow the Witness to be recalled.

Cross-examined by Mr. Macdonogh.

130. Well, Mr. Shiels, had you any intention of going to America?—Not the slightest.

131. You were telling a little fib?—Exactly.

132. And you were telling that for the purpose of deceiving Mr. Cherry?—Yes.

133. So that the purpose you had in view was deception, and the thing was a lie; do you not assent to both? Quite right; and it was all humbug about giving the money to your sisters?—It was not.

134. You intended to stay away, and that they should get the 1 l. a-week?—No; this is what I intended; that they should have money at any time that they wanted it, even before the election, and that was the words.

135. And you got a letter of introduction to a man of the name of Logan, in America, I see?—Yes. (*The letter was placed in Witness's hands.*)

136. When did you open the envelope?—Immediately after I got home.

137. Do you mean after you got home from Dublin?—I did not go to Dublin; when I got home from Enniskillen.

138. Who was present when you opened the letter addressed to another man?—Mr. John Connolly; it was him who opened it.

139. And broke the seal?—Yes.

140. Mr. John Connolly broke the seal of a letter addressed to one Logan?—Yes.

141. Mr. John Connolly was your landlord, was he not?—No; my employer.

142. How much did you get for coming back?—Nothing.

143. How much were you promised?—Not a penny.

144. Then while you were negotiating with Cherry, and getting the 1 l., and procuring these documents, you never intended to come and vote for Major Knox?—I did not.

145. You were humbugging Cherry?—Because he thought to humbug me.

146. He thought to humbug you, and you humbugged him?—He had an iron rod over my head, and I thought I might as well get from under it.

147. You got from under it?—I did.

148. You got the money besides?—I did.

149. And you intended to deceive him?—Certainly.

150. And

150. And you were bribed?—You may call it what you like.

151. I will make you call it; were you not bribed?—I do not know.

152. Will you swear you do not know whether you were bribed or not?—I will swear.

153. You will swear that when you were forgiven a debt, and got money and a promise of 20*l.* more, that you were not bribed to abstain from voting?—Yes.

154. When did you arrange this plant for Cherry?—I never arranged it till he sent for me.

155. And then did you communicate with anybody in order to do it?—No, certainly not.

156. You did it all from your own head?—Exactly.

157. You did not tell it to Connolly?—I did.

158. Did you tell him that Cherry had sent to you, and was talking to you, and wanted you to go away?—I told him he offered me 40*l.* to leave the town.

159. You told him that before you finally agreed with Cherry?—Certainly.

160. I am trying to find out of my own head, by guesswork, what you did; did Connolly tell you that was a good job?—He did not.

161. Did he tell you to go on?—He did not.

162. What did he tell you?—He advised me off it.

163. That it was a bad business?—Yes.

164. Did he tell you it was a disgraceful thing to be bribed?—He told me nothing about it; but he told me it would not do for me to do that.

165. To do what?—For me to leave town at such a time.

166. And you said you would not; that you would pretend to leave?—Just so; I did not tell him that I would pretend to leave town.

167. Did you tell him that, though you would pretend to agree with Mr. Cherry, you would vote for Captain Flanagan?—I did not.

168. Did he advise you to vote for Captain Flanagan?—He advised me to stay at home, and not go.

169. And you came back?—Yes.

170. And with Mr. Cherry's money in your pocket you voted for Captain Flanagan?—Certainly.

171. Who is Mr. Cherry?—Who is he.

172. Yes; what part of the town does he live in?—He lives in Castle-street.

[The Witness withdrew.]

Mr. Justice *Keogh*, at the request of Mr. Pallas, stated that if the witnesses told the truth fairly, a certificate of indemnity would be given them.

DANIEL MCGOWAN, sworn; Examined by Mr. *Waters*.

173. WERE you in the employment of Mrs. Buchanan in November last?—Yes.

174. Mrs. Buchanan lives in Sligo?—Yes.

175. Does she keep post cars?—She does.

176. Did you get any orders with reference to taking a car on the road to Enniskillen, after a man named John Sheils?—I got no orders to take a car after a man of the name of John Sheils; I did not hear his name mentioned before I heard it to-day; I did not know the man's name.

177. Did you receive orders to go after a man who was to say some passwords?—I remember, one morning, I was going to Manorhamilton with a lady (I do not know the day of the month), and I was told if I were to meet him on the road I was to lift him, and so I did.

178. Who told you that?—My mistress; my own employer.

179. Did she tell you that the man in the road would say any words to you, or how were you to know him?—Well, I must think of that, for I did not keep it much in memory; I did not pass any remarks upon the thing at all.

180. Have you thought of it now, and are you able to tell his Lordship?—I drove parties from time to time, and I never passed any remarks upon them; I must think if there was anything.

181. Mr. Justice *Keogh*.] Just think, and answer the question?—I beg your pardon, what was the question?

182. Mr. *Waters*.] How were you to know the man in the road?—The man was to ask me, I think, the way to the "Golden Rappers," and I was to tell him to get up; I think that was it.

183. Do you mean to say your mistress told you that?—Yes.

184. Was anyone in her company when she told you that?—I think not.

185. Are you sure, now; your memory does

not seem good; try again?—There might; I think not at that time she told me that.

186. When did she tell you that?—Well, it was the night before, I think; she generally gives the orders when we are going out at night, if there are any early orders.

187. Are you quite sure there was no one in her presence when she told you that the man was to say these words?—I think not.

188. Do you know Mr. Cherry?—It is very lately since I knew him.

189. Do you see him now (Mr. *Cherry* called)?—I do.

190. How long have you known him?—I drove him one time to The Point myself with some ladies, and that was the first time I knew him. I heard he was Mr. *Cherry*.

191. How long ago was that?—It was long before the election.

192. Did you see him with your mistress that evening?—Well, I saw him; I do not know whether they were both together or not; I do not recollect.

193. Did you see him in your mistress's place?—I did not.

194. Not at any time?—Not that evening.

195. That day?—I did not.

196. The day before?—Not the day before.

197. When did you see him in your mistress's place?—I do not think I did see him there in my life to my knowledge; never.

198. Or in the yard?—Or in the yard, to my knowledge.

199. Or anywhere near it?—Or anywhere near it.

200. Did you get a piece of paper to give to the man?—I did.

201. Who gave you that?—It was Mr. *Cherry*, I think, to the best of my opinion.

202. When did he give you the piece of paper to

John Sheil.

19 February
1869.

D.
McGowan.

D. to give to the man?—He gave it to me that night.
 McGowan. 203. Where did you see Mr. Cherry when he gave you the piece of paper to give the man?
 19 February 1869. —I saw him in Mr. Stokes's.

204. That is, Mr. Stokes, the saddler?—Yes.

205. Who else was there; was Mr. Stokes there?—He was there, I think, part of the time.

Mr. Stokes called.

206. That is Mr. Stokes behind you?—It is.

207. Who else was there besides Mr. Robert Stokes?—There was another gentleman; I do not know who he was.

208. Did you ever see him before or since?—Not to my knowledge, since or before.

209. What sort of a man was he?—He was a gentlemanly looking man.

210. Was he a tall man or a short man; did he wear a moustache?—Well, I disremember whether he did or not.

211. You swear you do not know his name?—I did not know his name.

212. Was he a large stout man?—Middling.

213. Where were you in Mr. Stokes's house when Mr. Cherry gave you this piece of paper; were you in the shop or in the room off of it, or upstairs, or where?—I was in some part of the house; I think it was in a room.

214. Was it upstairs?—No, I think not; not to my knowledge.

215. It was in a room behind the shop, was it?—Well, I think so.

216. Is that the piece of paper you got from him (*handing one to the Witness*)?—Well, I could not say; I did not pass any remarks upon the paper.

217. Did you read it?—I do not know whether I did or not.

218. Did you read it?—I do not think I did.

219. At any time?—I do not think I did at any time.

220. Before you gave it to the man?—I do not mind whether I did or not; I kept the piece of paper, and gave it to the man.

221. Can you read?—A little, not much; some writing I can read, if it is plain writing; other writing I cannot.

222. Who gave you instructions to provide a car for a man you were to take up in the road to the place where you stopped, Manorhamilton?—I think it was myself partly said I would not go on any further than Manorhamilton with my horse, and I said I would get a car there for him; that is all I said.

223. To whom did you say that?—I suppose to the people that were present.

224. Did you say it to Mr. Stokes and Mr. Cherry?—I should think so.

225. Tell me how it was that you went to Mr. Stokes's house; who sent for you?—Well, I do not know who sent for me; I could not say that.

226. Who told you to go to Mr. Stokes's house?—Well, to the best of my opinion, I think it was the mistress.

227. When you went into Mr. Stokes's house, just tell us what passed between Mr. Cherry, Mr. Stokes, and you?—Indeed, I could not tell you that.

228. Have you no recollection of anything that occurred?—I did not mind of much that occurred at all; I could not tell it to you if I was on my oath.

229. Not anything that happened between you?—I do not mind.

230. Are you able to tell me, for instance, whether you went in at the front door or at the back door; which was it, the door that opens into Thomas-street or the door that opens into Castle-street?—I do not exactly mind what door I went into; but I came out by the other door.

231. Which door?—The door that opens down next to the hotel.

232. That is the back door, is it not?—I do not know whether it is the back door, the hall door, or what it is.

233. Is it the door of the shop?—No, it is not.

234. Who let you out there?—I think it was Mr. Stokes; I do not know; the door was open, and I went out.

235. Did Mr. Stokes go with you to the door, and let you out there?—I cannot remember whether he did or not.

236. Do you recollect where you left Mr. Stokes?—I do not know whether he was in the room or not when I left.

237. Were you paid anything by Sheils for the car?—Sheils gave me 1s.

238. Was that payment for the car; how many miles did you drive him?—He gave me 1s. to drink something, I think.

239. Who paid for the car?—I do not know.

240. Did you get payment for it?—No.

241. Did you take a bill for it up to anyone?—No.

242. Did you get any money from anybody else for yourself besides Sheils?—No.

243. Did you get money from Mr. Stokes or Mr. Cherry?—No, not for that.

244. For what did you get money from them?—I never got any money from Mr. Cherry in my lifetime, only the day I drove him to The Point along with the ladies; I think, if I remember, he gave me 1s.

245. Did you get money from Mr. Stokes?—No, never.

246. Were you driving much about the election time?—Yes, I was driving at the county election.

247. I am speaking about the borough election now, and you need not trouble your recollection by going beyond that; do you know two men of the name of McMullen?—I do not know two men named McMullen.

248. Do you know one man named McMullen?—I saw a man named McMullen.

249. What is his Christian name?—I do not know.

250. Is he a dyer by trade?—I think he is.

251. Did you drive him lately?—Well, I think I did drive him.

252. Where did you drive him; come, answer the question?—I drove him to Bondoran.

253. How long before the election did you drive him to Bondoran?—I could not remember; I did not pass any remark upon the time or date.

254. You must tell me the date; was it a month before?—I do not think it was.

255. Was it the day before?—I do not mind what day it was, right.

256. Was it before or after you drove Shiels?—Before.

257. How many days before you drove Shiels did you drive McMullen to Bondoran; was it the day before?—I do not mind whether it was the day before or the day before that; I do not remember.

258. Have

258. Have you seen McMullen since?—No.
 259. Where did you leave him in Bondoran?
 —I left him on the street, just.
 260. Did you leave him at any house; opposite any house you know?—I could not let him down in Bondoran rightly without leaving him opposite some house.
 261. What house did you leave him opposite?
 —We were in a house of the name of Moffatt's awhile, where we put up the horse.
 262. Do you know whether he stopped in that house?—No, he did not stop long.
 263. Do you know where he did stop in Bondoran?—I do not. I knew no more about him. I did not know where he was going or what his business was.
 264. Do you know whether he went to any place besides Bondoran?—I do not know, I did not axe him where he went.
 265. Did you see where he went?—I did not; when I was done with him I was attending to my horse, and I do not know where he went.
 266. What time did you reach Bondoran?—I do not know; I had no watch.
 267. It was between six o'clock in the morning and six o'clock at night, I suppose?—I had no watch.
 268. What time did you leave Sligo?—A little before day in the morning. I do not know what o'clock it was.
 269. How far was he out of Sligo when you picked him up?—He was not very far.
 270. How far?—I could not exactly tell you.
 271. Was he half a mile, a mile, or two miles?—I did not measure it.
 272. How far was he; was he half a mile, a mile, or two miles out of Sligo when you picked him up?—I do not think he was a mile, not more than half a mile.
 273. What was the password with him?—I do not know that he had any password; I was to call at a house for him; I do not know the name of the house.
 274. Who told you to call at a house for him?
 —The mistress.
 275. How many men were in the car the day you drove McMullen?—Two.

276. Who was the other man?—I do not know.
 277. Did you ever see him before?—I do not know that I ever saw him to my knowledge before; I did not know the man at all.
 278. Have you seen him since?—I am not long in Sligo; I did not know all the people in it, nor half of them.
 279. Have you see him since?—Never.
 280. Was he an older or a younger man than McMullen?—I thought he was younger looking.
 281. Had he a reddish beard?—I think he had.
 282. On your oath, do you know he was McMullen's son?—I do not know, on my oath, and did not at that time.
 283. Who paid you for that car?—I was not paid for it.
 284. McMullen did not pay you nor the other man?—No.
 285. Were you paid by anybody else?—No.
 286. Did you get any directions or instructions from anyone but your mistress with reference to McMullen?—No.
 287. Did you from Stokes?—No.
 288. Or Cherry?—No.
 289. Or from anyone but your mistress?—My mistress.
 290. Had you any conversation with anyone but your mistress about taking McMullen to Bondoran?—I had no conversation with anyone about taking McMullen to Bondoran, for I did not know whom I was going with, or where I was going.
 291. Have you, since you took him?—No.
 292. Do you know a man named Thomas Morrow?—I do not.
 293. A man that was in the police?—I do not.
 294. Do you know any man of the name of Morrow?—There are plenty of the name of Thomas Morrow, I suppose.

Mr. Macdonogh stated that at present he would not cross-examine this Witness.

[The Witness withdrew.]

PATRICK FLYNN, sworn; Examined by Mr. Coffey.

295. Do you live in Sligo?—I do.
 296. Are you a voter of the borough there?—Yes.
 297. Did you vote at the last election?—Yes.
 298. Do you know a man of the name of Thomas Brennan?—I do.
 299. Do you know where he lives in Sligo, usually?—No; he cannot be seen at present in it.
 300. When did he disappear?—After the election.
 301. Before that, had he been living in Sligo all his life?—He had.

Thomas Brennan, called. (No answer.)

302. Did you see Brennan shortly before the day of the election?—I did.
 303. Had you any conversation with Brennan?—I had.
 304. What did he say to you?—Oh, it is a long time before the election; in June last.
 85.

305. In June last you had a conversation with Brennan you say?—I had.
 306. What was that conversation?—There was an ejectment upon me for a year's rent for 10 l.
 307. Did you say anything to Brennan about that circumstance?—I did.
 308. What did you say?—He told me, before I spoke to him at all about it, he was sorry for it; he told me Knox was a very good man, and if I would authorise him to write to Major Knox he might get me out of it.
 309. What did you say to him when he made that offer to you?—I told him to do so.
 310. Did he tell you the result of the communication, or whether he had any communication with Major Knox on the subject?—He did.
 311. How soon after that first conversation did you see him?—That was upon Thursday, and he had a letter from Major Knox on Sunday morning to me.

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312. He told you so?—I have seen the letter.

313. Mr. Justice *Keogh*.] You say the letter; what letter?—The letter he got from Major Knox.

314. Mr. *Coffey*.] Did he show you that letter?—He did.

315. Did he read it for you?—He did.

316. Were you able to read it yourself?—A little.

317. Did he allow you to read it?—No, I saw him with a letter from Major Knox, and he read it.

318. What was it he purported to read from that letter?—I had promised to Mr. Brennan that I would vote for Major Knox if I would get myself secured; and accordingly he wrote to Major Knox, and he got an answer on Sunday morning.

319. What did he tell you or read to you, as the purport of Major Knox's reply?—Major Knox said, so far as I could learn, in the letter that he was happy to have it in his power to serve me, as I had become a friend of his.

320. Did you say anything to Mr. Brennan upon that?—I did; I told him I would vote for Major Knox, and no mistake in it.

321. Had you seen him at the chapel before that, on that same day; that Sunday that you refer to?—No.

322. Did you see him outside or near the chapel?—He called me coming from the chapel; I was out before him; and he said "I have good news for you; I have got a letter from Major Knox."

323. Did he read anything to you from the letter about paying the rent?—He did.

324. What was in the letter about paying the rent?—It stated that Major Knox was happy it was in his power to serve me, as I would vote for him.

325. Was there anything said in the letter about paying the rent?—Yes.

326. What was it?—Mr. Brennan was to pay the rent; he authorised him to pay the rent.

327. Did the letter say that he had authorised Brennan to pay the rent?—Yes.

328. When were the sessions to commence after that conversation?—About four or five days after that; this was on a Sunday; and the Thursday evening the money was paid for me in the court.

329. Were you present when the money was paid?—Yes.

330. To whom was the money paid?—Attorney Pollock.

331. Was he the attorney in the ejectment?—He was.

332. Who paid him the money?—Brennan.

333. How much was the money paid?—I have the receipt here; 10 *l.*, and the expenses attending it.

334. Had you taken any defence to this ejectment?—No.

335. When was it that you got the receipt that you have handed me now?—I got it in January last.

336. The last January of all?—Yes, last month.

337. It purports to be dated "23rd January 1869; No. 872, High-street, 10 *l.* Received from Mr. Patt Flynn, 10 *l.*, one year's rent, due the 'Viscountess Palmerston,' the 25th day of March 1868 (eight), out of the above holding. Received this 23rd day of January 1869, Stewart

and Kincaid, J. C. Delf Fox;" you say you saw that money paid in June last?—I did.

338. Do you know what became of the ejectment in the June Session; was anything done upon it?—It was called, and Mr. Pollock authorised Mr. Utrid Knox to let it stand over.

339. Who was Mr. Utrid Knox?—He was clerk of the quarter sessions.

340. Clerk of the peace, I suppose?—Yes.

341. What relation is Mr. Utrid Knox to Major Knox?—I cannot say; but I have seen him at the house.

342. Have you seen them together?—Yes.

343. Constantly?—I have been at Major Knox's, and seen him with him.

344. Did you ascertain or inquire what became of that ejectment that was postponed as you say from June?—I did in the following session, in October, after I was informed that it was not crossed out and settled for; and I spoke to Mr. Pollock to know why it was not crossed out and settled.

345. You found it still in the book at the October sessions, and you spoke to Mr. Pollock?—Yes.

346. What did you say to Mr. Pollock?—Mr. Pollock when he came into court made Mr. Knox cross it out.

347. How came you by this receipt?—I went twice before I got it.

348. To whom?—To Mr. Fox, my own agent.

349. Mr. Fox is the local agent for Stewart and Kincaid?—Yes.

350. You went twice to him?—Yes; he said he did not get the money from Mr. Pollock; I then went to Mr. Pollock, and brought an order down to get it.

351. From Mr. Pollock?—Yes.

352. What was the order?—A bit of a note.

353. When the bit of a note was handed from Mr. Pollock to Mr. Knox, he gave you this receipt?—About that time; some time after he sent his under bailiff to me.

354. Is that Tom Smith the bailiff?—The very man, Tom Smith.

355. Did you ever give a farthing for this to anybody?—No.

356. The 10 *l.* mentioned in that receipt; was that the 10 *l.* you saw paid by Brennan to Mr. Pollock?—It was; he paid more than 10 *l.*; something for expenses.

357. He paid something over the amount?—About 11 *l.* 10 *s.*, or something like that.

358. Have you ever paid back any of the money?—Not a shilling.

359. Did your acquaintance with Brennan continue from that time in June down to the day of the election?—It did; not to the day of the election; after the revision ceased.

360. Did you receive any sums of money from Brennan from the time of that transaction of the 10 *l.* down to the revision?—I did.

361. What money did you receive from Brennan?—About 5 *l.* or 6 *l.* entirely, off and on, just.

362. Do you recollect what was the first sum you received from him?—I think it was 17 *s.* 6 *d.*

363. Did you get any direction with respect to that 17 *s.* 6 *d.*; what you were to do with it, or what did you get it for?—To keep it for my pocket, of course.

364. When was the next sum you got?—About a week after.

365. How much did you get?—Fifteen shillings.

366. What

366. What was that for?—For my pocket.

367. Was anybody present when you got the 17 s. 6 d.?—I think so; they were a little back from me.

368. Who were the people?—I think a man named M^r. Mulligan.

369. Is he a voter?—He is.

370. Do you know a man of the name of James Gray?—I do.

371. Was he present when you got either of these sums?—He was.

372. Which of them?—Not the 15 s.; the last one.

373. The 15 s.?—No; but the last sovereign I got he was present.

374. On what occasion did you get that sovereign?—We met at Mr. Fox's, at Clevers, and got that sovereign.

375. Is that Fox, the bailiff's place?—The agents.

376. What money did you get?—A sovereign.

377. In his house?—It was not in the house; it was in the avenue.

378. In whose avenue?—Fox occupies it now.

379. Did Fox occupy it then?—Yes.

380. Mr. Justice *Keogh*.] It was not in Fox's presence?—No.

381. Mr. *Coffey*.] Who was present?—Kilcullen.

382. Is he a voter?—Yes.

383. And James Gray?—Yes.

384. Is he a voter?—He is not.

385. Anybody else?—Kilcullen's son too, I think.

386. Did you take the sovereign from Brennan, or did Brennan give it you?—He gave it to me.

387. What did he say to you?—"Here's this for you," said he.

388. And, nothing loth, you took it?—Certainly.

389. Did the other men that were there with you present upon this occasion get any money?—Kilcullen's son got a sovereign, too, the same night.

390. Is Kilcullen's father a voter, do you know?—He is.

391. And did you get any other sums of money, that you recollect, from Brennan, but these sums of money?—Well, I might; I remember I got 5 l. or 6 l., backwards and forwards; he sent money by Gray too.

392. I will ask you that presently: was there any one present when you received these sums of money, 5 l. or 6 l. on that occasion, except the men that you have mentioned?—I think not.

393. Do you know a man of the name of James Gray?—I do.

394. Did you get any money from him?—Yes.

395. Did James Gray bring any money?—He did.

396. How much?—Well, he brought 5 l., not for myself, but to divide.

397. Tell me what occurred; you were the man that got the money?—I got an order to get the 5 l. from Mr. Harloe Phibbs; I would not go myself; I sent Gray for the money, and he brought it to the house.

398. Mr. Justice *Keogh*.] You got an order from whom?—Mr. Harloe Phibbs; it was a card I got; I do not know what was on it.

399. Mr. *Coffey*.] Begin and tell us the whole of the transaction with respect to that 5 l.; did anybody come to you and speak to you about 85.

money?—Mr. Harloe Phibbs came up to my house upon a Saturday. *P. Flynn.*

400. In what month?—I think it was September. He brought me over the road and gave me a card. There was no writing on the card, but he said, "Pat," said he, "bring this to Tom Wilson." I said I would not go to Tom Wilson, but I would send it by Gray. So Gray went down and brought back 5 l. to my house for the card.

401. Was there anything remarkable about that card?—It was a small round card, a paper. There was a hole, I think, in the middle of it.

402. What did you do with the 5 l.?—It was divided; I got 10 s. of it.

403. What did you do with the 4 l. 10 s.?—It was divided between nine or ten of us; eight or nine of us; Kilcullen got 10 s. of it.

404. Is Kilcullen a voter?—He is; Gray got 10 s.; Kilcullen's brother got 10 s.; and a man of the name of Scanlon got 10 s.

405. Had you any talk with Mr. Utrid Knox after that?—I had that evening. When the sum of money came, and it was only 5 l., we thought it was too little.

406. Who were "we"?—Well, Kilcullen and Gray, and I and a few more.

407. Where did you see Mr. Knox?—At his own house.

408. Did you go there yourself?—I did.

409. Was there anybody with you?—There was Kilcullen.

410. Is that old Kilcullen?—Yes, the voter.

411. What did you say when you saw Mr. Knox?—I told him 5 l. was of no use to us.

412. What did he say to that?—"Well, Flynn," said he, "we cannot give you any more. Do you want to get all the people drunk, as they were last week?"—I said, "No, we did not." "Well," he said, "When that is out you shall get more."

413. Did you see Gray soon afterwards?—On the Saturday following Gray got the same card as we supposed it was.

414. Did you see the card that Gray got on the following Saturday?—I did not, but he told us it was the same card, and he brought another 5 l. to my place back again.

415. What did he do with that 5 l.?—He divided it.

416. Mr. Justice *Keogh*.] Did you get that other 5 l.?—No, Gray, the man that I sent with the card first.

417. Did you get any part of the 5 l.?—I did.

418. How much?—Ten shillings.

419. Who else, to your knowledge, got any part of that 5 l.?—Kilcullen.

420. When was this other 5 l. got?—Saturday evening.

421. Were you present?—When the money came into my house I was not present, at the getting it into the house.

422. Mr. *Coffey*.] Will you mention the names of the persons among whom that 5 l. was divided?—The very same party that got it before.

423. Do you know a man of the name of Martin Mulligan?—I do.

424. Did he get any of it?—Not to my knowledge.

425. I must ask you who is Mr. Harloe Phibbs?—He is a gentleman, an attorney in Sligo; he canvassed me along with Major Knox.

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 427. About what time; before the election was it?—I think it was in July or August.
 428. Do you recollect a regatta being held?—I do.
 429. Was it about that time?—It was exactly that time; it was in July, the time of the assizes; I remember now.
 430. Where did they meet you?—In my own house.
 431. Did they both come into you?—Yes; and Mr. Pollock with them.
 432. Is that the gentleman whose receipt you got?—Yes; he received the money.
 433. These three were together when they went in to canvass you?—They were, and Mr. Brennan.
 434. Is that Thomas Brennan?—Yes.
 435. Were you introduced to Major Knox?—Yes.
 436. By whom?—By Thomas Brennan.
 437. What did he say to you?—He said to Major Knox, "This is Mr. Flynn." I had the pleasure of bringing Major Knox into a small apartment we had, and he sat down, and Mr. Pollock sat down.
 438. Did anybody else go into the small room besides Mr. Pollock and Major Knox?—No. He told me anything he had the power to do in the way of serving me he would do to serve me; and Mr. Brennan told me he would get me the price of a score of sheep.
 439. Brennan was not there at the time?—He was outside, in the shop.
 440. Did he ask you for your vote on that occasion?—He did.
 441. Was Major Knox present when there was any conversation about the sheep?—No, he was not present.
 442. Was that upon another occasion?—Upon another occasion Brennan told me.
 443. Was it before or after that interview when they canvassed you in the small room?—It was after that.
 444. What did Brennan say to you?—He told me he would get me the price of a score of sheep.
 445. Did he say from whom he would get you the price of a score of sheep?—From Major Knox, he said.
 446. Did you see Major Knox and Mr. Brennan much together before the election?—Yes; I got them into the house together the day I went to look after the price of a score of sheep.
 447. Then you went up to look after this promise?—Certainly; I did surely.
 448. Where did you go?—To Mr. Utred Knox's house.
 449. Did you find Major Knox there?—Yes.
 450. Where was Brennan?—Along with him.
 451. Along with Major Knox?—Yes.
 452. Did Major Knox see you?—He did.
 453. Where did he see you?—In Mr. Knox's house.
 454. I mean to say in what apartment, in the parlour or upstairs?—In the hall.
 455. Had you a letter with you at the time?—I had.
 456. What was that?—Saying I was a man that had come to him on business.

457. Was that a message of your own to Major Knox?—Yes.
 458. Did you hand the letter to Major Knox?—I did.
 459. Did Major Knox read it?—He did.
 460. Did he talk to you about its contents?—He read it over, and I answered all questions about it.
 461. What did he say?—He told me "Flynn, I am prevented by my friends of the town to give any more money to freeholders, voters." He said, "I have sent you some money before from Dublin." "I got that," said I, "from Mr. Brennan." "All right," said he, "that is settled so far."
 462. Was that in reference to the 10*l*. rent transaction?—That is what he meant.
 463. Did Brennan say anything about the application of the money he got from Major Knox for you?—Yes; he said he had paid that money for me.
 464. Did he say how he had paid it?—For the rent.
 465. Are you quite sure he said that in Major Knox's presence?—I am.

Cross-examined by Mr. Robinson.

466. Who did you say was by when this letter was read by Brennan to you?—Nobody but myself; he brought me out to the garden on Sunday morning.
 467. Brennan's own house?—No, my own house.
 468. He took you into the garden?—Yes.
 469. And no one was there?—Yes.
 470. Can you read and write?—He did not give me the letter at all in my hands.
 471. Did you see the letter?—I did.
 472. I understood you to say you read it while he had it in his hands?—I was just looking over it; he read it to me however.
 473. There is no mistake about it?—There is no mistake about the letter.
 474. And you will swear that Major Knox said in that letter that your rent was to be paid?—I did not say that.
 475. What did he say?—He said he was happy to have it in his power to serve me, something the like of that, and to pay the rent, as I had become a friend of his.
 476. Did he not say in his letter that Brennan was to pay the rent for you; that is a simple question?—No.
 477. Nothing of that kind?—He authorised him to pay it for me, or something the like of that; and he told me himself in Mr. Utred Knox's house.
 478. Never mind that at present; what day of the month was it that the 10*l*. was paid to Mr. Pollock?—It was on Thursday.
 479. What month?—I think in June or July; I cannot swear.
 480. Was the quarter sessions going on?—I think it was the 2nd of July, or something like that.
 481. Was not the quarter sessions in June?—It was the latter end of June, or the beginning of July.
 482. It could not be July; do you mean to say it was the quarter sessions?—Yes.
 483. Upon your oath, was not that in June, whatever it was?—I inquired before I came here,

here, and I was informed it was the 2nd of July.

484. Who did you inquire from?—I went to Mr. Macknieth, and he told me something like that.

485. Will you swear it was not in June, whatever it was?—Well, I will not swear that.

486. Where was the money paid to Mr. Pollock?—In the court-house.

487. Who was by?—I was.

488. Who else?—Mr. Macknieth was by looking at it.

489. Is Mr. Macknieth here?—I do not know.

490. He was by, and saw this money paid?—Yes, and Mr. Pollock himself will not deny it.

491. And this money was paid by Brennan?—Yes.

492. Did you not apply to Major Knox yourself personally in July last, to give you some money, and did he not refuse you?—I did, with reference to what Brennan promised; the price of a score of sheep.

493. Did you not apply to Major Knox in July, and he refused it?—He did.

494. Did you not abuse him because he would not give it to you?—Never.

495. Do you mean to swear that?—I do; I never spoke an angry word to Major Knox.

496. Was the ejectment postponed, as you said, to October?—It was.

497. Who was it got it postponed to the session of October?—Mr. Pollock.

498. Was that before or after the 10*l.* had been paid?—After it was paid.

499. After the 10*l.* was paid to Mr. Pollock, he got the ejectment to stand over till October?—He did.

500. When did you get that receipt for the 10*l.*; on the day it bears date, I suppose?—No, I think after that.

501. And you got it from the person whose name is to it?—No, Thomas Smith.

502. With respect to the sum of 17*s.* 6*d.*, you say that was paid in the presence of a man of the name of Mulligan?—Yes.

503. Is Mr. Mulligan a voter?—He is.

504. Who did he vote for?—For Flanagan.

505. And Brennan paid this, I understand, in Mulligan's presence?—He did.

506. Was anyone else by?—There were people present when he paid more than that.

507. Never mind more than that; you say this 17*s.* 6*d.* was paid in Mulligan's presence?—It was brought in and put in my hands.

508. Is there anyone else now living, who was present?—Gray was there. He might not have seen it given to me; he was a piece away from me. It was brought and put into my hand.

509. Will you swear that anyone else was present, when the 17*s.* 6*d.* was given to you?—Gray was there. He saw the man put it in my hands.

510. Will you swear that he saw the 17*s.* 6*d.* paid?—He saw a piece of paper put into my hand.

511. Is Gray a voter?—No.

512. Was 15*s.* afterwards paid in Gray's presence?—No.

513. In whose presence was it paid?—I was by myself.

514. Was anyone by?—It was the road side.

515. And no one present?—No.

516. What did he give you that for?—For to keep.

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517. What month was that in?—Well, it was in July.

518. Was that after Major Knox had refused you the money?—Yes, he gave me money after the Major had refused me.

519. What month was the 17*s.* 6*d.* paid in?—That was the first money I got.

520. When was it; in September?—No, in June I got that money.

521. In what month was the 1*l.* paid?—In October, at the revision.

522. You said, I think, that Kilcullen was by at that time?—Yes.

523. Was anyone else?—Gray was by, and Kilcullen's son.

524. Is Kilcullen a voter?—He is.

525. Who did he vote for?—For Flanagan.

526. The son has no vote?—No.

527. And you told me that Gray has no vote?—No.

528. Did anyone else see the money paid on that occasion?—No, not to my knowledge.

529. This sum of 5*l.* you have spoken of, who did you get it from?—Gray brought it to the house for me.

530. James Gray?—Yes.

531. Is he here?—He is.

532. What did he say to you when he brought it?—He said, "Here's all I've got, 5*l.*"

533. What month was that in?—September, I think.

534. In September, he gave you that and said, "Here's all I've got for you"?—He did not say for me in particular.

535. "Here's all I've got"?—"Here's all I've got."

536. What did you do with it?—It was divided.

537. It was drunk?—No, it could not be all drunk; we got 10*s.* a man of it.

538. Do you mean to say you do not know this was paid for a mob?—I do not know.

539. What did you understand him to mean when he said, "Here's all I've got"?—That it was to be divided.

540. Will you swear that all the men it was divided amongst were voters?—I will not.

541. I am asking you whether you will swear that?—No.

542. There were nine men, upon your oath; how many of those nine men were voters?—Only two.

543. Then there were seven persons who had no votes?—Just so.

544. Upon your oath, do you mean to tell his Lordship you did not understand what he meant?—Yes, I do; this money was to divide between us.

545. For what?—To put to any use we wished to make of it; to drink, if we wished.

546. And seven of them had no votes at all?—Yes.

547. Did all these nine of you live together?—No.

548. Did the nine form a mob in the town?—Some of them did.

549. Were you one of the mob yourself?—No.

550. How many of the nine formed part of the mob?—Five or six, or seven.

551. Upon your oath, were there not eight?—I cannot swear; there might be some of them part of the mob.

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552. Whose

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552. Whose mob were they?—They were Knox's that time.

553. Then if there were a mob at that time, Knox's mob, do you mean now to repeat the answer you originally gave, that you did not know what he meant when he said, "Here's all I've got"?—I do repeat it.

554. Do you ask his Lordship to believe that?—Yes; *5 l.* he brought.

555. With respect to this other *5 l.* you speak of, was it at your house?—Yes.

556. You were there when Gray brought it?—Yes.

557. Was it divided among the same nine men?—Yes.

558. And for the same purpose?—I suppose so.

559. Will you swear you did not know the purpose for which it was given?—What purpose was it?

560. Was it for the same purpose?—I suppose it was.

561. Have you a doubt about it?—Not a bit.

562. Could you not have said so; as a matter-of-fact, were you not one of Flanagan's mob at the time of the election?—No.

563. Yourself?—No.

564. Will you swear that in the presence of the Court and your neighbours?—I do.

565. You were not one of them at all?—No.

566. You said you were at Major Knox's house; that Brennan was there, and Pollock was there with Major Knox when canvassing?—No; at my house they were.

567. They were there in your house, and the Major was canvassing?—He was.

568. And I suppose you saw him canvassing, often going through the town?—No.

569. Had he asked you before for your vote?—No; I had never seen the man till that day.

570. Did he ask you for your vote?—He did.

571. What did you say?—I said I would vote for him.

572. And there was an end of it?—Yes.

573. When did Brennan offer you the score of sheep?—It was not at that time; it was before that, and after it.

574. Who was by when Brennan promised you the score of sheep, before the Major asked you for your vote?—No one.

575. What month was it when you were asked for your vote?—July.

576. Was it before the Major asked for your vote that you were promised the score of sheep?—Before and after.

577. Who was present when you were promised the score of sheep before the Major asked you for your vote?—No person but myself.

578. Where was it?—When we were walking together.

579. In the town?—Yes.

580. You were walking together, and the Major said he would give you a score of sheep?—No, he did not say that, but Brennan said he

would get me the price of a score of sheep; and he said moreover, if I would vote for the Major, he would get me a house down in the town, and set me up, and every one of the Conservative party would deal with me.

581. It was after the promise in June by Brennan of the score of sheep, that you asked the Major for the price, and he refused it?—Yes; it was in July.

582. And you never abused him in your life?—No, I defy that.

583. You say you went to Major Knox then, and you gave him a letter, and he read it?—I did.

584. Who was by when that letter was read?—Thomas Brennan.

585. Who else?—That was all.

586. And he told you, as I understood you to say, he was advised by his friends not to give any money in the town?—Not to give any more money to the freeholders, the voters.

587. And just in the same conversation, he said there was a talk between Brennan and you and him, about the rent, and the Major said the rent was settled for?—No; he ordered Brennan to settle it. He said, "I sent you some money before," and Brennan said that money was for the rent.

588. And I understood you to say that was settled for?—Yes; Brennan said that went for the rent.

589. There was no doubt about that?—No doubt about that at all.

590. You said something about Mr. Utrid Knox. Where was it you saw Mr. Utrid Knox?—In his own office.

591. Who was present; I think you told us already?—There was Kilcullen.

592. You and Kilcullen went together there?—Yes.

593. And saw Mr. Utrid Knox?—Yes.

594. Were no one but the three by?—That is all. He came up from his dinner to me.

595. You asked for money?—Yes; I said that *5 l.* was no use for us.

596. The *5 l.* you got among the two voters and the seven others. You were a thirsty soul?—Yes.

597. And he would not give it to you?—He said when that would be out he would give more.

598. Did you not understand that he was to pay the mob?—No; he did not name anything about the mob at all.

599. Did you not say already that he said he would give no more money, that you made the people drunk, and he would have nothing more to do with it?—No. He said, "Flynn, do you want to get them all drunk, as they were before last week?"

600. Who do you think was the man that put them in that state the last week?—I could not tell you.

601. Was it not yourself?—No.

602. You voted for Captain Flanagan?—I did.

[The Witness withdrew.]

JAMES GREY, sworn; Examined by Mr. *Palles.*

J. Grey.

603. I BELIEVE you live in Sligo?—I do.

604. But you are not an elector?—No.

605. Do you know a man of the name of Thomas Brennan?—I do.

606. Do you remember him at any time giving you some money?—I do.

607. When was it he gave you the first money?—In January 1868.

608. How much was it?—He gave me half a sovereign, and he gave eight more men half sovereigns a-piece.

609. That

609. That would be 4 *l.* 10 *s.*?—He gave 16 men half-sovereigns a-piece.

610. And you a half-sovereign also?—Yes.

611. That makes 8 *l.* 10 *s.*?—Yes.

612. Do you know a man named Martin McMulligan?—I do.

613. Was he one of those men?—He was.

614. Is he a voter?—Yes.

615. And Dominick Kilcullen, do you know him?—Yes.

616. Did he get 10 *s.*?—Yes.

617. He is a voter?—Yes.

618. Are you able to mention the names of any others of the 17?—He gave to Patrick Scanlan, Thomas Lenahan, Patrick M'Goldrick, and James M'Goldrick; I do not remember, it is so long since it happened.

619. What M'Goldrick was it; Pat M'Goldrick and James M'Goldrick?—Pat M'Goldrick and James M'Goldrick.

620. Do you know whether any of the 17 you saw there, with the exception of Kilcullen and McMulligan, were voters?—No.

621. Do you know a voter by the name of Michael Rooney?—I do.

622. Do you remember at any time getting 1 *l.* from Brennan for the purpose of giving it to Rooney?—I do.

623. When was that?—It was the time of the sowing of the oats in spring. I disremember the month.

624. I do not know what months you sow oats in this country?—I disremember the month, but I know Rooney told me that he wanted 1 *l.* that Brennan sent, for to get 1 *l.* from me, that he wanted to buy a bag of oats.

625. Then you went to Brennan?—He brought me to Brennan.

626. Then did Brennan give you the money?—Rooney told me that he could not give me the money, that he meant to have it from me.

627. Who was present?—No one but them both.

628. I am asking what passed between you and Brennan; what did Brennan tell you about this 1 *l.*?—Rooney went for me.

629. Never mind that; did you see Brennan?—I did.

630. Tell me what you told Brennan; and nothing else?—Brennan gave me 1 *l.*, and I gave it to Rooney.

631. What did Brennan say?—He put it from his hand into mine, and I handed it to Rooney.

632. Did he say anything about not giving money himself?—He said he could not give money himself.

633. Did he say why?—For fear he might be brought up for it.

634. Did he mention whether he had any connection with Major Knox or not, as his reason?—He often said that.

635. What was it?—That he was an agent of Major Knox.

636. Mr. *Palles*.] Do you remember upon another occasion Brennan giving you a sum of 20 *l.*?—Yes.

637. When was that?—It was at the time of the revision.

638. Did he tell you what you were to do with it?—He did.

639. What was it he told you?—To divide it among the men.

640. Did he tell you the names of the men that were to get it?—He did; he had them down in a book.

85.

641. Do you know Pat Flynn?—I do.

642. Was he one of them?—Yes.

643. Tell me the names of the others, as well as you remember?—Dominick Kilcullen and myself; all the men that were in the habit of getting it; that I told you.

644. Was there any talk, when that 20 *l.* was given, of it not being enough?—Yes.

645. Who was it said that?—Brennan, himself.

646. What was it he said?—Brennan gave me a letter the night before that, to go to Major Knox's; I went to Major Knox with the letter; Major Knox and I had some conversation about it; I told Major Knox that the men got no money since Brennan went to Dublin, and I told him that Captain Flanagan's men were getting money, and that we got no money, and I told him that Captain Flanagan's men got 100 *l.* He asked me what did I think as to whether Brennan was dividing the money fairly; I told him I thought he was; he said, "Send Brennan to me to-morrow, and there will be a man here to meet him, and you must get the money."

647. Was that before or after the 20 *l.* was distributed?—The night before we got the 20 *l.*

648. And you were to send Brennan to him?—Yes.

649. Did you tell that to Brennan?—I went to Brennan that night to Cleveley, where he was in Fox's house, and told him what Major Knox had told me, and told him to go at 10 in the morning, and he would meet Major Knox there; in the morning, when I met Brennan myself and Kilcullen, there was a man of the name of Gillan, a man named Caveney; he had only 20 *l.* for us. We were not satisfied with the 20 *l.*; I said Major Knox told me last night that we would get more money than this, this would be no good to us, you had better go back to Major Knox, and say "We will not take it"; we were just standing in shade of a tree, and we saw Major Knox and some man come with him; when we were in Cleveley we met Major Knox, four of us, and we complained of the money; Major Knox told us to divide that 20 *l.*, and we would get as much more the next day, so I divided it.

650. Tell me the names of those four men?—Michael Caveney, John Keenan, Dominick Kilcullen, James Gray, and myself; there was Major Knox and another man, I don't know who he is.

651. You say there was another person with Major Knox, was he a gentleman by appearance?—Yes.

652. Just give me a description, was he a tall man or a short man?—He was a fair-sized man, about five-feet-eight or ten.

Mr. Justice *Keogh*.] That description would not be sufficient to satisfy me as to identity.

653. Mr. *Palles*.] You remember the time of the races?—I do.

654. Did Brennan ask you to put your name on a bill, at the time of the races?—In July he did.

655. How much was that for?—He did not axe me to put my name to the bill.

656. Did you put your name on the bill?—He told me that he gave Dominick Kilcullen 25 *l.* one evening, and I asked him for some money for myself; he told me he had no money for me, and that he would get a bill in the bank for me; "I will put your name to a bill in the bank,"

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said he, "and I will get it for you"; "I am satisfied, sir," said I; so in the course of a week he got the bill in the bank for me.

657. How much is the bill for?—He told me 20 l. he got.

658. Did you sign your name on that bill, yourself?—I did not.

659. He told you he would get 20 l.?—He told me he would go to the bank and get 20 l.; when I met him in a week after, he told me what to do with the 20 l.

660. Did he give you the 20 l.?—No, he gave me 14 l. of it.

661. Did he tell you what you were to do with that 14 l.?—He did.

662. What was it?—He told me to keep 5 l. of it myself, and to give 3 l. to Martin McMulligan, and 3 l. to Patrick Scanlan, and 2 l. to Caveney, and 1 l. to Pat McGoldrick.

663. Did you give that 3 l. to McMulligan?—Yes.

664. In fact, you gave the money to the persons directed?—Yes, the same as I used to see himself give it.

665. Did you on any occasion see Brennan give Pat Flynn any money?—I saw him give him a sovereign. I do not know what money it was. I saw him one night giving him a sovereign at the time of the revision.

666. Where was it you saw him give him the sovereign?—At Cleveley.

667. You say that on another occasion you saw him give him money, and you did not know what it was?—Yes.

668. Do you recollect what the last witness said about the card?—I do.

669. When was that?—In September.

670. Take the first card?—I saw him give it to Pat Flynn. Pat Flynn gave it to me, and told me what to do with it.

671. What did he tell you to do with it?—To bring it down to Mr. Wilson, and give it to him.

672. There are more Mr. Wilsons than one in Sligo; who is that Mr. Wilson?—He is a book-seller.

673. Is he in court?—Yes, there he is (*indicating him*).

674. Just describe that card; I understand it was a round card?—A small card, round; one of the corners of it cut, and a little hole in the middle.

675. Was there any writing on it?—No writing at all.

676. You brought that down to Mr. Wilson?—I did.

677. Who did you give it to?—To himself.

678. Did he give you any money for it?—£. 5.

679. What did you do with it?—Brought it up to Flynn and Kilcullen, and said, "Here's what he has given me, 5 l."

680. Were you present when the money was divided?—I was.

681. Did you have any of it yourself?—Yes.

682. How much?—I got a pound of it myself. There were nine men got of it.

683. That would be 10 s. a-piece, and one to yourself?—Yes.

684. Did Kilcullen get any of that money?—Half-a-sovereign.

685. And Flynn?—And Flynn.

686. Do you remember what day of the week that was?—On Saturday.

687. Upon the next Saturday did any person give you another similar card?—The next Satur-

day, after I heard that a man named Morrow, a policeman, was looking for me.

688. You cannot tell me what you heard, but did you get a card upon the Saturday?—I did upon the Saturday after.

689. Who did you get it from?—From Morrow.

690. Who is Morrow?—He is a policeman. He was a policeman a good while in Sligo; he is now out of the police, I think; he is a detective, or something of that.

691. What passed between you and Morrow when you got that card?—He gave it into my hand.

692. You went to him?—No, he sent a messenger to me, and brought me down. When he saw me coming he handed me the card fore-nest another man.

693. What is the name of the other man?—Scanlan; he sent Scanlan for me.

694. And gave you the card when Scanlan was present?—Yes.

695. What did he tell you to do with it?—He told me to go down where I knew with the card.

696. You went to Wilson's?—Yes.

697. You got 5 l. that day?—I got 10 l.

698. Was it from Wilson himself you got it?—To himself I gave it each time.

699. Mr. Justice *Keogh*.] What month was that in?—In the month of September.

700. Mr. *Palles*.] What did you do with that 10 l.?—I kept 5 l. of it myself, and divided the other 5 l.

701. Did you give Kilcullen any of that money?—Yes, half-a-sovereign.

702. The old man?—Yes.

703. Did you give Flynn any of it?—Half-a-sovereign.

704. Did you give McMulligan any of it?—No.

705. Did you see money given on any other occasion?—Well, I have seen money given often; I do not remember the date.

706. Had you any conversation with Brennan about the price of a score of sheep?—He told me that he would get the price of a score of sheep for Flynn at different times.

707. When was it he told you that?—Some time, I am not right certain as to the date.

Cross-examined by Dr. *Kaye*.

708. What is your trade or business in Sligo?—Well, I deal in pigs and kill pigs.

709. Who was it told you that 100 l. had been given to Flanagan's men?—I told it myself to Major Knox.

710. Who told you?—I heard it rumoured about the town.

711. Did you believe it?—I could not give it credit; I did not know whether it was fact or not.

712. What do you believe that 100 l. was given for?—I do not know; I could not say.

713. Will you swear you do not know?—I do not know what it was given for.

714. Was it not given for the purpose of having a mob?—I could not swear that.

715. What do you believe?—I do not know.

716. If there was 100 l. given at that time, what time was it that you told that to Major Knox; at the time of the revision or before the revision?—Some time about the revision.

717. Do you not believe that was given for the purpose

purpose of having men to shout about the town, and all that kind of thing, for Captain Flanagan?—Well, it might be so.

718. Did not you believe that?—It might be so.

719. What was the first sum of money you got?—I got a half-sovereign first in January 1868.

720. And 16 other men got the same?—Fifteen or 16 men.

721. And only two of those were voters?—Two of them were voters.

722. Were you not to act with the men as a mob for Major Knox?—I was to act with Mr. Brennan; to do all I could for Mr. Brennan.

723. All you could?—Yes; all I could in the way of serving Major Knox.

724. And did you serve Major Knox down to the time of the election?—I served him as far as I could up to the time of the revision.

725. And did all these other men do the same?—Well, they seemed as if they did do as much as they could, as I think.

726. Were you often together with these men?—Sometimes; sometimes I am not with them.

727. But you were at times together?—Yes.

728. Were you in the habit of drinking together?—Well, I don't drink very often; I am

temperate 12 months in the year; I don't drink too often.

729. Were you drinking at this time?—No.

730. Did you get into a scrape at all?—I did.

731. About what time did you get into the scrape?—I got into a scrape at the time of the election.

732. What kind of a scrape did you get into?—Well, I was taken innocently for assaulting a voter, which I have to stand on my trial before his Lordship in Sligo for.

Re-examined by Mr. *Palles*.

733. What is the name of the voter you were charged with assaulting?—Peter Harrison.

734. Had you any conversation with Brennan about that?—No.

735. And you say you are wrongly charged for that?—Yes, wrongly charged.

Further cross-examined by Dr. *Kay*.

736. Who did Harrison vote for; did he not vote for Major Knox?—I do not think he voted at all.

[The Witness withdrew.]

(A short adjournment took place.)

THOMAS COLLINS BRODIE, sworn; Examined by Mr. *Waters*.

737. ARE you a member of the firm of Coster, Brodie & Son?—I am.

738. Are you general stationers?—Yes.

739. You are wholesale stationers, I believe?—Yes.

740. Do you know Mr. Stephen M. Cherry, of Sligo?—I do not know him personally.

741. By correspondence?—Yes.

742. He is, I suppose, a customer of yours?—He is.

743. Do you recollect getting a letter from him in the month of November?—I do.

744. Did that letter enclose a cheque, or a letter of credit, or a cash credit of some kind?—It did.

745. To what amount?—£.24 5s. 3d.

746. Was that by a letter of credit, or cheque, or what was it?—It was a letter of credit, as well as I remember; I am not quite positive.

747. A letter of credit on a Dublin bank?—On a Dublin bank.

748. Did you get instructions how you were to apply that money?—

Mr. *Macdonogh*.] I beg pardon; was it in writing?—

749. Mr. *Waters*.] Did you get instructions how to apply the letter; was it in writing?—We did.

750. Was that in writing?—It was in the letter.

751. Have you the letter?—No.

752. May I ask what has become of the letter?—It was returned to Mr. Cherry.

753. Did you get any communication from Mr. Cherry in receipt of that letter when it was returned?—I did.

754. Have you that letter?—I have.

[Letter produced and read, as follows:—]

"Gentlemen, "Sligo, 17 Nov '68.

"You will please send me, per return, the 20*l*. which I sent you, as the person is

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not now going to America, as I understood he was. You will also enclose my letter of instructions, as I want to have it in my possession. Please excuse the trouble. Should I have an opportunity of serving you, you may command me.

"Yours very truly,

"S. M. *Cherry*.

"Messrs. Coster, Brodie & Co.,
"Dublin."

755. Did you endorse it?—I did.

756. Is the endorsement in your hand?—It is in my hand.

757. Mr. Justice *Keogh*.] Did you send back the 20*l*.?—

758. Mr. *Waters*.] Did you send back the 20*l*.?—We did.

759. What did you do with the 4*l*. 5s. 3d.?—It settled Mr. Cherry's account with us, 4*l*. 5s.

760. You applied it to his credit?—We did.

761. You sent back the 20*l*. on receipt of that letter?—We did.

762. What were the contents of Mr. Cherry's letter?—I cannot exactly recollect.

763. As well as you recollect, what was the substance of it?—It was telling us that the enclosed cheque was to pay our account, and the balance of 20*l*. we were to hand to a person who would call upon us.

Mr. *Macdonogh* objected; but the objection was overruled.

764. Mr. *Waters*.] Did the letter contain any instructions by which you would recognise or know the person to whom you were to give the money?—I cannot speak positively about it. I took no particular notice of the letter at the time.

Mr. *Macdonogh*.] Unless you can recollect, do not say.

765. Mr. *Waters*.] To the best of your recollection?—No, I cannot be positive about it at all; I took no particular notice of it at the time.

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766. Did he say where it was to be paid in the letter?—Not that I remember.

767. Of course you would recognise that letter again, if you saw it?—I very probably would; it would, probably, have my endorsement on it.

768. Do you recollect the date of that letter that you got from him?—I have an acknowledgment of it. (*Letter produced.*)

Mr. Cherry was called, and stated, in reply to Mr. *Waters*, that he had not got the letter about him.

769. Mr. *Waters*.] Have you it here?—I have not it about me.

770. Have you it at home?—No.

771. Where is it?—

Mr. *Macdonogh* objected; and Mr. Justice *Keogh* said, if the questions were to be put, the Witness must be on oath.

Mr. Justice *Keogh*.] Has he been called upon to produce the letter?—

Mr. *Waters*.] No, my Lord; we did not know anything about it till this moment.

Mr. Justice *Keogh*.] Then he cannot be expected to do it now; but I shall expect, if it is required, that this letter shall be in Court to-morrow. It is now proved by this

Witness, and traced back to Mr. *Cherry*; and he will do well to produce it if he has it.

Mr. *Macdonogh*.] Certainly; but he says he has not it.

Mr. Justice *Keogh*.] He used a very curious expression; in answer to the first question, he said he had not the *letter about him*, which implied that he had it elsewhere. You had better search wherever you keep your letters, when you return to-night to Sligo, and be here in the morning with it.

Mr. *Macdonogh*.] I have taken the liberty, my Lord, of advising him to do so.

[Mr. *Cherry* withdrew.]

772. Mr. *Waters*.] The last question put to the witness was as to when he got the letter, and he says he got it on the 17th of November; (*to the Witness*,) so that you would have got it on the 17th of November?—It came a couple of days before that. It was addressed to Mr. *Coster*, as well as I remember, and I did not open it for a couple of days, because I expected Mr. *Coster* home.

773. And you sent him back the 20th?—Yes.

774. I suppose by a letter of credit?—Just so; by a letter of credit.

ELIZA BUCHANAN was called, but did not answer.

EDWARD WELSH, sworn; Examined by Mr. *Coffey*.

E. Welsh.

775. MR. WELSH, what position do you occupy in Sligo?—Governor of the Sligo prison.

776. Is that a prison for debtors as well as criminals?—Yes.

777. Do you recollect the day upon which the last election at Sligo took place?—Yes.

778. We are told it was the 19th of November?—The 19th of November.

779. Had you a person of the name of *Curragh* in your custody as a debtor upon that day?—Yes.

780. Will you just look to any memorandum that enables you to state what is his Christian name?—Henry J. *Curragh*.

781. What time was he put into your custody?—Forty minutes past 10, on the 19th.

782. When was he discharged from your custody?—At 40 minutes past 11.

783. Was it upon payment of the debt for which he was detained, that he was discharged?—Yes.

784. Who was the person who received the amount of the debt for which he was detained; who paid it; was it paid into your hands?—Yes, it was paid into my hands by the debtor, and the amount was handed to him by Mr. *Alexander Gilmore*.

785. The amount of the money you got from the debtor was handed to the debtor by Mr. *Alexander Gilmore*?—Yes; the amount handed to him was 16 *l.*, and the amount on the decree was 15 *l.* 9 *s.* 4 *d.*; 1 *l.* was returned, and the debtor himself paid the 9 *s.* 4 *d.*

786. Did you get the notes into your possession?—Yes.

787. Take these two notes into your hand (*handing two bank-notes to the Witness*); did you endorse them?—I did.

788. That was in the course of your duty and business?—It was.

789. Do you recognise your endorsement?—Yes.

790. Tell me, who is this gentlemen, Mr. *Gilmore*, who handed these notes to the debtor, and the debtor handed them to you; what position does he fill in the town of Sligo?—He is a magistrate; he is mayor of the town at present.

791. At present?—Yes.

792. And then, I suppose, you allowed your prisoner to go away about his business?—Yes; I allowed him to go after it was paid me.

793. Now, was there any conversation whatever that passed between this gentleman, Mr. *Gilmore*, and the debtor, about where they were going after he was discharged; was there any conversation; just tell us what occurred, as near as you can recollect?—I do not remember that anything was said between them.

794. It was election time, you know; was anything said about the election; I know you will tell us frankly if you recollect?—Certainly; "I pay the money, and the man is there, and you may ask him; I did not ask him who he would vote for."

795. I know you did not; I do not impute it to you in the slightest degree?—No; but that was the observation made by Mr. *Gilmore*.

796. What was the observation made by Mr. *Gilmore*?—The money is paid and the man is there now, and you can ask him, if you please, if I asked him who he would vote for; I think that was the substance of the observation, and that was the only observation he made.

797. Mr. Justice *Keogh*.] Mr. *Gilmore* said that?—Yes.

798. "The money is paid; the man is there; you can ask him, if you please, if I asked him for whom he would vote"; is that it?—Yes, that was

was the substance of it as well as I can recollect.

799. He said that to you?—I think he addressed himself to me.

800. Mr. *Waters*.] Mr. Gilmore said, "You can ask him if you like, if I asked him for whom he would vote;" is that the substance of it?—Yes.

801. Was there any reply made to that?—No; I made no reply; it was no affair of mine.

Cross-examined by Mr. *Macdonogh*.

802. Who was the plaintiff in the civil suit on the decree?—Mr. Maurice Condrey.

803. And he was an ardent supporter of Captain Flanigan, was he not?—Yes, I think he was.

804. And Mr. Maurice Condrey arrested this man on the very day of the polling, did he not?—He was arrested on the day of the polling.

805. At the suit of Maurice Condrey, an active supporter of Captain Flanigan?—Yes.

806. And I believe that was 40 minutes past 10 precisely; you are an accurate man, you see, as to the time of it?—Yes.

807. He was in your custody at that hour?—Yes.

808. Was he not arrested whilst he was actually going to the poll to record his vote?—

809. Mr. *Caffey*.] Were you there at the poll?—I cannot answer that question.

810. Mr. *Macdonogh*.] Then you cannot answer that?—No.

811. I cannot ask you what you believe?—I will tell you frankly the thing I know.

812. At 40 minutes past 10 he was arrested by Mr. Condrey; you would have voted for Captain Flanigan yourself, if you had thought proper to vote at all?—

Mr. *Pallas*.] You need not ask that question; he did not vote.

813. Mr. *Macdonogh*.] I know he did not; I am only showing how impartial a gentleman he is, as I have no doubt he is. (*To the Witness*) Was it not to you that the Mayor, Mr. Gilmore, addressed himself, "The money is paid now; the man is there, and you can ask him whether I have ever asked him to vote or not?"—I think it was.

814. It was to you?—Yes.

815. And you did not ask any questions?—No, certainly not.

816. You did not trouble yourself further?—No.

(*The decree was handed in to the Registrar, and marked.*)

WILLIAM WAUGH, sworn; Examined by Mr. *Palles*.

817. Do you know Henry J. Curragh?—I do.

818. Did you serve a copy of this subpoena upon him?—I did.

819. How, and when did you serve it?—(*Subpoena handed to Witness*).

Witness.] No, this is not it.

820. Do you remember when you served him?—On this morning week.

821. Where?—About a mile and-a-half from the town of Sligo.

822. At what hour of the day did you serve him?—At 10 or 15 minutes past seven.

823. Will you tell his Lordship how you served him?—I was after him for 12 or 14 days.

824. Mr. Justice *Keogh*.] You were looking for him?—Yes; I rapped at his house several times, and could not get an entrance; I went several times to the railway, to the car office, and on this morning week I went to the car office and got an intimation that he was on his way to Enniskillen.

825. From information that you received, what did you do?—I took a fare on the mail car to Hazlewood, the distance of about a mile and-a-half from the town. I saw him on the left-hand side of the car. When I came up, he was standing with his hands in this way (*illustrating*). There were three horses in the car. He took a certain turn; I jumped down and followed him; he jumped up where I was, on the car; I put my hands down and produced the subpoena, with 5 s., and laid it on the cushion; he took his hand and gave it a slap, and threw it on the road; I stooped down as the car was going on, and took up the

paper and threw it into the well of the car, and said, "There, that is for you my lad."

826. He went on, on the car?—He did.

Cross-examined by Mr. *Robinson*.

827. Did you arrest this man, Curragh, on the day of the polling?—I did.

828. Where was he when you arrested him; on what spot?—He was going in with Mr. Gilmore, on the steps of the court-house.

829. Was he going in to vote?—I suppose so.

830. Who was it told you to go and arrest him?—I got the decree from Mr. O'Loughlen.

831. Was that Mr. O'Loughlen, the barrister, who was managing the election?—Yes.

832. How long before the actual arrest did you get the decree?—The night before.

833. Did he tell you to arrest this man as he was going to vote?—No; lest he should break his promise to Captain Flannigan. I went up to his house, and said to him in the morning, "Mr. O'Loughlen expects you to go down." He said, "I won't," says he.

834. What did you say?—Nothing.

835. You saw him on the steps of the court-house, and seized your bird as he was going in; you did not arrest him in the morning, of course?—No.

836. When you saw him with Mr. Gilmore; was it Mr. Gilmore he was with?—Yes.

837. You knew it was all up with Captain Flannigan, and so you did your business?—Yes.

[The Witness withdrew.]

MARY DALE, sworn; Examined by Mr. *Waters*.

M. Dale. 838. ARE you the wife of Henry Dale?—
 Yes.
 19 February 1869. 839. Is your husband the captain of one of the
 steamers that plies between Sligo and Liverpool?
 —Yes.
 840. Or Glasgow?—Yes.
 841. Which is it, Glasgow or Liverpool?—
 Liverpool and Westport.
 842. Where is he at present?—I expect he is
 on his way from Liverpool to Westport.
 843. Do you recollect at the time of the
 election, was your husband in command of this
 steamer?—Yes, he was.
 844. Who were the owners of the steamer?—
 Messrs. Middleton and Polexfel.
 845. They are the principal owners?—Yes.
 846. They have the management of the
 steamers in Sligo?—Yes.
 847. The employment and disemployment of
 the men?—Yes.
 848. Do you know when the steamer will be
 back in Sligo?—I do not know; he is not on his
 own boat at present; he has been altered since
 the election; he plies between Liverpool and
 Westport, and calls at Sligo occasionally.
 849. Do you know when he will reach West-
 port?—I think he left Liverpool this morning,
 and he will not be in Westport till Sunday morn-
 ing, I suppose.
 850. He was in command of a steamer at the
 time of the election?—Yes, a steamboat called
 the "Glasgow."
 851. Do you recollect his being canvassed by
 Captain Flannigan?—He never saw Mr. Flann-
 nigan himself.
 852. You saw him, I suppose?—Yes.
 853. Do you recollect when he sailed from
 Sligo, immediately before the election?—He
 sailed on the Saturday before the election.
 854. In the ordinary course of his voyage,
 when would he have been back in Sligo?—He
 would have been back on the Wednesday night,
 the Wednesday night previous to the election.
 855. Do you recollect what time he sailed that
 morning?—He did not go by the boat at all that
 morning; he remained at home.
 856. Did he leave Sligo in the boat?—He went
 as far as the point, down the island.
 857. Then he sailed from Sligo with his vessel?
 —Yes.
 858. In command of his vessel?—Yes.
 859. Did he come back again that day?—Yes,
 he came back about an hour after he left.
 860. Did he walk or drive back?—He drove
 back.
 861. Do you know whose car he came upon?
 —Michael Galwin's, at the Point.
 862. Did he remain at home until the election?
 —Yes.
 863. Was he canvassed by any persons in the
 interval between his return from the commence-
 ment of that voyage and the election?—No, he
 was not.
 864. Did any person come to him on the day
 of the election to go to vote?—No, they did not.
 865. Did you get a note that day from any-
 one?—No, I never received a note.
 866. Did your husband receive a note?—I do
 not know; I could not say.
 867. Do you know Mr. Polexfel?—Yes, of
 course I do.

868. Did a note come from Polexfel to your
 husband's house that day addressed to you at
 your husband's; do you recollect that?—I do not
 know; there came no note to me; I received no
 note.

869. Did you see a note from Mr. Polexfel in
 your husband's house that day?—I could not say
 it was from Mr. Polexfel.

870. Had you a note in your hands that day,
 that came into your husband's hands that day,
 from somebody or other?—I saw it in my hus-
 band's hands, it was not my hands; I could not
 say who it was from.

871. Did you get it into your hands?—No,
 my husband got a note into his hands.

872. Did you tear up a note on that day, on
 your oath?—Oh, no; he would not allow me.

873. Did you see any note torn up in your
 presence that day?—My husband tore a note up,
 but I could not say who it was from; I could not
 swear to Mr. Polexfel's handwriting.

874. Did you read it?—I did.

875. What was in that note?—I cannot say
 now what was in the note.

Mr. *Macdonogh* objected to the question;
 the objection was allowed.

876. Mr. *Waters*.] Who brought the note?—
 There were two or three men came down with
 the note, two or three men from the court-house;
 I do not know what man handed it to him.

877. Who were they?—There were two young
 men of the name of Johnson.

878. Who are they?—Blacksmiths belonging
 to Sligo.

879. And who were the rest?—I do not know
 the others, only the two brothers, the Johnsons.

880. Do you mean you do not know who the
 others were?—No, I do not, indeed.

881. Did you see that letter yourself?—I saw
 the note; it was a small scrap of paper.

882. By whom was it signed; was there any
 signature to it?—

Mr. *Macdonogh* objected.

883. Mr. *Waters*.] Was there a signature to
 it?—I could not say; I looked at the note over
 his shoulder.

884. Was there a name to it?—I could not
 tell.

885. On your oath, was there a name?—I am
 on my oath, of course.

886. Was there a name to it; I ask you on
 your oath?—I am on my oath, of course.

887. Well, was there a name to it?—I could
 not say; I could not swear to it.

888. I do not ask you to swear to the writing
 at all; was there a name to the foot of that note?
 —I could not tell.

889. Do you mean to say you cannot tell?—
 No, I could not tell, indeed.

890. Did you see Mr. Harlowe Phibbs that
 day?—I minded him coming down in the trap
 with them to ask my husband to go up to vote.

891. Did he come to your husband's house?—
 Not inside the door.

892. Did he come to the door?—Well, he was
 at the door, but he was outside the door; he
 never came into the house.

893. Were

893. Were the Johnsons with him?—No, they were not.

894. How many came with the Johnsons when they came with this note?—I think it was two or three; I knew the two brothers Johnson, but I cannot tell the others.

895. How many were there?—Only three; the place was quiet at the time.

896. What did they do when they came in?—They did not come in at the door; they handed my husband the note.

897. Did they not come into the house?—No, it was a man in the shop insulted Johnson, at the time.

898. Then they did not come inside your door?—No, they did not come into my door.

899. Did you see anything in their hands besides the note?—No, not at that time when they handed in the note.

900. At any time that day near your house, did you?—No; they were but once near the house.

901. Did you see anything in their hands then?—No; they handed in the note, and then this man insulted Mr. Johnson.

902. Did you see anything in their hands?—No, I did not, only the note, when they came down from the court-house.

903. Did they say anything to your husband?—No.

904. Did they say anything to him?—They called him a coward when he refused to vote.

905. Did they call him a coward?—Yes.

906. Now, I have to ask you on your oath, had they a pistol; had one of them a revolver?—I did not see a revolver.

907. Had he a revolver in his hand?—No.

908. Nor a pistol at all?—I cannot say.

909. Did you yourself see a pistol?—No, I never saw a pistol. I shut the door, but I heard people say afterwards —

910. Did you yourself see it?—No.

911. How long was the note in your husband's house before it was destroyed?—It was not there many minutes.

912. Did you read it more than once?—No.

913. How long after the election did your husband remain in the employment of Messrs. Pollexfel?—The next morning he went to join his ship at Liverpool.

914. Was he dismissed from the service afterwards?—Yes, he was.

915. How long was he disemployed; was he dismissed from the service afterwards?—Yes, he was.

916. How long was he disemployed?—A few days, not long, sir; a few days in Liverpool. A ship arrived, and he got charge of it.

917. Then he got charge of another vessel?—Yes.

Mr. *Waters* proposed to ask the Witness as to the contents of the letter.

Mr. *Macdonogh* objected, and the Judge ruled that the question was inadmissible.

Mr. *Waters* proposed to ask the Witness if there was anything in reference to voting in the letter.

Mr. *Macdonogh* objected, and the learned Judge allowed the objection.

918. Mr. *Waters* (to *Witness*).] You saw these persons bring the letter to your husband?—Yes.

919. Had they a conversation with him at the

same time?—No, they had not; they asked if he was going up.

920. Going up to where?—To the court-house.

921. Was that to vote?—I do not know whether it was to vote or not.

922. To the court-house?—Yes.

923. I ask you now, on your oath, did you ever tell anybody that note was written by Mr. Pollexfel?—I could not swear to his handwriting.

924. Did you ever tell to anybody that that note was written by Mr. Pollexfel?—I thought it might be from Mr. Pollexfel.

925. Have you any doubt about it?—I have not; but I will not swear to his handwriting.

926. Do you believe it came from Mr. Pollexfel?—Of course I could not say; I thought at that time that it did.

927. Mr. *Justice Keogh*.] Did your husband tell you it was from him it came?—No, he did not, my Lord.

928. Mr. *Waters*.] What is it you believe; do you believe it came from Mr. Pollexfel?—I did believe it at the time.

929. Do you know Mr. Pollexfel?—Yes.

930. What was the letter about?—I do not know.

931. Mr. *Justice Keogh*.] You must not prevaricate; if you do, I have considerable power over you, and I may use it; do not let me have to caution you again; you said you read it over your husband's shoulder?—I did; there were only a few lines of it.

932. What was in it; can you not tell us?—I cannot.

933. You are not asked to tell the whole contents; was it to come to the court-house?—Yes.

934. What was it?—It did not mention to do anything.

935. Did it refer to your husband's wife and children?—No; there was nothing about a wife and children in it.

936. How did it commence?—"Captain Dale, come up at once."

937. What was the rest?—I cannot recollect the contents.

938. Can you tell us the substance of it?—There was nothing else that I can recollect.

939. Were there these words in it, "Don't be a coward"?—Yes.

940. Do you recollect, "Remember your wife and children"?—No, there was nothing of that kind.

941. Did it say, "If you do not vote, you won't have a house over your head"?—No.

942. There was nothing said there about the house?—No.

943. Was there any threat?—No; it said, "Come up at once, and don't be a coward."

944. On your oath, you cannot recollect more than that?—No.

945. Did you ever tell anybody that it referred to your house, and that there would not be a house over your head?—No; there were only about two lines in it.

946. Was there anything about his family?—No, nothing at all.

947. Or his house over his head?—No.

Cross-examined by Dr. *Kaye*.

948. I believe there was a considerable crowd in Sligo that day?—There was.

949. There was a great number?—Yes, a great number.

JOHN FEENY, sworn; Examined by Mr. O'Loughlin.

J. Feeny.
 19 February 1869. 950. WHERE do you live?—Sligo.
 951. Are you a voter?—Yes.
 952. Do you know a man named Michael Price?—I did.
 953. In consequence of any message he brought to you before the election, did you go to any place?—I did.
 954. On what day was it?—It was a week before the election.
 955. Can you give the precise day?—I could not.
 956. Where did you go?—Into Mr. Leech's.
 957. That is in Castle-street, Sligo?—Yes.
 958. Whom did you see there?—When Price came and told me to go down —
 959. Never mind that; did you go down?—Yes.
 960. In consequence of anything Price told you, did you go to the Hall doors?—I did.
 961. Did you knock?—I did; three smart raps.
 962. Was the door opened?—Yes.
 963. Who opened the door?—I could not say; Price was the first man I met inside.
 964. Did you go upstairs?—Yes; Price showed me the way upstairs.
 965. What door did you go into?—I do not know; it was the left-hand side. I never was there before.
 966. Whom did you see there?—Price called him Mr. Knox.
 967. Major Knox?—No, he called him Mr. Knox; Major Knox was not there for about a minute or two.
 968. Was it in the front room that you went?—Yes, on the left-hand side.
 969. After you were there with Mr. Knox for some time, did Major Knox come in?—Yes.
 970. When Major Knox came in, what did he do?—He stood up and said to Mr. Knox, "Here is my friend," said he; "Come in," and he shook hands with me.
 971. And, when he shook hands with you, did he say, "Did he say anything to you;" did he ask you to sit down?—No; he asked me what my figure was. I did not understand him.
 972. Before he did that, did he offer you anything?—No; not before that.
 973. Did he offer you any wine, or anything of that sort?—After that he did.
 974. What did he say?—"Here is a friend," he said to Mr. Knox; "John," said he, "what is your figure?" I did not understand a word.
 975. The Major said that himself?—Yes; I did not understand a word; after I studied awhile, he asked me if 50*l.* would do. I said, "I suppose it will;" but if they were giving any more I supposed I was entitled to as much as another, and he said he supposed I was.
 976. Had you any other conversation?—I had not.
 977. How long did you stay there?—About 15 minutes.
 978. When Major Knox said that, was Captain Knox there?—I do not know the Captain.
 979. Mr. Knox?—He called him Mr. Knox. He was sitting at the end of the table.

980. And Major Knox called him Mr. Knox?—Yes.
 981. And after that, did you get anything?—He asked me to have a glass of wine, and I had some.
 982. How long did you stay?—About 15 minutes altogether; and when I was going out he called me back to have a glass of brandy. I would not have it.
 983. Do you know a person of the name of West?—I do.
 984. Is he a voter?—He is.
 985. Do you know how he voted at the last election?—I cannot tell you; I do not know.
 986. Did you see West on the following day?—Yes.
 987. Where did you see him?—He came into my own place, into my own home.
 988. What time of the day was it when he came in?—Something about one o'clock, to the best of my belief.
 989. Was there anyone in your house when West came?—There was.
 990. Who was in the house at the time West came there?—He ordered them out of the room, and they walked out; my wife and daughter were there.
 991. You have a public-house?—Yes.
 992. Where did he ask you to go to?—He asked me to go to Dublin.
 993. When he came into the house did he ask you into the kitchen?—No, into my tap room, he crossed out of the door.
 994. What did he say to you then?—He told me if I would go to Dublin, the agents were in Sligo, and I could get an order for 50*l.*, and get goods on it; he said I was to go to the City of Dublin Brewery —
 995. He said he would give you an order for 50*l.* to go to the City of Dublin Brewery to get porter there, goods?—Yes.
 996. Did he say anything else to you?—No.
 997. What did you say to him?—I told him I was not prepared.
 998. To go?—Yes.
 999. Did you say anything else?—No, not at that time.
 1000. Did he say anything to you about Mr. Allen?—He is in Dublin Asylum, and I do not wish to say anything about him.
 1001. I am afraid you must tell us all that occurred?—Young Mr. West is in an asylum in Dublin, and I do not wish to say it.
 1002. Mr. Macdonogh.] He is in a mad-house?—He is.
 1003. Mr. O'Loughlin.] You must tell us, I think?—Well, I will tell you then what he said.
 1004. He came in?—Yes.
 1005. What did he say to you?—Young Mr. West promised me 50*l.* to go down to Allen's and not to vote on either side.
 1006. What day was this?—The week before the election.
 1007. Before or after you had seen Major Knox?—It was afterwards.
 1008. What did you say to Mr. West then?—I told him I would vote, I would give a right vote; I did not say I would go either side, that I would vote; that was the very word.
 1009. Did

1009. Did you say for whom you would vote?
—No, I did not; I said I would vote.

1010. Did he say anything in return to you then?—He said if I went down to Mr. Allen, I would be well cared for, till after the election was over.

1011. Did he say anything else?—He said that was better.

1012. What was better; did you say you would vote for Major Knox?—No, I did not; I did not mention it; he said that was better than to go away; I told him I would not go away.

1013. On the same day that you had that conversation with Mr. West, junior, do you remember being in Mr. Green's, in Castle-street?—Yes; that was on the Friday.

1014. Do you know a gentleman of the name of Edward Chisholm?—I do.

1015. He is a voter in Sligo; what is he?—He is a tradesman.

1016. What trade does he carry on?—He has a grocer's shop.

1017. What trade is Mr. Green in?—He also has a hardware shop.

1018. And I believe his establishment is in Castle-street?—Yes.

1019. And is Mr. Chisholm's establishment in Castle-street also?—Yes.

1020. Did you see Mr. Chisholm that day in Green's shop?—Yes.

1021. Had you any conversation with Mr. Chisholm there?—I had; I was going out with two panes of glass; Mr. Chisholm came out and called me back, and asked me if I would go to Dublin, and he said he would give me an order. I said I was not prepared. He said "What do you want?" I said "I have no clothes." He said, "Go up to Mr. Lyons, or to Mr. Williams, and I will give you an order for a suit of clothes."

1022. Is that Mr. Henry Lyons?—I suppose so; I could not tell.

1023. He said, at all events, "Mr. Lyons or Mr. Williams"?—Yes.

1024. And there is a gentleman of the name of Lyons in the trade?—Yes.

1025. And there is another gentleman of the name of Williams?—Yes.

1026. What did you say?—I told him I would give him an answer in an hour and a-half's time. I had two panes of glass to put in at the barracks.

1027. Was Mr. Green present when that conversation took place between you and Mr. Chisholm?—He was.

1028. Do you recollect the day of the nomination; do you recollect the day of the polling?—I do.

1029. That was on Thursday; do you recollect the Tuesday previous, the day of the nomination?—I do, well.

1030. Do you recollect Wednesday, the day before the polling?—I do, very well; that was the night before.

1031. Do you recollect going to your own house on that evening?—Yes.

1032. That is, the evening before the polling?—I know it.

1033. When you got to your own house, did you find any one there before you?—There were two gentlemen up in my room.

1034. Would you know those gentlemen again?—I think I would; I never spoke to them before.

85.

1035. Is that one of the gentlemen up there (*pointing to the gallery*)?—Yes.

1036. What is that gentleman's name?—I could not tell his name; that is the gentleman.

Mr. L. Waugh was told to stand up.

1037. Mr. O'Loghlin.] What is your name?—(Mr. Waugh.) Mr. Waugh

1038. Mr. O'Loghlin (to the Witness).] Was there anyone with Mr. Waugh?—Yes.

1039. Did you know him?—Mr. John Fawcett.

1040. Is he a Sligo man?—He is.

1041. When you went to your own house on the evening before the polling who told you, or did anyone tell you that those gentlemen were up-stairs?—Mary Gourlay and Mary Smith.

1042. Are they here?—They are.

1043. Did you, in consequence of anything that was told you, or that you heard, go up into your upstairs room?—Yes.

1044. And did you find Mr. Fawcett and that gentleman you have just pointed out there?—Yes.

1045. When you went up will you just state to the Judge exactly what occurred?—I will; they had two tumblers, I do not know whether it was of porter or of ale.

1046. At all events there was something on the table?—Yes; I was not there when they called for it. When I went up I went into my own room, and Mr. Fawcett was the first man I met, and he said "We are sent on a message." "What is that?" said I. Said he "Will you come down to Mrs. Hall's with us?"

1047. Do you know who Mrs. Hall is?—Yes.

1048. Who is Mrs. Hall?—She lives at the Court-house; she is the court keeper, I think.

1049. Is she the court keeper?—She is.

1050. After he said that what did you say; just go on and tell us?—I told him I had not time at that time. "Now," said he, putting his left hand into his breast pocket, "Here is 50 l. for you if you will go." He laid down the 50 l. in squares; I do not know that it was all notes, but there was one note on the top.

1051. You say he put his hand in his pocket and took something out of his pocket and laid it down?—Yes, notes.

1052. What was it he took out of his pocket?—There was a note on the top of it; but I could not tell the amount of it.

1053. What did he say when he took this out of his pocket?—He said if I would go, these notes would be mine; they were my money. I said, I could not go for half-an-hour.

1054. At what time of the night was this?—It was nine o'clock; between half-past eight and nine.

1055. Was that gentleman you have seen in the gallery present on that occasion?—He was.

1056. Did anyone say anything on that occasion about your price or your figure?—No.

1057. Was there nothing said about that?—No.

1058. Did you tell either of these gentlemen on that occasion that you had been offered anything?—Yes, I did.

1059. Whom did you tell?—No, not at that time, I did not.

1060. Did he say to you when you would get the money?—He did; he said he would give me it at that time if I would go.

c 3

1061. Did

J. Feeny.

19 February 1869.

J. Feeny.
19 February 1869. 1061. Did he ask you to go along with them?—Yes, on the spot; he wanted me to go down to Mrs. Hall's, and knock at the hall door two small raps, but I did not go.

1062. Did he tell you that if you went there it would be your money?—Yes.

1063. Did he tell you anything about the hour?—Ten o'clock, to be at Hall's.

1064. Were you to be at Hall's at ten o'clock?—Yes.

Cross-examined by Mr. *Macdonogh*.

1065. Now Mr. Feeny, before I ask you anything, I should like to ask you, did you get any money?—No.

1066. You did not; how often was your virtue assailed?—Virtue; I do not understand that.

1067. You don't understand; I will tell you. On the first occasion you went to Mr. Leech's?—Not without an order.

1068. But you went to Mr. Leech's?—I deny it.

1069. You deny it?—Yes.

1070. You deny that you went?—He sent for me.

1071. He invited you?—Yes, there came a man of the name of Price to me.

1072. And you went; and now will you tell me, was that the first time you ever saw Major Knox?—No, he canvassed me.

1073. How long was it before this that he canvassed you?—It was long before.

1074. How long was it?—I do not know.

1075. When he canvassed you, did you promise him?—I did.

1076. There was no mistake about it?—No, Mr. Phibbs and he were together.

1077. They were together; he canvassed you; he asked you, and you promised?—Yes.

1078. And as a manly fellow you meant what you said?—Yes.

1079. And you intended to vote for Major Knox?—No.

1080. When you promised to vote for him you did not intend it?—No, I had no intention of the sort; not a bit of it.

1081. What made you tell the lie?—It was no lie; he was the first that came; and, of course, I did not send him off with a sore heart, it would not do.

1082. However, he understood you that you meant to vote for him when you promised?—Yes, he did.

1083. When you came into Leech's house, where Major Knox lodged, you say Mr. Knox was sitting at a table, writing?—He was.

1084. Can you identify that gentleman?—No.

1085. Would you know him if you saw him?—I think not. I would not swear to him.

1086. That gentleman was there the whole time?—He was.

1087. You had promised Major Knox before?—Yes.

1088. Tell me exactly what he said; now exactly?—I will. I went up to his room and stood there for a minute or two. I was not two minutes, and he came out of the right-hand side of the door, and he said to Mr. Knox, "This is one of my faithful friends," said he; and he had a shake of the hands with me, and said, "John, what is your figure?" I did not understand that.

1089. You really did not understand that?—I did not.

1090. Well, go on?—Said he, "Will 50 l. do for you?" I said, "I suppose it will do; if you are giving any more, I am entitled to it as much as another."

1091. Then you understood him?—Yes, when he said 50 l.

1092. You knew that was 50 l. for your vote?—Yes; he asked me for my vote. He gave me a glass of wine, and I took it, and no mistake; and as I was walking out he called me back and wanted me to have a glass of brandy, and I would not have it. The man is there himself, and he would not tell a lie about it (*pointing to Major Knox*).

1093. Now, look here, sir; look at that gentleman (*pointing*); do you remember his being there the whole time?—No.

1094. Will you swear he was not?—No, but I would nearly swear he was not there, because the man who was there had big black whiskers.

1095. I should like to know the extent of your swearing; you said a moment ago that you would not swear, and then you nearly would. Now, will you swear he was not there?—No, he had big black whiskers.

1096. Will you swear he was not there?—I will not; he might be under the table.

1097. Don't joke with your oath; take my advice; you agreed to take the 50 l., provided there was not a larger sum going?—Exactly.

1098. If there were a larger sum going you expected to get it?—Yes.

1099. Did you ask when you were to get it?—No.

1100. There is no doubt about it; and the Major spoke so as to be heard?—Yes.

1101. And loud enough to be heard by Mr. Knox?—There was only three in the room.

1102. The door was closed; you did drink the wine?—I did.

1103. Why did you refuse the brandy?—Because there was about a noggin of wine, and I thought that was enough for me.

1104. Was it the next day that West came to you?—No.

1105. When was it?—It was before.

1106. Are you sure?—Yes.

1107. When was it?—It was about a week before the election.

1108. Are you sure it was a week before; we must fix the time with you accurately; what was the time you were at Leech's when you saw Major Knox and Mr. Knox?—It was the week before the election.

1109. Was that on Saturday night?—No, it was not.

1110. Or Monday?—I could not tell.

1111. Will you tell me when was West with you?—He was with me on the Saturday before.

1112. When was that?—On the Saturday before the election.

1113. Tuesday was the nomination day, was it?—It was; I will answer you if you will give me fair play.

1114. Then West promised you 50 l.?—He did.

1115. And that upon the terms of your going to Dublin?—Yes.

1116. Young Mr. West had been twice before in a lunatic asylum, had he not?—Yes.

1117. Was it he offered you 50 l. to go to Lyon's?—And his father told me the same.

1118. Did

1118. Did both of them tell you?—Yes.
 1119. And you refused?—I did.
 1120. Why did you refuse it?—I did not want it.
 1121. You would not take it, would you?—I would not.
 1122. You would not take it from the Major when he offered it?—I would not.
 1123. You swear that?—I do.
 1124. No money would tempt you?—No.
 1125. If he handed you down five crisp 100*l.* notes, would you not take them?—I would not take 1,000*l.*
 1126. Would you take 2,000*l.*?—No.
 1127. Would you take 10,000*l.*?—If you bestowed it on me I would take it.
 1128. But suppose you got 2,000*l.* in crisp bank notes for nothing?—For nothing; I would take it, I suppose.
 1129. Would you take it for your vote?—No, I would not.
 1130. Suppose the bank notes, crisp, and nice and new, were offered to you, would you take the money?—I would not take 10,000 *l.*, not for all I am worth in the world; I would not sell my country for it.
 1131. You would not, if 10,000 golden sovereigns were put before you, take them?—I would not sell my fellow-creatures.
 1132. Yet you said to the Major you would take the 50*l.*; and if more was going you would expect to get it?—Certainly.
 1133. Now we come to the next time your virtue was attempted; you know this is three times; the two Wests, the poor mad fellow, and the father?—Yes, and 20 times too.
 1134. Chisholme was the next; we will have every one of these gentlemen?—Yes.
 1135. You are perfectly sure he said he would give you a suit of clothes and 20*l.*?—Yes, certainly.
 1136. And did you go for the clothes?—No, I would not take them.
 1137. You said you would not take them?—No.
 1138. But you said you would?—I said I would come back in an hour and a half; the man will tell the same thing.
 1139. You said you would vote for Knox?—Yes.
 1140. Is Fawcett in the Sligo Rifles?—No.
 1141. Is he here?—No.
 1142. Did you know his name that night?—They told me his name.
 1143. There is no doubt whatever that Fawcett took out the 50*l.* and the notes?—I won't swear he took out 50*l.*; I know there was a note over; it was money.
 1144. He desired you to go down and give three little raps?—Little ones, indeed!

1145. Look at that gentleman (*pointing*)?—*J. Feeny.*
 I won't swear to him.
 1146. You won't swear to him; look at him; look at Captain Knox here; look at that gentleman: will you swear that gentleman was called Mr. Knox; look at him; will you swear?—I will not; I will swear he was not there.
 1147. Were you ever in the army?—No.
 1148. I wish to know, as a matter of fact, on your oath, do you not know that it requires the oaths of two persons to convict a man of perjury?—I suppose so.
 1149. Do you happen to know that?—I suppose so.
 1150. Look again, and tell me was that the gentleman?—I won't swear to him.
 1151. Now, will you tell me, my friend—we have had a little of this in this case lately—had anybody been sending you to these people to try to get something out of them; a promise or something else?—They never did.
 1152. You had no communication with anybody who was actively engaged on behalf of Captain Flannagan?—Never in my life.
 1153. When did you tell them the story?—What story?
 1154. The repeated occasions when your virtue was tempted; the story that you have been telling his Lordship now?—They asked me.
 1155. To whom did you tell it?—To my neighbours about.
 1156. Did you tell it to any attorney?—Never.
 1157. Did you tell it to any clerk of an attorney?—No, never in my life.
 1158. You never told it to anybody who wrote it down in a brief?—I do not know anything about it.
 1159. Did you tell it to anybody who took it down from your lips and put it into paper writing?—I might.
 1160. But did you?—Yes; I do not know.
 1161. Is he here, in court, at this moment?—Yes.
 1162. What is his name?—I could not tell (*pointing to a gentleman*); Mr. Mollony.
 1163. I thought you said you could not tell his name?—I do not know his exact name.
 1164. When did you tell that gentleman, whoever he is?—Long after the election.

Re-examined by Mr. O'Loghlin.

1165. You were asked if that gentleman were in the room?—He was not in the room at the time.
 1166. Are you positive there were only two people in the room?—I am; he was not there at all.

[The Witness withdrew.]

MARY GOURLAY, sworn; Examined by Mr. Coffey.

1167. I AM told your name is Mary Gourlay?—Yes.
 1168. Do you live in Sligo?—Yes, I do.
 1169. Were you in Mr. Feeny's employment in November last?—Yes, I was.
 1170. Do you recollect two gentlemen coming there one evening in November, just before the election?—I do.
 1171. Did they inquire for anybody when they came to Feeny's house?—Yes, they did.
 85.

1172. Who did they inquire for?—They came to the shop to Mrs. Feeny herself; to the bar.
 1173. Were you there?—Yes, I was there; they brought a sergeant from the barricade in with them.
 1174. A sergeant of police?—No, a soldier; and they gave him something to drink, but how much I could not tell; they brought in some drink, whatever it was, and they said to Mrs. Feeny, "Is Mr. Feeny in?" and she said "No, sir,"
 c 4

M. Gourlay.

M. Gourlay. 19 February 1869. sir," to the young men; "Have you any place," said they, "where we can sit down till he comes?" She called upon her daughter, Mrs. Smith—she called twice—and she did not come, and I, being in the kitchen——

1175. We do not want all that; we want to shorten this; did she send them upstairs to wait for Mr. Feeny?—She did.

1176. Did she?—Yes.

1177. Would you know one of the gentlemen?—Yes, there is one of the gentlemen there (*pointing*), and the other was Mr. Fawcett.

1178. Did you know Mr. Fawcett before?—I did.

1179. That is Mr. Fawcett, of Sligo?—Of Sligo.

1180. And those two gentlemen went upstairs?—Yes, and I brought the light up.

1181. What became of the sergeant?—He returned out when he got his glass of liquor.

1182. He did not remain?—No.

1183. Did you serve those two gentlemen upstairs with any drink?—I did.

1184. What did you give them?—What they asked me.

1185. What was it?—Bitter ale; they asked if we had bitter ale; I said "No," but we had good draught ale; and, said they, "that would do."

1186. Did you give them any ale?—I brought two glasses of ale up.

1187. The best you had in the house?—I did.

1188. Did you see how long they remained there before Feeny came into the house?—Only a few moments; ten minutes; that is the young man that asked me (*pointing*).

1189. Did you tell Feeny when he came into the house that there were two persons waiting for him upstairs?—I did.

1190. Did you see Feeny go up?—I did.

1191. How long did those three people remain upstairs together?—I could not say, where I was in my business in the kitchen; I could not tell; I know no more about it; that is all I have to say.

1192. Can you see from the street into the room into which they were shown?—Yes.

1193. Was there a fire there, or a light there?—There was a light on the table, and this young man said to me, "Can we be seen off the road?" I said "Yes." He said, "Can you blind the window?" I said "Yes," and he sent me to do it. I met Mrs. Smith, and I asked her to get a blind, and she took off her apron, and put it on the window.

1194. Was this done by the directions of that young man?—By directions of that young man in the presence of me.

1195. Did you see Mrs. Smith here to-day?—Yes, she is here to-day.

[The Witness withdrew.]

MARY SMITH, sworn; Examined by Mr. O'Loughlin.

M. Smith. 1196. Do you recollect the night before the election?—Yes, I do.

1197. Were you at Feeny's house that night?—Yes, I was.

1198. Did you see any person come to Feeny's house that night?—Yes, I did.

1199. Who came there?—Two young gentlemen.

1200. Did you know them before?—I knew one of the gentlemen there.

1201. Who was the one you knew?—Mr. Fawcett.

1202. Would you look at that gentleman there (*pointing*); was that one of the gentlemen?—I do not know; I would not swear; I did not pass any remark.

1203. But you knew Mr. Fawcett?—Yes.

1204. Were Mr. Fawcett and the gentleman with him upstairs?—Yes.

1205. Did you do anything that night with the window?—Yes, I blinded the window.

1206. What do you mean by that?—Putting a blind up.

1207. Was that in consequence of what these gentlemen asked?—Yes, they asked.

1208. What did they ask?—The first thing was, if Mr. Feeny had come in; and I said "No." The next thing was, would I tell him that they had a message from the commanding officer for him, and then they asked me if they could be seen off the street.

1209. That is in the room in which they were?—Yes.

1210. And you said they could?—Yes.

1211. And what did they say?—They asked me to be kind enough to blind the window.

1212. And afterwards, did you blind the window?—I did.

1213. And afterwards, did you see Feeny come in?—I did.

1214. Did you see Feeny go upstairs to the room where those gentlemen were?—Yes.

1215. And how long did they stay?—Very nearly a quarter of an hour, I think.

1216. Did you see him come down?—Yes.

1217. Did you see the gentlemen come down?—Yes, and go out.

[The Witness withdrew.]

JOHN KEARNS, sworn; Examined by Mr. Palles.

J. Kearns. 1218. I BELIEVE you are an elector of Sligo Borough?—Yes.

1219. Do you know a man of the name of Pat Barry?—I do.

1220. Is Pat Barry also an elector?—He is.

1221. You also knew a man of the name of Thomas Brennan?—I did.

1222. Do you remember one evening you and Mr. Barry going to Mr. Henry Lyons?—Yes.

1223. You went to his house?—We did.

1224. Was that in consequence of some previous communication that you had received; do not mind what any person told you, but did you go there of your own accord, or had you received a message, a message from anyone to go?—Thomas Brennan gave the message to Pat Barry.

1225. You cannot tell me that, but had you some

some conversation with other people before you went to Lyons'; is that so?—(No answer.)

1226. Did you get the message from Barry?—I did.

1227. And in consequence of that you went with him to Lyons'?—Yes.

1228. About what hour in the evening was that?—At half-past six.

1229. I believe Mr. Lyons resides outside the town of Sligo?—He does.

1230. He was not in when you got there?—No.

1231. And you remained till he came in?—We did.

1232. Tell us what happened; before Lyons came did you meet him before he entered his house?—Mr. Lyons came to his own door; he tapped at the door; the servant opened the door, and we three walked in, Barry, Mr. Lyons, and I; and he then showed Barry into one room, and he showed me into another.

1233. I believe you were left alone in the room by yourself?—Yes.

1234. After a few minutes, do you remember Lyons and Barry coming into the room where you were?—Yes.

1235. What took place when he came in; tell us everything that took place, slowly?—Mr. Lyons said that we would get 50 l. a-piece in an envelope, in half notes.

1236. Were you to do anything for the 50 l.?—Well, I objected to it; I said that in electioneering times I would not take half notes.

1237. Half notes for what; did Mr. Lyons say that you were to do anything for which you were to get the 50 l. in half notes?—He did.

1238. What did he tell you?—That we were to leave the town.

1239. You objected to the half notes; I suppose you would have preferred whole notes?—Yes.

1240. What next happened when you objected to the half notes?—We were to go at seven o'clock the next evening, and he would see what could be done.

1241. Was there any talk on that occasion about travelling expenses?—There was something said about 5 l.

1242. You were to get 5 l. each for travelling expenses?—Yes.

1243. Was that to be in half notes or whole notes?—There was nothing said about it.

1244. Are you able to fix the day when that took place; the first conversation?—As well as I recollect, it was the 9th of November.

1245. Will you tell me the day of the week in November?—I cannot.

1246. Do you know a Mr. Stokes?—I do.

1247. Do you remember, upon the next evening after this, Mr. Stokes coming to your house; did Mr. Stokes call at your house the next evening?—He did.

1248. In the meantime, before Stokes called, had you got any message in reference to Mr. Lyons, whether you were to keep to your appointment with him or not?—Mr. Barry told me—

1249. You had some communication with Barry about the appointment with Mr. Lyons?—Yes.

1250. And on the next evening Mr. Stokes came?—Yes.

1251. Were you in when he came?—I was.

1252. When Mr. Stokes came, tell us what took place?—He brought me out to the gable of 85.

the barn, and he asked me if I would go a message for him. J. Kearns.

1253. Before he asked you to go on this message, did he make any reference to your talk with Lyons the night before?—He did. 19 February 1869.

1254. Tell me everything in the order in which you remember it?—He said he had understood that I had a conversation with Lyons the evening before.

1255. What did you say to that?—I told him I had.

1256. Was it then that he asked if you would go on a message for him?—It was.

1257. Did you say you would go?—Yes.

1258. Did he tell you what the message was on which he wanted you to go?—He said it was that I was to go to Dublin or elsewhere, and not to return till the 23rd.

1259. Did he tell you what the message was, on which you were to go to Dublin or elsewhere?—He said it was to bring him a walking staff or a switch.

1260. Was anything said about the amount you were to be paid for performing this interesting commission?—No; he did not say.

1261. He did not say what the amount was to be?—No.

1262. Did you agree to go to Dublin?—I did.

1263. Was there any arrangement made with a view to a further meeting?—No.

1264. Do you remember having made any reference to consulting your wife?—I did.

1265. What were you to do after consulting your wife; I am not asking you what you said to your wife; but when you had consulted your wife, were you to see this gentleman, the saddler, Mr. Stokes, again?—He said—he told me that he was going into the town for a stamp and pen and ink; and we were to get 50 l. each, Barry and I.

1266. But was he to meet you again; where were you to get the 50 l. from him?—He was to return in about half-an-hour.

1267. Did he tell you what it was the stamp was required for?—It was for signing the bond.

1268. What for?—For the 50 l., of course.

1269. Was there anything said about your signing an agreement not to come back till the election was over?—Till the 23rd.

1270. You went into your house, and consulted your wife; you must not tell us what you said to her, or what she said to you; but after this, did Mr. Stokes return?—He did.

1271. Had Barry gone away in the meantime?—He had; he went home.

1272. What happened when Mr. Stokes came back?—I told him.

1273. Where had you the conversation with him; did he knock at the door?—He tapped at the door.

1274. Did you go out?—We did.

1275. Where to?—We went out into the road, opposite my door, and I told him I had consulted the wife, and that she would not agree that I should leave home, and that I would have nothing more to do with it.

1276. Then you did not sign the stamp, whatever it was?—No.

1277. And you did not get money?—No.

1278. Was there any talk between you then, about Barry?—I made a remark to Mr. Stokes, that Mr. Barry told me to direct him down to his house, and so I did.

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1279. Is

*J. Kearns.*19 February
1869.

1279. Is it at the river side that Barry lived?

—Yes.

1280. When you told him that, what did Mr. Stokes say?—He said he did not wish to go down by the river side.

1281. What did you say then?—I said I would take him down to Barry's house.

1282. And you brought him to Barry's?—I did.

1283. And did you leave him there?—I did.

1284. Did you go into Barry's house before you left?—I did.

1285. Where did Mr. Stokes go in Barry's house?—Mr. Stokes and Mr. Barry went into a room; I could not account for what passed between them; I was not there.

1286. Did you remain till Mr. Stokes left?—I sat in Barry's kitchen till Mr. Stokes went.

1287. How long were they together before Mr. Stokes came out?—I do not think they were 10 minutes.

Cross-examined by Mr. *Robinson*.

1288. I think you said; but can you tell us precisely when it was that you saw Lyons?—I think, as well as I can recollect, it was on the 9th.

1289. Of November?—Yes.

1290. Where was he?—At his own house.

1291. Was he in his own house?—No.

1292. Where was he?—At the town.

1293. Where was he when you spoke to him first?—He was at his own door.

1294. Was he walking?—He was coming down the town to his own door.

1295. And you spoke to him there?—Yes.

1296. Then you and Barry and he went in?

—Yes.

1297. At any conversation that occurred there, were you present?—We were.

1298. Was anyone else there?—No.

1299. Was that the first time you spoke to him about the election?—It was.

1300. Was it the last time you spoke with Lyons about the election?—It was.

1301. Was anyone else present at the time of this conversation?—No one but he and Barry and I.

1302. What was it Mr. Lyons said about 50 l.?—Mr. Lyons said we should get 50 l. each in an envelope.

1303. If you would leave the town?—Yes.

1304. You would get 50 l., and he said that before Barry?—He did.

1305. Did you hear from Barry that Lyons was with him in the month of November?—Barry told me next day that Mr. Lyons came to him about 12 o'clock, and he gave up the conversation that passed between Barry and I.

1306. He gave up the conversation that passed between Barry and you?—Yes; Barry told me.

1307. What do you mean by that?—I cannot say.

1308. That he gave it up?—Yes.

1309. But you do not know what he said to Barry?—No.

1310. Barry can tell us at all events?—Yes.

1311. If he chooses to tell?—Of course.

1312. You never spoke to Lyons after that day about the election?—Never; not a word; I did not see him afterwards.

1313. You voted for Captain Flannagan?—I did.

[The Witness withdrew.]

PATRICK BARRY, sworn; Examined by Mr. *O'Loughlin*.*P. Barry.*

1314. Do you know Thomas Brennan?—I do.

1315. Was he in the habit of being in and out of your house?—Yes.

1316. Frequently?—Frequently, before ever the election took place at all.

1317. About a month or so previous to the election was he in and out of your house daily?—Not daily.

1318. Nearly every day?—No; no such thing.

1319. Was he frequently there?—He might be coming up on pleasure trips, the same as any other young men in the town.

1320. Did you ever see him pay money in your house?—I never did, except seeing him pay for a glass of grog or a tumbler of ale, but no payment of money I never saw to any man.

1321. Did Brennan ever give you a message that Mr. Lyons wanted you?—He did.

1322. When was that?—It was on the 9th as far as I recollect.

1323. The 9th of November?—Yes, November.

1324. In consequence of that message that you got from Thomas Brennan, did you go to Mr. Lyons?—I did.

1325. Had you anybody with you?—I had John Kearns.

1326. That is the witness last in the box?—Yes; he is a neighbour of mine.

1327. Did Thomas Brennan tell you anything about Kearns?—Not one word.

1328. Did he tell you to bring Kearns?—He did.

1329. Then in consequence of the message you got from Brennan to go yourself with Kearns, you went down to Mr. Lyons?—We did, both together.

1330. Did you see Mr. Lyons that evening?—We did.

1331. When you went down to Lyons' house was he there?—He was not.

1332. You came down and waited, I suppose, on the road?—We did.

1333. When he came down, did you and Kearns and Mr. Brennan go into Mr. Lyons' house?—We did.

1334. Do you recollect; did Kearns go into one room?—He did.

1335. And what did you do?—I went in with Mr. Lyons to another room.

1336. When you were with Mr. Lyons in that other room, did any conversation take place between you and Mr. Lyons; what did Mr. Lyons say to you?—Mr. Lyons and I had a conversation as far as this, that I was to vote for Major Knox, and he asked me as to the amount of money I would go for. I told him I was not going to vote at all; that I should not vote on either side.

1337. When you went down to Mr. Lyons, did Mr. Lyons tell you, or ask you, what he had said to you before; did he tell you that?—He asked me, would we come into the town; he heard we were

were going to leave town, and not vote on either side, and I told him we were.

1338. Just repeat that; "He said he heard you were both going to leave the town?"—Yes.

1339. What did you say?—I said we were both ready for going.

1340. What did he say to that?—He asked me then what was our demand on doing so, and I said 50*l*.

1341. To do what?—To leave town for 50*l*.; that we should get 50*l* and our travelling expenses.

1342. Did he say anything then about Major Knox, or voting for him?—He never did to my knowledge.

1343. Was there anyone present at that conversation that took place between you and Mr. Lyons in that room?—None but us both.

1344. What did you say?—I told Mr. Lyons that Mr. Kearns was in another room, and that he was a neighbour of mine; and "Sir," said I, "Mr. Kearns might think I was taking an advantage of him, and" said I, "I would wish that anything you have said to me you would come into the room where Mr. Kearns is, and express the same to both of us."

1345. Did Mr. Lyons and you then go into the room in which Kearns was?—We did, both of us.

1346. Just tell us what occurred between you, Mr. Lyons, and Kearns?—There was something about 50*l*. in half notes, and we were to get them in an envelope.

1347. Who said that?—Mr. Lyons did; we said we would not go without the money; we said it was electioneering times, and we were determined to get the money before we would go.

1348. What did Mr. Lyons say to that?—Mr. Lyons then said he thought we should take his own word for the amount.

1349. Was it to you or to Kearns he said that?—To both of us.

1350. That you ought to take his word for the amount?—Yes, and I said I would take his word for three times the amount; but that in electioneering times it was contrary, and there was always shuffling.

1351. Did Mr. Lyons then say anything to you about what you were to do?—He said we should call on him the next evening at seven o'clock.

1352. Did any more conversation pass between you and Mr. Lyons?—No, not that I know of.

1353. What is Mr. Lyons' Christian name?—His name is Henry Lyons.

1354. Can you recollect anything else that passed between you and Mr. Henry Lyons?—I do not, that night.

1355. Had you any other conversation with Mr. Henry Lyons about the election?—I did the next day; I saw Mr. Lyons.

1356. Did you see Mr. Lyons on the following day?—I did.

1357. Where did you see Mr. Lyons on the following day?—I saw him at the head of the rails of my own house.

1358. You live at the river side at Sligo?—I do.

1359. And is it at the side towards Cleaver, or the side of the bridge to the town?—Towards Cleaver.

1360. That is towards the country; it is out of the town?—Not out of the town.

1361. Did you go over to him?—I was on my own land doing some business; I was on the brink of the bank, and I saw Mr. Lyons coming on.

85.

1362. Did you speak to Mr. Lyons?—Mr. Lyons spoke to me.

1363. What did Mr. Lyons say to you there?—Mr. Lyons told me that any transaction or any word that passed the night before, he had nothing to do with it; he withdrew all conversation of the sort; he cleared himself out of it.

1364. Did he say anything else?—No, not one word; he walked away; it was not two minutes altogether.

1365. In consequence of that, did you send any message to Kearns?—I went myself.

1366. Did you go yourself?—I did.

1367. When you went to Kearns did you, on that evening, see Mr. Stokes?—I did.

1368. Where first did you see Mr. Stokes?—I saw him opposite my own door on the river side.

1369. What time was this?—About dusk; in the evening, I think.

1370. Was there anyone with him?—No one but myself.

1371. Did any conversation take place between you and Mr. Stokes?—Yes.

1372. Tell me, had you previously known Mr. Stokes?—Yes, I had.

1373. Previous to that occasion had he spoken to you about the election?—Never.

1374. On that occasion what did he say to you?—I brought him into the room.

1375. What room?—Into my own room, by the shop.

1376. What did he say to you?—He asked me the question as to whether there was not a conversation between Mr. Lyons and I with regard to going out of town; I said there was.

1377. What did he say then?—He said, "As you are going I am going to give you a message;" Well," said I, "what is that?" he said, "I want you to purchase 50*l*. worth of hair, as I am in that line."

1378. That is curled hair?—I do not know what sort of hair; I made the remark, "Why, it will be a difficult thing for me, as I do not know of whom you take the hair; I do not know anything about the hair, and a couple of boxes in the train would not convey it"; and he said if I brought the pull of my pipe after the 23rd of November that would satisfy him.

1379. What did you say to that; did you say that you would go, or you would not?—Oh, go; I said I was determined to go, and I was; there was no mistake about that.

1380. That is for the 50*l*.?—I asked him the question where it would be; would there be any change in any place where I would go for that hair.

1381. What did he say to that?—"Well," said I, "I have written to my son in Dublin, and," said I, "I have got in answer his note, that if I go myself, or any other friend I bring there, he would secure us in Dublin."

1382. Had you a son in Dublin?—I had.

1383. And that statement you made to Mr. Stokes was a true statement?—It was; I had a note from my son that I was to be secured by him.

1384. Where is your son in Dublin?—I forget now.

1385. Is he in employment there?—He is.

1386. Do you know in whose employment he is?—I forget now the name.

1387. What is he?—He is in a large establishment in Dublin.

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1388. But

P. Barry.

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1388. But what trade is your son in?—He is in a hosiery trade in Dublin; it is Switzer and Ferguson.

1389. How long has he been there?—I think now about six years off and on.

1390. On the evening that you had the conversation with Mr. Stokes, did you see Kearns; do you recollect Kearns coming to your house?—I do.

1391. Had you a second conversation with Mr. Stokes?—I had.

1392. When Mr. Stokes came to you, was it towards evening?—It was a dark evening.

1393. Did Mr. Stokes and you go into your little room?—We did.

1394. Was there anyone there when you and he went in?—No one but us both.

1395. When you went into that room did Mr. Stokes do anything?—Mr. Stokes laid down pen and ink on the table.

1396. Where did he get the pen and ink?—I do not know.

1397. Had he it about him?—I think so.

1398. It was not your pen and ink?—As far as I can recollect it was not.

1399. Had he any paper there?—I saw some paper on the table.

1400. Do you know what a stamp is?—I do.

1401. Had he a stamp there?—I could not swear it was a stamp; I did not handle it; I saw pen, ink, and paper on the table.

1402. Where did it come from?—Mr. Stokes brought it with him.

1403. Was there anything else?—I do not know; I thought it was something like—

1404. I do not want to know what you thought; did you see anything else?—I cannot say.

1405. What was it; will you swear what it looked like?—I could not swear that.

1406. When Mr. Stokes brought pens, ink, and paper, did he put them on the table?—Yes, he did.

1407. Tell his Lordship what happened then?—I questioned Mr. Stokes; "Mr. Stokes," said I, "have you brought the travelling charges?" "No," said he. "Well now, Mr. Stokes," said I, "what have you brought?"

1408. What did he say he brought?—He did not say anything of the kind; he never mentioned it.

1409. You asked him if he had brought the travelling charges?—That was the question; I told him I would take what was fair. He said, "You are getting what is fair, 50 *l.*" He would not provide travelling charges; I demanded them from him; he said I was getting 50 *l.*, and that was sufficient.

1410. Did anything else pass?—Nothing else; he walked out on the spot.

1411. What did you say to him?—I said, "What brought you in here, walk out again," and with that he walked out according to my directions.

1412. What became of the paper?—I do not know what became of it.

1413. Did he take it away?—It was not there on the table.

1414. Had he anything with him beside that paper?—I cannot swear anything of the sort.

1415. I only want you to swear what you recollect of it?—I will not swear to any money; I will to the pen, ink, and paper; I did not notice anything else.

Cross-examined by Dr. *Kaye*.

1416. What business are you?—I am a publican, and I am also a farmer.

1417. When did you make up your mind that you would make 50 *l.* by the election; when did you make it up that your price was 50 *l.*?—On that spot, the moment I was talking to Mr. Lyons.

1418. You never thought of it?—Never.

1419. You never thought of making anything of it?—I meant to make that that I demanded.

1420. But you had never thought of it before you met with Mr. Lyons?—Never.

1421. Where was it you met Mr. Lyons first?—I met him at his own door.

1422. And had Mr. Lyons ever spoken to you about the election before?—Never.

1423. And Mr. Lyons was going into his own shop; his place of business?—Not his own shop.

1424. His dwelling-house?—I did not think he was living there; but at any rate that was his house; he was the owner of it.

1425. He was going in, and it was by accident you met him?—No, I waited on him.

1426. You were waiting there till Mr. Lyons was coming home?—He came in from the town, or I suppose so; he was at his own house then.

1427. How long had you been waiting at Mr. Lyons' house?—About a quarter or a half an hour, I think.

1428. And Mr. Lyons was just going in at his own door?—We saw him coming over, and we just met in the street together on the spot.

1429. Did you ever vote at an election for the Borough of Sligo?—I did so, several times.

1430. Did you ever make anything by your vote?—I made 15 *l.* when Mr. Armstrong's election was; that is all I ever made.

1431. Did you vote at the last election?—I did.

1432. And who did you vote for?—Captain Flanagan, and I was determined for Mr. Knox up till the last minute.

1433. What?—But for the travelling charges I would have gone the same morning away from the district, not to vote at all.

1434. Then it was only a difference of 5 *l.*?—Something of the kind; I do not know how much it was; I demanded it.

1435. You would not go without your travelling charges?—I did not say what the amount might be, but I said travelling expenses; I was prepared to go.

1436. Had you your portmanteau and your clothes packed?—My portmanteau is just here; on me.

[The Witness withdrew.]

ANN PETITT, sworn; Examined by Mr. *Waters*.

A. Petitt.

1437. Did you come from Sligo to-day?—Yes.

1438. Do you know Mrs. Buchanan?—I do.

1439. Did she travel with you?—Not in the same carriage; the same train.

1440. Did she travel with you?—Yes.

1441. She came out at Carrick?—She got into the train at Sligo; I only saw her there; I did not see her when we got here.

1442. What time did you get in?—The eleven train, or whatever time the train was.

1443. Did

1443. Did you see her since at Carrick?—I did not.

1444. Did you see her get off at Carrick?—I did not.

1445. Mr. Justice *Keogh*.] You say this lady got into the carriage at Sligo?—She did into another carriage; not the same carriage I was in.

1446. Did you see her after she got into the carriage?—I did not; she came in the bus to the train, but I did not see her afterwards.

1447. You did not see her in the station at Carrick?—I did not.

1448. Did you see her get out at Carrick?—No.

Mr. *Phibbs* stated that he had left Mrs. Buchanan in Sligo that morning; she did not get into the train at all, but only came to the station with another lady to inquire if they could be telegraphed for.

The *Witness*.] They were both in the bus; I did not see them get into the train.

Mr. Justice *Keogh*.] That explains it.

1449. Mr. *Waters* (to the *Witness*).] Your husband, I believe, is a voter in Sligo?—Yes.

1450. Was he living in Dublin or in Sligo at the time of the election?—He was living at Dublin.

1451. Did he come down from Dublin to vote?

1452. I believe you have a son living in Dublin also?—Yes.

1453. What is he engaged at?—I could not tell you what; he is in the "Times" office.

1454. Is he in Major Knox's employment?—Certainly.

1455. How long is he there?—Well, I really cannot tell that; he is about nine months there, I think; he is that or better, I think, to the best of my opinion; whether it is more I cannot say.

1456. Do you know what his employment is

there?—I do not know; some kind of a clerk they call him.

1457. Is he doing anything at all there, do you know?—I know he is.

1458. You say your husband came down to vote?—Yes.

1459. Who paid his expenses?—Himself of course.

1460. Did you write for him?—I did not write for him.

1461. Had you any communication with any one about bringing him down from Dublin?—I had not, unless on the day of the election.

1462. Who had you communication with on the day of the election?—He went to Dublin after the election, and I wrote for him to come here; two gentlemen, I do not know who they were, were looking for him, something about the county election.

1463. But about the borough election, had you any communication with any gentleman in Sligo about bringing him down?—No, not a word.

1464. Were you in Dublin yourself?—No, in Sligo.

1465. Were you in Dublin any time before the election yourself?—I was often in Dublin.

1466. But I mean just before the election?—No.

1467. Did anybody call at your house just before the election, about your husband coming down?—No, nobody called at my house.

1468. Did Major Knox ever call at your house?—He did, and Mr. *Phibbs*.

1469. When?—A long time before the election; Mr. *Phibbs* introduced me to Major Knox and said he came to solicit *Petitt's* vote, and I said, "You may rest assured *Petitt's* vote is secured, because he would not vote for any man but a Conservative;" those are the words.

[The *Witness* withdrew.]

CHARLES TIGHE, sworn; Examined by Mr. *Palles*.

1470. I BELIEVE you are an elector for the Borough of Sligo?—Yes.

1471. In what trade are you?—I am a cooper by trade.

1472. I believe you are in the employment of Mr. Gormand, of Sligo?—I am.

1473. Do you recollect Mr. Stokes coming in to Mr. Gormand's yard?—I do.

1474. That is Mr. Stokes, the saddler?—Yes.

1475. Did he say anything to you when he came in?—He did.

1476. What was it he said?—"Good day," said he; "Good day," said I. He said, "I want to talk to you." Mr. Gormand was standing near the turf-house at the door, and said he, "No, I have nothing at all to do with it; go and mind your own affairs."

1477. Did you go into the turf-house with him?—I did.

1478. When you were in the turf-house, what was said?—He looked up, and asked if anybody could see. I said, "No." There was another house leading away from the turf-house, where the hens and cocks roost, and there was a large door. He said, "I believe you have a vote." "I have," said I. He said, "Who do you vote for?" I said, "My mind is not made up yet."

85.

He said, "What would you take for your vote?" "I do not know," said I. "I believe some are getting forty, some more, and some less." Well, he took a bit of stick, and on the door he marked out thirty-five strokes, and said, "Would thirty-five strokes please you?" "What do you mean by those thirty-five strokes?" said I. "Oh! something handsome," said he. "Well," said I, "I have not made my mind up yet, but will you allow William Fallon in?" He said, "I cannot allow a third person by." "Well," said I, "if you will not allow William Fallon in, will you allow my own son in?" "No," said he, "I will not; I cannot allow a third person in; I will not allow any one in," said he, "but to please you I will put five strokes more to that to please you, and you will have many smiling faces when you come home."

1479. Did he tell you what you were to do?—He said to vote for Mr. Knox. I said I had not my mind made up to vote for Mr. Knox or any other man. He said, "Will you take security?" I said, "I would," and he said, "Would you not take your employer's word for it?" "Not for three straws," said I. "For what reason?" said he. "Because," I said, "I could not be fighting with my employer when I got home."

1480. Is that the substance of what passed between

C. Tighe. between you and Stokes on that occasion?—It was.

19 February 1869. 1481. Do you remember anything else?—He went out through the house, and there was a nearer cut through the office; he went out, and said to Mr. Gormand, "That is all right," or "That will be all right." "Well," said I, "you would not allow my son to come in, and I have not made up my mind." The same evening I was passing, and there was a great crowd round Mr. Stokes's house, and Mr. Stokes came to me, and said, "Well, Mr. Tighe, did you see Mr. Gormand?" "I did not," said I. "Will you come in this way?" said he. I said, "Not in that way." "Oh," he said, "it makes no odds." He brought me into a small room to the right; I could not say whether it was his wife or not, but there was some one sitting at the fire, and she got up and withdrew out of the room. He said, "Have you your mind made up?" "I have," said I. "Well," said he, "where would you like to go, to Liverpool or to Scotland." "I would like to go to Dublin," said I, "but what will I do without the money; who will give it to me?" He said, "You will have a man meet you in the train in the morning; you will go to Dublin, and you will meet a man at the train, and that man will give you money, and you will be well taken care of along with the rest." Well, I sat down and thought, and said I, "You are making a fool of me." "Oh, no," said he, "if you are not going to agree with me, I suppose we will have to part." So I got up, and wanted to walk out through the door I went in at. "No," said he, "you will go out here; this is where the rest of them went."

1482. That is a sort of back entrance?—Yes, the parlour door.

1483. The principal entrance is through the shop?—Yes. "So," said he, "as we are not going to agree, we will part." "Good night," said he; "Good night," said I; and we parted.

Cross-examined by Mr. *Macdonogh*.

1484. May I ask you, were you in earnest with reference to getting the money?—No.

1485. Then, in short, you were making a fool of him?—No, he was making a fool of me.

1486. Then you would not have taken the money, and gone away?—No.

1487. And you would not have taken the money, and voted for Major Knox?—No.

1488. And you never meant either?—No.

1489. And you meant to take the money, and vote for Captain Flanagan?—No.

1490. What did you mean to do?—I would not vote for Major Knox if he gave me all the money he is worth in the world.

1491. You would not?—No, as I told him when he came into my house, that was my principle.

1492. You were like the former gentleman, I

suppose, you would not take 10,000 *l.* to vote for Knox?—No, I would not; I am a poor man, but I would not take all the money he has in the world, or you either, or any man in court, to vote for him. I told him that, and he is there now.

1493. When you were bargaining with Stokes, and said you had not made your mind up, you never did intend, whatever he gave you, to gratify him with a vote?—No.

1494. You never did?—No.

1495. No matter what he gave you, you would not go away from the town and abstain from voting?—No, I would vote for Flanagan.

1496. And you really did not intend then to take the money and leave the town?—No.

1497. You did not?—No.

1498. Were you ever sent by anybody to hold these conversations with Stokes?—No.

1499. What made you do it?—Just to please my own mind.

1500. Was it to make a case against Major Knox?—No, I had nothing at all against Major Knox.

1501. But suppose you contemplated that if the election went against you, you would have a case against Major Knox; do you know what that means?—I do.

1502. And was that your object?—It was.

1503. I believe you voted for Captain Flanagan?—I did.

1504. And you were in his mob?—No, I am no mob-man, never was; perhaps you might be if you like the name.

1505. Were you or were you not a very violent person at the election?—No.

1506. How much did you make by the election?—Not a farthing, nor a bottle of pop, nor a pint of porter; I can swear that, as I am on my oath.

1507. When did you enter into the design that in case Captain Flanagan was unsuccessful you would have this case of bribery against Major Knox; when was it that that thought, that brilliant thought, occurred to your mind?—Always, from the beginning to the end; I would never vote for him.

1508. Have you been summoned for your violence at the election?—No.

1509. Do you not know there was an information sworn against you?—No, I deny it; I never was before a bench of magistrates since I was born.

Re-examined by Mr. *Palles*.

1510. You say you were canvassed by Major Knox, and told him that nothing would induce you to vote for him?—Yes; Mr. Phibbs was with him and Mr. Brennan; they are both in court; I told him I would not, and that is my principle.

[The Witness withdrew.]

PETER TIGHE, sworn; Examined by Mr. *Waters*.

P. Tighe. 1511. ARE you a son of the last witness?—Yes.

1512. Were you at work at Mr. Gormand's in November last?—Yes.

1513. Do you know Mr. Stokes, a saddler?—Yes, I do.

1514. Do you recollect seeing him come in there?—Yes.

1515. Did you see him in conversation with your father?—He brought him into the turf-house.

1516. Was the door open or shut after they went in?—Open.

1517. Did they remain there long?—About ten minutes, I suppose.

1518. Were

1518. Were you there yourself?—I was in the shed working.

1519. I mean in the turf-house?—No.

1520. You did not hear what went on there?—No.

1521. Had you a conversation with Mr. Stokes?—No.

1522. After they came out of the turf-house, did you see where they went?—Mr. Stokes came in and asked Mr. Gormand why he did not buy a saddle from him; he bade good evening to my father, and said he wanted to speak to him. He asked Mr. Gormand to go with them, but Mr.

Gormand said he would have nothing to do with it. They then went in together, and as he came out he told me —

1523. Do not tell me that; what did Mr. Stokes do then?—He went out again.

1524. Mr. Justice *Keogh*.] What business does Mr. Gormand carry on?—He is a butter merchant.

1525. Your father and you are in his employment?—Yes.

1526. As coopers?—Yes.

[The Witness withdrew.

DOMINICK OATES, sworn; Examined by Mr. *Coffey*.

1527. ARE you an elector of the Borough of Sligo?—Yes.

1528. Do you know a man of the name of Shaw?—I do.

1529. Is he a clockmaker?—Yes.

1530. Do you recollect having immediately, or a short time, before the election some conversation with Shaw?—Yes, he came to clean up my clock. It was not going; I told him, and he said he would call and see it.

1531. Never mind about the clock; had you a conversation with him in your house when he was doing something to the clock?—I was in bed.

1532. Did he say anything about your going away?—He said it was not in bed that I should be; I am up at night, and I sleep in the evening.

1533. Had you some conversation with Shaw that night about going away?—No, but he said if I got the cash would I go; and I said I heard there was a good deal of it going, but I had seen but very little of it.

1534. Did Shaw make an appointment with you after that to call upon Mr. Stokes the saddler?—He did not mention his name at that time, but he said he knew a man that was a great favourite, and could do great things for Major Knox, and that he could bring me word what figure was going.

1535. Did he afterwards accompany you to Stokes's house?—Yes, he did; he came for me.

1536. Did he accompany you to Stokes's house?—He came for me.

1537. And you both went together?—Yes, I was sitting at the fire when he came into the shop.

1538. Did you see Stokes when you went there?—Yes.

1539. Did Shaw introduce you to him?—He did.

1540. Where did Mr. Stokes show you when you went into his house with Shaw?—He just happened to be at the door when we three walked in; we went into a room at the left; there was a woman there in the room, and she got up and walked away.

1541. Tell his Lordship what Stokes said when you three were together?—He said, "You have a notion of going across the water;" I said, "Yes," that all my brothers and sisters were there. "Well," he said, "would you go to-morrow morning?" "That is too short a sentence," said I.

1542. About how many days before the election was this?—Tuesday week, because the boat was going out the following morning.

1543. What did he say to that?—He said, "If you would not like to go then, you could go

up to Dublin a few days, and you would be left there and sent across to Glasgow.

1544. What did you say when he offered you this pleasant trip?—I said I did not know about going till I knew what I was going for. He said I should meet a man on the quay at Glasgow who would give me a hearty reception and a kind shake of the hands till the 21st, and that he would give me my cash on that day.

1545. Did he say how much cash he would give you on that day?—Yes, he said, five-and-twenty. I said I did not understand that style of speaking, and Mr. Shaw then said, to the best of my opinion, that it was 25*l*. I said I would not put on one of my shoes for it, that I could earn it whilst the election was going on, baking bread and supplying my customers.

1546. What did he say to that?—He said I intended to bake a great deal if I made that profit while the election was going on. He said, "You think nothing of 25*l*.; I think it a good thing." So I said then that I thought it would be time to go out; I was long enough there. He said, "You think it nothing, but I think it is a very good thing for you to get for leaving your work for a few days, and you have nothing to get on your own side but a blessing from some of the clergy," and I said, "That is better than all you can give."

1547. Did he say anything about any weekly allowance while you were away?—No, but the man who was to meet me on the quay was to give me a kind reception, and I was to get my travelling charges.

1548. Did anything afterwards occur between you and Mr. Stokes?—No, he came out; he opened the door and looked up and down, and told me I might go out. Shaw did not come up to me at all. I was up at the head of the street, and he said, "You lay too much value on your vote; Mr. Stokes says you are laying too much value on your vote." On the following Sunday he called me in, and insisted that I was settled to it, and I said I was not.

1549. Who insisted?—Shaw did.

1550. Tell me, did you, after this transaction or conversation with Mr. Stokes, see Mr. Brennan?—Yes, I was brought.

1551. Mr. Stokes is here?—Yes.

1552. And probably Brennan is here?—Yes, I saw him there (*pointing*)—Thomas Brennan; he is there beyond; he was there a few minutes ago.

1553. Is that the man (*pointing*)?—Yes.

1554. When did you see Brennan after this conversation?—On the Wednesday night.

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1555. On

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1555. On the Wednesday night?—Yes, Wednesday or Thursday night, one of the two.

1556. Did anybody bring you to Brennan?—Yes.

1557. Who was that?—Thomas Leonard.

1558. Is Thomas Leonard a voter?—He is not.

1559. When Leonard brought you to Brennan, what did Brennan say?—He said it was a good while, and that I was late, but as I was a poor man he would see and do the best for me.

1560. Did he make any proposal?—He asked me whether I was not at Stokes's, and I said, "Yes," and he said, "What did he offer you?" I told him. He said, "You must get the same as every other man that is going;" and he said, "We do not need the like of you though, now, except for the honour of a great majority; we have plenty now."

1561. Did he say what the others were getting?—He did not.

Cross-examined by *Mr. Robinson.*

1562. Who did you vote for at the election?—Captain Flanagan.

1563. And you never had any notion of voting for any one but Captain Flanagan?—I never spoke to any man; Captain Flanagan was not in the house.

1564. You never spoke to him at all?—No, never since I was born.

1565. And you never spoke to any one on his behalf?—No.

1566. And were never asked by any one on his behalf to vote for Captain Flanagan?—No.

1567. And you were always determined?—If I had to walk the world bare-footed to get a job I would vote for him.

1568. Had you ever any talk with any one that you never intended to vote?—No.

1569. Had you ever any conversation with any one, that it would be a useful thing to have some talk with somebody?—Not a word.

1570. Who did you tell this story to first, after the day it occurred?—After the day it occurred?

1571. Yes?—I could not say who it was to; some man like myself.

1572. Did you tell any of Captain Flanagan's people about it?—Not one.

1573. At any time?—After the county election I was asked about it.

1574. By whom?—I think it was Leonard spoke to me.

1575. Did he speak to you for Captain Flanagan?—He asked me would I give down what I had said; what I knew about the other man.

1576. Would you give down what you knew about the other?—Yes.

1577. Were he and you alone?—No.

1578. Who was there?—A lot of children in the street.

1579. But was any grown man there?—No.

1580. Did Leonard say it would be better for you if you had?—No.

1581. Was there any talk of money at all?—No.

1582. Not one penny?—Not the hundredth part of a penny.

1583. Did anybody hear what passed between you and Stokes?—Shaw.

1584. He was your friend?—I suppose so.

1585. He heard the whole thing?—He heard it all.

[The Witness withdrew.]

MICHAEL BURKE, sworn; Examined by *Mr. O'Loghlin.*

M. Burke.

1586. You are a voter of the Borough of Sligo?—I am.

1587. And I believe you live in Ratcliffe-street?—I do.

1588. When did you first get a vote?—I first had one 20 years ago, but I got one this year.

1589. You were not on the register last year?—No.

1590. Do you recollect the time of the revision; were you a claimant to have your name put on the list?—I was, on the supplementary list.

1591. That is the new list?—Yes, the new list.

1592. Do you know Mr. Stokes?—I do; he is my landlord.

1593. On the occasion of the revision had you any conversation with Mr. Stokes?—I had.

1594. Will you tell his Lordship what the conversation was?—He came to me and told me not to register; that I would be better off not to register.

Mr. Macdonogh objected to this evidence.

1595. *Mr. O'Loghlin.*] Did anything else pass between you and him with reference to the registration?—He told me that if I would not go to the court-house—

1596. To prove your case?—Yes, to prove my case, he would give me the price of a good cow. I asked him what that price would be, and he said about 12 l.

1597. Did you agree with him then not to register?—I did.

1598. I believe you are a butcher?—I am.

1599. And Mr. Stokes, you have said, is your landlord?—He is.

1600. When he said the price of a good cow, you said you agreed not to register?—I did.

1601. Did you in fact leave Sligo?—No, I did not go to the court-house.

1602. Then you did not appear to register your vote?—I did not appear at all.

1603. Were you sent for to go and register?—Yes.

1604. And you did not go?—I did not go.

1605. Was that in consequence of the conversation you had with Mr. Stokes?—It was in consequence of the conversation I had with Mr. Stokes.

1606. I believe your name was put on?—It was put on the Saturday after the revision commenced.

1607. It was put on, I believe, behind your back?—Without my knowledge, directly or indirectly; I gave no assistance.

1608. After your name was on the register, and before the election, had you any other conversation with Mr. Stokes?—I had.

1609. Will you tell his Lordship what it was?—I think it was on the Saturday before the election, my son went over to pay the rent, and he told my son to send me over—

1610. Do

1610. Do not tell us that?—I did not go over, at all events; but on Sunday evening I was walking round—

1611. You got a message from your son?—I did.

1612. You did not attend to that message?—No.

1613. On the Sunday evening did you see Mr. Stokes?—I was going down the street; Mr. Stokes was standing at his own door, at the gable end of the house.

1614. When you went in, where did you go to?—Just into the hall.

1615. Did any conversation then take place?—Yes; he said he wished I would stop there that night, and I said I would never be a prisoner while I lived, unless there was an execution against me.

1616. Was that on the Sunday before the election?—Yes.

1617. When he asked you that, did any other conversation take place?—He said he thought I would be better not to stop in the town, but to go away.

1618. To go away from the election?—To go away from the election.

1619. Did he say anything else to you?—I cautioned him not to say anything in case of committing himself.

1620. Did he say anything to you?—He said he would give me “forty thanks.”

1621. Who said that?—Mr. Stokes.

1622. What was that to be given to you for?—For my vote; at least, not for my vote; for going and abstaining from voting.

1623. When he said that, what did you say?—I said I would consult my wife, and think about it.

1624. Did you then refer to what had taken place about the revision?—Before that I had asked him about the 12 *l.*, and he said unless I voted for Major Knox I would not get it.

1625. When he said about the “forty thanks,” was there anything else about the revision?—He said he would give me a letter to go to Longford and Dublin.

1626. Where were you to go?—To Longford first, and meet the man there.

1627. And where were you to go with that man?—To Dublin, I believe.

1628. Did he say what the man was to do?—Only to take care of me, as if I had been in Sligo.

1629. How long were you to stay away?—Till after the election.

1630. Did you ever say anything about “This will be like the promise I had about the revision,” or anything of that sort?—I did not consent to all; I said if I did go I would never like to come into Sligo again.

1631. And then I think you said you would consult with your wife?—Yes, I said I would go with public opinion.

1632. And was that all the conversation that passed between you?—Before that he told me if I would sign a document I did sign at the time of the revision—

1633. What did he say to you about the document; did you, in fact, sign a document?—I consented not to go on the register; there was something about signing a document, that was at the time of the revising barrister’s court, that I

did not want to be put on the register. When I said I would not sign it, he said he would turn me out of the house, that is the house I am living in. I went away, and consulted some of my friends, and I came back and signed it.

1634. You did, in fact, sign a document?—I did, not to be put on the register.

1635. Before you signed that document, did Mr. Stokes say he would put you out of the house if you did not?—He did.

1636. And had he previous to that promised you the price of the cow?—Yes.

1637. Did you sign a document undertaking not to register?—I did; I did not appear at the court-house.

1638. At the second conversation with Mr. Stokes did you refer to that document; did you mention that document?—I do not think I did; I am sure I did not.

1639. When you said you would consult your wife about the “forty thanks,” did you ask him what “thanks” were?—Oh, I guessed myself what they were.

1640. Then, I believe, you left Mr. Stokes?—I said I would see him the next day, but I never saw him again till after the election was over. He sent a man of the name of Garner to me.

1641. Repeat it?—He sent a man of the name of Garner, a nailer, to me the next day, that was Monday, and the answer I gave him was final, that I would not comply.

1642. Mr. Justice *Keogh*.] Who is he?—Garner, a nailer.

1643.] Mr. *O’Loghlin*.] What is his Christian name?—James.

1644. You gave your final answer to Garner?—Yes.

1645. Did he tell you he was sent to you by Stokes?—Yes.

1646. I believe you went out of the back door?—Yes, the same way; I did not want to be seen, to tell you the truth.

Cross-examined by Dr. *Kaye*.

1647. What rent do you pay?—I pay 4 *s.* 7 *d.* a week; that is, 12 *l.* a year.

1648. Had you ever a vote in your life before?—I had in 1847, 1848, and 1853.

1649. And I suppose you always voted for the popular candidate?—Yes, I think so always, except I voted one time for Mr. Hartley, and he was a waylay; he came in for another purpose; he came in to support Summers.

1650. You never intended him to win?—I think not.

1651. I suppose you were very proud when you found you were on the new register?—No, I would as soon be off it, because I would not leave the roll if I was very fond of getting on.

1652. You never consented to leave the town?—I never consented to leave the town.

1653. You never acceded to or accepted the proposition which was made to you of “forty thanks” by Mr. Stokes?—Never.

1654. You never did?—Never; I knew the “forty thanks” were 40 *l.*, but I would not take 100 *l.*

1655. You would not take it?—I would not.

[The Witness withdrew.]

M. Burke
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PATRICK HENNESSEY, sworn; Examined by Mr. *Palles*.

- P. Hennessey.* 1656. You were a voter at the last election for Sligo?—Yes.
- 19 February 1869. 1657. Are you a tenant of Mr. Stokes?—No.
1658. Do you know Mr. Stokes?—I do.
1659. Do you know a man of the name of Jenkins?—Yes.
1660. Do you know a man of the name of Jenkins, a bailiff?—I do.
1661. Do you remember meeting Jenkins in Sligo shortly before the last election—Oh, yes; I meet him occasionally.
1662. Do you remember Mr. Stokes passing upon one occasion when you had met Jenkins in the street?—Yes; I saw Mr. Stokes in Knox's-street one of the days I happened to be there.
1663. Did he say anything to you; tell us everything he said?—He bade me the time of day, and he asked me how I was, and so on, and I said I was very well. I believe that Mr. Stokes, as far as I recollect, stated that he under-

stood I might be going away, and if I would I would be made as comfortable as ever I was before. That is the amount of what he stated.

1664. Was the conversation interrupted by any person passing by?—Well; there were passers-by, I daresay, and I was rather inclined to be going away.

1665. Was that all that passed?—There was nothing of any consequence.

1666. I believe you had been in trade in Sligo; was not that so?—Yes.

1667. Have you been well off in trade?—I was pretty fairish at one time.

Cross-examined by Mr. *Hartigan*.

1668. You voted for Captain Flanagan?—I did.

[The Witness withdrew.]

JOHN MCTIGHE, sworn; Examined by Mr. *O'Loughlin*.

- J. McTighe.* 1669. You reside in Sligo?—I do.
1670. Do you recollect the month of November last?—I do; the Monday previous to the election.
1671. Where were you at work?—In the butter market.
1672. Did any one come to you at the butter market?—My own little son, a fellow about 10 years old.
1673. In consequence of anything your son said to you, did you leave the butter market?—I did; he said his mamma sent him for me.
1674. Did you go up to your house?—Yes.
1675. Did you find any one there?—There was no person till after I went in a few minutes.
1676. About what time of the day was this?—About half-past one.
1677. In a few minutes did anyone come in?—A man of the name of Armstrong.
1678. Who is Armstrong?—George Armstrong; he lives a few miles out of the town.
1679. Do you know what trade he is?—He is a farmer.
1680. Did Armstrong say anything to you?—He said—
1681. Do not tell us what he said; did he make some communication to you?—He did.
1682. Mr. *Macdonogh*.] Who did?—Armstrong.
1683. Mr. *Justice Keogh*.] At your house?—Yes, he said he was sent with a message.
1684. Mr. *O'Loughlin*.] In consequence of that message did you go anywhere?—I did not; I told him I would have to go back to the market again; I could not go sooner than in the course of the evening.
1685. Did you go back to the market?—I did; I had to go because of the butter.
1686. In the evening did you go to any place?—At four o'clock.
1687. At four o'clock?—Yes.
1688. Was he at your house?—He was.
1689. Was that by appointment?—It was.
1690. Did you go to any place that evening?—He told me to go to Mr. Stokes, and he would settle with me.

1691. Did you go to Mr. Stokes?—I did afterwards.

1692. Did you go into his shop?—I went into the front door.

1693. When you went into the front door was the shopman in the shop?—He was.

1694. Was Mr. Stokes in the shop himself?—No, he was not.

1695. When you went in and saw the shopman, did the shopman take you to any place?—He bade me the time of night.

1696. Did he take you to any place?—He took me down a large entry to where the missus was, and he said it was not her he wanted, but Mr. Stokes.

1697. Did he then show you in to Mr. Stokes?—Mr. Stokes came out, and we stood in the hall.

1698. What passed between you and Mr. Stokes?—He bade me the time of night, and asked me what I was going to do, and I told him I did not know.

1699. Did you ask him about having sent for you?—I told him Armstrong was there for me, and that he was to settle something.

1700. Just tell us, as well as you recollect, what it was you said?—As well as I recollect, he asked me what I would take for my vote, or something in that way.

1701. Did he say something about abstaining or going away?—"Well," said I, "I do not know, 50/-, or something that way is little enough."

1702. What did he say to that?—The girl was coming down the stairs, and he brought me down another entry.

1703. Farther down?—Yes; there are two doors in Thomas-street, and at the lower door there was a little place where there was turf, and he brought me in there.

1704. Did he say anything about Dublin or anywhere else?—He said he would give me forty thanks.

1705. What for?—I got excited when he said that.

1706. What were you to get forty thanks for?—To go to Dublin.

1707. How

1707. How long were you to remain in Dublin?—He did not say.

1708. Was anything said about the election?—I got surprised to know what he meant by this. He tapped me on the shoulder, and, said he, "You will have to go in the train to-night to Dublin, and I will give you your expenses."

1709. Did he say anything about each thank being a pound; that each would be a pound?—When I came back from Dublin, then he said he would give me my costs to Dublin that night, and I had better go.

1710. Do you know some people of the name of Macdonogh?—I do; my brother-in-law and my wife's uncle.

1711. Are they both voters?—They are voters.

1712. Did you to Stokes say anything about the Macdonoghs?—I did.

1713. Was anything you said to him about the Macdonoghs in consequence of anything that Armstrong had said to you that morning?—It was.

1714. The Macdonoghs do not live in the town?—No, they live in Rushill.

1715. How far is that from Sligo, a half-a-mile or a mile?—About a mile.

1716. In consequence of anything that had been said to you by Armstrong, had you an interview with any of the Macdonoghs?—I had that night; her own son ran up to Rushill.

1717. Tell me what you said to Stokes about the Macdonoghs?—I said I did not know whether they would go or not.

1718. Did he say anything about them?—He did.

1719. Tell us what he said about them?—He said there was my brother-in-law. I said I did not know; her son went up to the house for me, but I did not know whether he would or not.

1720. Did he say anything about what they were to get?—No, he did not.

1721. At the time when he said that every thank was a pound, when you returned, was anything else said?—I was to go to Dublin that night, and come back at once, and he would give me my costs.

1722. Then how much was he to give you to go to Dublin?—He did not mention the sum, but I told him—

1723. Did you go to the Macdonoghs?—I did not.

1724. Were you a voter before this year?—Never in my life.

1725. On what list of voters were you, do you know; were you on the list of claimants at the revision?—I was.

1726. Did anyone offer you anything not to register?—

Mr. Macdonogh objected to this evidence being given, on the ground that it did not come within the scope of the Act of Parliament.

Mr. Justice Keogh ruled that the evidence was admissible.

1727. Mr. O'Loghlin.] You know Mr. Harloe Phibbs?—I do.

1728. Did he conduct the revision?—I saw him in court.

1729. Was he acting in court?—He was.

1730. Did you see Major Knox at the revision?—I did.

1731. Was Major Knox in court at the revision?—He was.

85.

1732. How many days were you there at the revision?—I was a whole week.

1733. Did you see, during the whole week, Mr. Harloe Phibbs conducting business at the revision?—I did.

1734. And you saw Major Knox at the revision?—I did; I saw him in the galleries.

1735. Did anyone make you any offer not to register your vote?—There was a man one Monday evening—

1736. Would you tell me his name, if you recollect it?—Mr. O'Farrel.

1737. Mr. O'Farrel, I believe, is the poor-rate collector?—He is.

1738. He has a house in Sligo?—He has, in Jail-street.

1739. Was Mr. O'Farrel attending the revision as poor-rate collector?—I saw him there.

1740. Was he sitting under the judge?—Yes.

1741. During the week of the revision did you meet him at the foot of the street?—I did, one Monday evening.

1742. What did Mr. O'Farrel say to you?—

Mr. Macdonogh objected to the question.

1743. Mr. O'Loghlin.] Is O'Farrel a voter?—I do not know.

1744. Were you in Sligo at the time of the election?—I was.

1745. Do you know Mr. O'Farrel's house?—I do.

1746. I believe the next house is called Heggarty's?—Yes.

1747. Do you know how Mr. O'Farrel's house and Mr. Heggarty's house were used during the election?—I saw guards outside of them.

1748. Guarding what?—They said there were voters inside.

1749. In Mr. O'Farrel's house?—Yes; I did not know he was living there at the time at all, because he was living over in George's-street before.

1750. With the exception of this Mr. O'Farrel's, was any other offer made to you not to register?—No, indeed there was not.

Cross-examined by Mr. Macdonogh.

1751. You got no money?—No, I got no money from anybody; not a shilling.

1752. You did not get the 50 l.?—I never shared a shilling from man or mortal at the election.

1753. And were you anxious to get 50 l.?—I was not; I thought it was better to mind my own business.

1754. Would you have taken 50 l., and voted for Major Knox?—I would not.

1755. Would you have taken the 50 l., and then have gone away?—No, I would not go from my family at any time.

1756. Then, in short, you did not mean at all, in this conversation or communication with Stokes, to take the money and go away?—I did not intend to take any money from any man to go from my own place; no, no, no, I did not.

1757. And did you agree to take 50 l. from Mr. Stokes?—I did nothing of the sort.

1758. You did not accept his offer?—I did not; I never returned to the gentleman from that day to this.

1759. Did you really intend to try to have a

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case in reserve against Major Knox, if Mr. Flanagan should be defeated?—It never crossed my thoughts, it never did; it never crossed my thoughts; I never thought of a petition or anything else; I only thought of the election.

1760. When he talked of forty thanks, or 40*l.*, did you not say that 50*l.* was little enough?—I never said the like.

1761. You never said the like?—I never said it at all. “Forty thanks,” were the words he used. Yes, I beg your pardon.

1762. Did you not say that 50*l.* was little enough?—I did.

1763. Now, did you really forget that, when you said you did not recollect anything of the kind?—I did.

1764. And you remember distinctly what occurred at the time of the election?—This very moment I forgot it.

1765. And what did you mean that 50*l.* was little enough when he offered you 40*l.*?—Well,

I just wanted to get away out of the place, and know no more about it.

1766. He agreed to 50*l.* afterwards?—I walked out.

1767. Did he not advance from 40*l.* to 50*l.*?—£. 40 is what he said; I said 50*l.*

1768. You refused?—I walked out. He said I had better go to Dublin that night; I said I did not like to go to Dublin that night; I said, “Would not Carrick do?”

1769. Did you not say that your brother-in-law’s people, the Macdonoghs, might be got to go away also; did you not tell him that?—Hear their testimony.

1770. But did you not tell Stokes about the Macdonoghs?—He asked me about them, and I told Mr. Stokes I could not be sure of what any man said.

[The Witness withdrew.

Adjourned to To-morrow at
Ten o’clock.

Saturday, 20th February 1869.

Mr. Sanger, of the Telegraph Company, handed in some telegrams, which it was arranged that the Counsel for the parties should have an opportunity of inspecting. 20 February 1869.

JAMES CARNEY, sworn; Examined by Mr. O'Loghlin.

1771. I BELIEVE you are a voter for the borough of Sligo?—Yes.

1772. Do you live upon the Mall?—I do.

1773. Do you know Mr. Stokes?—I do; he is my landlord.

1774. Is he landlord of the house you live in?—Yes.

1775. Do you recollect the last revision in Sligo?—I do.

1776. Had Mr. Stokes any conversation with you in reference to that revision?—He had a little; not a great deal.

1777. Well, whatever the little is, did he come up to your house to you?—He did.

1778. Did he go into the house?—Yes, he did.

1779. Into what part of the house did he go?—He went into the front of it, as you might imagine; a shop.

1780. You are in trade in Sligo, are you not?—In humble circumstances.

1781. What is your trade?—I am a dealer in cattle, sheep, and all sorts of stock; wool sometimes.

1782. When he went into your shop, did he speak to you about the revision?—No, not then; he asked me if I would speak to him, and I walked with him to his own place.

1783. Did you go into his own house?—I did.

1784. Will you tell his Lordship exactly what occurred?—He intimated to me the coming election.

1785. Mr. Justice Keogh.] When was it that this occurred?—Previous to the revision; a few days.

1786. Mr. O'Loghlin.] What did he say?—He said to me that this gentleman was a friend of his.

1787. Who was that?—Major Knox; he said he would wish to render any possible support he could to him.

1788. Did he say anything else?—Well, he said that I might arrive at the benefit that would be attained in the matter.

1789. Did he tell you what the benefit was?—He did.

1790. What was it?—£. 15.

1791. To do what?—To leave Sligo.

1792. During the revision?—Before the revision.

1793. To leave at what time?—That night, or as convenient as possible to myself.

1794. Will you tell us, as nearly as you can recollect, what he said?—He said nothing more than that; he just asked me if I was inclined to accept of the proposition; and I was just very cool, and I said I would give him an answer.

1795. How long were you to stay away from 85.

Sligo?—He did not mention how long, but it was my impression it was during the revision; I understood that.

1796. Was that for the purpose of remaining away from registering?—It was.

1797. You said you would consider of it?—I said I would consider of it.

1798. Did you see him afterwards?—I did.

1799. Did you then say anything about what you would do?—I gave him no decision.

1800. Did he come to ask you for it?—He asked me, I dare say, once, did I make up my mind.

1801. Where did he ask you that?—Well, I dare say it was about his own place.

1802. I want you just to recollect, as well as you can?—I could not exactly say where he asked me.

1803. But you recollect having a conversation with him?—He asked me if I had arrived at a decision.

1804. Who was to give you that 15*l.* if you stopped away?—Well, I suspect —

1805. What did he tell you, I want to know?—Well, he told me there was a benefit of 15*l.* admitted for such purposes, and that I would get that.

1806. You say “for such purposes;” for what purposes?—For the purpose of absenting voters from the revision, or claimants for votes.

1807. Was the word he used “benefit”?—I do not remember that he used that word.

1808. Can you tell us just the word that he did use?—He engaged to me that I would get 15*l.* if I absented myself during the revision; not to be qualified, I suppose, as a voter.

1809. On the occasion, when you say he asked you if you had made up your mind, had you any other conversation?—It was very simple.

1810. What did he say?—I know I answered him to that effect, but I do not remember what he said then; but he spoke to me on another occasion.

1811. We will come to that just now, but on that second occasion did he make any observation about the folly of your conduct or anything of that sort?—The folly of my conduct.

1812. Yes?—Oh no, not a word such as that.

1813. You were put on the registration, I believe?—As you ask me that question, “Perhaps you may have no vote,” said he to me; “With regard to that,” I said, “I don't care much, in one sense, whether I have or not.”

1814. Was that at the time when he asked you whether you had made up your mind or not about the 15*l.*?—It was afterwards.

1815. Had you any other conversation with Mr. Stokes before the election?—He spoke to me about voting on that side.

J. Carney.

J. Carney.

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1816. Where was that?—I do not exactly remember the date; I did not take any precise notice.

1817. Was it up in your own house?—No.

1818. Where was it?—In his own house.

1819. Were you in his own house between the revision and the election?—I was.

1820. In what part of the house was it?—In his shop; I have a general resort there; I pay him rent; he was always kind enough to give me admission to his place if I wanted to go in and out.

1821. Had you any conversation with him in the shop with regard to your vote?—He asked me with regard to my vote.

1822. What did he say?—He said to me that he would be able to give me 20 *L.*, or something about that.

1823. If you did what?—One day; and he said another day I would get 25 *L.*

1824. If you did what?—Voted for this gentleman.

1825. Who?—Major Knox.

1826. Did he say anything else?—Not that I remember at that interview.

1827. But had you more interviews with him?—I declined entirely afterwards.

1828. But on the first occasion that he spoke to you about money for your vote, was that in his shop?—It was.

1829. Will you tell us exactly what occurred; what he said to you, and what you said to him?—I said I did not wish—

1830. What did he say to you first?—He said I was a fool not to avail myself of what would be useful to me; it would be considerably useful to me to get money, or the like thing; that it would be an addition to my circumstances; such things as that.

1831. What was it he did say?—It was after that manner that he spoke to me.

1832. He spoke to you in that way?—Yes.

1833. How much did he offer you on that occasion; was that the first occasion that he spoke to you about money for your vote?—It was.

1834. How much did he offer you, on your oath?—Well, he spoke to me, I believe, about it the second time.

1835. On your oath, how much did he offer you the first time?—£. 20.

1836. To vote for whom?—For Major Knox; I said to him on that occasion, that the gentleman never asked me, or solicited me for my support, and if he did I might give an answer to another effect, or something like that.

1837. How many conversations had you with Mr. Stokes about your vote altogether?—Well, I could not say to that, what amount.

1838. Had you three or four?—Three or four, or six perhaps.

1839. Did he, on those three or four, or six occasions, on each occasion offer you any money?—Not on each occasion, but he wanted to have an assent from me, and I used to speak to him, and he to me, and anything more than these little matters did not pass, unless just what I say to you.

1840. Did Mr. Stokes ever go more than on the one occasion up to your house?—Never; and when I declined the thing he never made any further—; he did not interfere with me after.

1841. Will you tell me on what day it was you gave your final answer?—Well, I did not give him a final answer to say I would say one

thing or another that I recollect; but I declined, and he knew and understood me quite well.

1842. When was that?—A few days previous to the election; he quite understood that I would not.

1843. Will you, just as well as you can recollect, tell me how long before the election was the last time he offered you money?—I dare say it was a week, to the best of my knowledge.

Cross-examined by Mr. Macdonogh.

1844. Now, Mr. Carney, you got no money?—No money whatever.

1845. You would not take it?—No, I would not; on my oath, I would not.

1846. You see how readily I understand an honest man; you would not take it?—I would not.

1847. You see that gentleman, Major Knox; you say that he never asked nor solicited you for your vote?—Never, as a gentleman. I admit everything that is just; he never did.

1848. Major Knox never came near you?—He never did.

1849. Then it was before the revision that the first conversation between you and Mr. Stokes took place?—It was; and it appeared as if it was a matter of simplicity with Mr. Stokes; he did not appear to be serious with it at the first interview.

1850. Is he a simple-minded man?—He is a first class man of great abilities.

1851. A first-class man, of great abilities?—He is in trade, of great abilities.

1852. And a respectable man?—With regard to respectability I do not know; it is in the power of courts of justice, or the Legislature, or some one superior to me in position, to give a character of him I dare say.

1853. But really it seemed a simple thing about the revision, and you thought him not in earnest?—The first stage of the proceeding was simple.

1854. Did you attend the revision?—I did.

1855. And you were placed upon the roll?—I was.

1856. And you voted, I suppose?—I did.

1857. For Captain Flanagan?—I did.

1858. And Mr. Stokes, when he understood your mind, never interfered with you?—Never.

1859. Nor threatened you?—He used his interest to solicit my support, as far as in him lay, as a friend of Major Knox.

1860. That is what he told you, as a friend of Major Knox?—He did.

1861. But after you had given him to understand what your wishes were, he never interfered with you?—Never; he understood finally from me that I would not in any case; it was nothing else in the world but my own conviction.

1862. I am not in the least finding fault with what you say, but did you at any time give him to understand that you would take the 25 *L.*?—Never.

1863. Never at all?—No.

1864. You had made up your mind you would not, at the commencement or at the conclusion?—I would not give any mention of any terms.

1865. Before the election, had you been communicating with any person on the part of Captain Flanagan?—I pledge, on my oath, that I had never an intimation or communication, public

public or private, with regard to deriving benefit from the contest of the two gentlemen.

1866. That is not what I mean?—Well, I just wished to mention to you the circumstance.

1867. I wish to have just a single word, and I have done. Did you ever tell these conversations with Stokes to any person before the day of the election?—On my oath, I did not, to my knowledge, nor was I disposed to tell them; and I never expected to appear in this Court in the matter.

1868. When did you tell it?—I never told a word of it for the purpose of a hearing in the case.

1869. Have you a recollection of having told it to any person?—We might on some occasion have been speaking to one or the other in company, and I might have said I could get money if I liked; I did say that.

Re-examined by Mr. O'Loughlin.

1870. You got a subpoena?—I did.

1871. Was it this morning that you made a statement as to your evidence?—It was.

1872. Had you made any statement before as to this 15th?—On my oath, on my solemn oath, I never did, to any party or parties.

1873. Did you not, in point of fact, refuse to make any statement?—I did.

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Further cross-examined by Mr. Macdonogh.

1874. One word, and it is very simple; it was this morning, in the town of Carrick?—It was; I was asked what I would say.

1875. To whom did you say it?—To one of these gentlemen.

1876. Which of them?—Mr. Moloney.

1877. This day, in the town of Carrick, for the first time?—For the first time.

1878. That was the first time you spoke of it?—Unless in common conversation with my neighbours.

1879. You never told them till to-day?—Never.

1880. How did they find out that you were a person alleged to be bribed by Stokes, and put you in the Bill of Particulars?—Well, I suppose it was a universal affair that bribery and corruption was made use of, and the return of Major Knox or Captain Flanagan was quite an impossibility; corruption was never so rife in any country.

[The Witness withdrew.]

Mrs. ELIZA BUCHANAN, sworn; Examined by Mr. Coffey.

1881. HAVE you brought your books with you?—Yes.

1882. You have them here in the box along with you I suppose?—Yes.

1883. You keep some cars in Sligo, I believe, for hire?—Yes.

1884. Have you a little hotel there as well?—Yes.

1885. Do you know Mr. Stokes, of Sligo?—Yes.

1886. He is a saddler, I understand?—Yes.

1887. Do you know Mr. Henry Lyons?—I do.

1888. Perhaps you know Mr. Cherry?—Yes.

1889. You know all these gentlemen, and I presume you know Mr. Gilmore; they are all townspeople?—I do; I know him; I am slightly acquainted with him.

1890. I will just ask you, how much money did you receive for the hire of your cars for the election?—I never received a farthing for car hire during the borough election, never.

1891. Were your cars engaged by any of these gentlemen during the borough election?—There was one engaged by Mr. Stokes.

1892. How soon previous to the day of the polling was the car engaged by Mr. Stokes?—I could not exactly say.

1893. About how many days?—Well, I suppose it was about a week; I could not exactly say really.

1894. Perhaps your book would enable you to tell. Have you any entry; just look at the month of November?—(After looking at the book.) It was on the 14th of November.

1895. I suppose the car was hired from you the day before it went?—Yes.

1896. Who have you charged there?—It is charged to Mr. Stokes.

1897. Just let me look at it, if you please?—

85.

There it is (*handing the book to the learned Counsel*).

1898. I suppose, Mrs. Buchanan, you are not an early riser yourself?—Not very early.

1899. I mean to say, not before eight or nine o'clock. What time in the morning were orders given for the car to leave your establishment?—Well, I am not exactly sure; early in the morning.

1900. You have a driver of the name of McGowan in your employ?—Yes.

1901. It was you who gave instructions to McGowan, I suppose?—I did.

1902. Who was it told you the hour at which the car was to leave?—Mr. Stokes.

1903. What hour did he tell you to have the car ready to leave?—To the best of my knowledge, it would be between four and five o'clock.

1904. In the morning?—Yes.

1905. What instructions did he give you to communicate to your driver; what did he say?—The instructions he gave me were for the boy to go down to Ballytiven; that he would meet the party there who wanted the car.

1906. I beg pardon for asking you again?—That he should go down to Ballytiven, and that he would meet the parties there.

1907. What parties?—I do not know who the parties were.

1908. Did he tell you how the boy was to know the parties?—He never told me anything more than that.

1909. You are quite sure of that?—Quite sure indeed.

1910. How was your car driver to know the parties at Ballytiven?—He was to meet them there.

1911. Do you know a place called the "Golden Rappers"?—I do.

1912. Where

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1912. Where are the "Golden Rappers." That is the sign of some inn or some place, I suppose?—Near Hazlewood.

1913. When did you know that there was such a place as the "Golden Rappers"?—When did I know it?

1914. Yes?—Since I first came to Sligo.

1915. Did Mr. Stokes say anything to you about the "Golden Rappers"; try and recollect now?—I do not remember him saying anything to that effect about the "Golden Rappers." It was only to send to Ballytiven.

1916. Is Ballytiven the direct road into Enniskillen?—It is not.

1917. But you can go that way round, I am told, by the lunatic asylum?—You can go round that way certainly.

1918. I will try and refresh your recollection. Did Mr. Stokes say you were to tell your man that the person he was to meet would be known by his asking the way; did he know the way to the "Golden Rappers." Try and recollect what Mr. Stokes said to you about how this man would be known?—The "Golden Rappers"? He did not tell me one single word about the "Golden Rappers" that day.

1919. Did you tell your driver to go to Mr. Stokes?—Well, I may have told him to go.

1920. Do you think you told him to go for further instructions to Mr. Stokes?—Well, I think to the best of my knowledge, I did.

1921. Just take that in your hand (*passing a document to the Witness*); do you know the writing upon that?—No.

1922. You never saw it before?—Never.

1923. Then you did not give it to your driver?—I never saw that piece of paper before.

1924. Do not imagine I am doubting what you are saying; but you never saw this before?—Never.

1925. Now point out to his Lordship, and hand it to him, the entry that you say was for that car?—The 6^s.

1926. Will you tell me why it is altered to Mr. Starkie instead of Mr. Stokes?—It was a mistake in writing down the name.

1927. Was it not altered afterwards. You will see the alteration in it?—

1928. Mr. Justice *Keogh*.] Who is Mr. Starkie?—It was a mistake in writing down the name. The children were working at it.

1929. Who is Mr. Starkie?—I do not know.

1930. Is there a Mr. Starkie?—It is put down for Stokes, just by mistake in writing it down.

1931. Mr. *Coffey*.] Who is Mr. Starkie; is there such a person in existence at all?—No.

1932. There is an entry upon the 15th for Mr. Starkie, this imaginary gentleman. This is a mistake I suppose for Stokes also, is it not Mrs. Buchanan; come, be frank and candid with me?—Yes, it is.

1933. Are these entries in your writing?—Sometimes they are made by the young person in the shop.

1934. These are your entries (*pointing*)?—Yes.

1935. Your writing?—Yes, I have no person to do anything for me. Very often I am called away, and make mistakes and blots.

1936. Tell me, did you not write it Stokes and then alter it to Starkie afterwards; take the entry in your hand?—It was the hurry of business made me put it down in that way; I would be very often called away.

1937. Look at these entries that you made yourself; do you not see the word "Stokes" was written first there?—I see the word "Starkie" written in mistake by myself.

1938. But do you not see that Stokes was written first?—I do not see Stokes written first; I see Starkie first.

1939. Tell me, and answer me frankly, as I know you will, did Mr. Stokes go to you after you had made that entry in your book?—He did not.

1940. What made you alter Stokes, the proper person's name, to Starkie?—I did not alter it.

1941. Who altered it?—It was writing it down the first day that I did it.

1942. Where did the car go to that is charged in the second entry to Mr. Starkie?—I can't tell you that.

1943. Look at the book and tell me?—There was a lady friend of mine.

1944. Look at the book?—Where did it go to?

1945. Yes?—It went to Manorhamilton.

1946. No?—It did.

1947. Did not one of these cars go to Bundoran?—Yes.

1948. And the other to Manorhamilton?—Yes.

1949. One on the 14th, and the other on the 15th?—Yes.

1950. And they are both charged to Mr. Starkie?—Yes.

1951. What were the instructions you got about the second car, the one to Bundoran?—The Bundoran car; I explained all I had to say about it.

1952. But I am asking you who ordered it. What was it entitled you to enter that Bundoran car to Mr. Stokes?—It was him that employed the car.

1953. For whom?—For whom, I do not know.

1954. Do you know a person named McMullen?—I have seen him, but I was not aware that it was McMullen who wanted it.

1955. Did you not ascertain that it was McMullen travelled on that car to Bundoran?—

1956. Mr. Justice *Keogh*.] The witness has already explained the car to Bundoran; I take it that the car to Manorhamilton is the car to Enniskillen, is that so?—It is the car to Manorhamilton.

1957. Is that the car that went to Enniskillen?—I could not say that it went on to Enniskillen; there was a lady friend of mine in the house, and she was going to Manorhamilton; I happened to be passing round by Mr. Stokes's; he said there was a gentleman wanted a car to go to Manorhamilton; I said that a friend of mine was going, and he might go on the car with her to Manorhamilton.

1958. Is that the car that took the gentleman to Enniskillen, or is it, as the man stated, that he took the car to Manorhamilton to go to Enniskillen?—That is the one.

1959. What is the one to Bundoran?—I sent the car to Bundoran, and that is all I know about it.

1960. It was engaged by Mr. Stokes?—It was.

1961. In the book there is the entry quite plain and perceptible, and there is no difficulty about it, because I will get a magnifying glass at once. There is an entry to Stokes. Why did you

you alter it to Starkie?—It was a mistake of mine in doing so.

1962. Mr. *Coffey*.] Did you pay for the car that went from Manorhamilton to Enniskillen?—I never heard anything of that car. The gentleman did not send for the bill for it.

1963. Are you liable for it?—I am not liable.

1964. Did you order the man to engage a second car forward to Enniskillen from Manorhamilton?—Yes.

1965. Who told you to do that?—Mr. Stokes did.

1966. This car that went to Bundoran, who was it that went upon it?—I did not know who went upon it for more than a week.

1967. After the week, who did you ascertain went upon the car?—It was my own servant in the kitchen that I heard say it was the McMullens.

1968. Who did you ascertain went on that car to Bundoran?—I do not understand what you mean.

1969. What are the names of the men who went on the second car, that you ascertained the week afterwards?—I heard they were the McMullens.

1970. The two McMullens?—I could not answer. I do not know whether they were the two or not; but I heard they were the McMullens.

1971. Had you any cars ordered to go to Ballysedare two or three days before the election?—No.

1972. You live close to these McMullens, do you not?—Pretty close.

1973. Quite close?—Yes, it is round the corner from my place.

1974. Had you seen them from the time of the election till yesterday?—No.

1975. Do you not know that they are away from Sligo?—I believe so.

1976. Is not their place shut up?—It is.

Cross-examined by Mr. *Robinson*.

1977. Look at the name “Starkie, 14th November;” was that “k” that is there, written when you wrote down the name originally?—It was all done together.

1978. It is manifest that “k” was written at the same moment, with the same ink and the same pen——

Mr. Justice *Keogh*.] What I wish to call your attention to is, that the word “Stokes” was, at all events, written before “Starkie.”

Mr. *Palles*.] “K” is common to both.

Mr. Justice *Keogh*.] It is common to both “Stokes” and “Starkie,” but the “k” is there.

1979. Cannot you tell us frankly; did you write “Stokes” first?—I did.

1980. Did you alter it into “Starkie”?—I did.

1981. You have given me a very frank answer; tell me this, when did you make the alteration?—A few days ago.

1982. Who asked you to do it?—Myself.

1983. No one but yourself?—No one but myself.

1984. Did anyone speak to you about it?—No, indeed.

[The Witness withdrew.

Mr. CHERRY, called; Examined by Mr. *Coffey*.

1985. Do you produce the letter that was asked about yesterday?—I cannot produce what is not in existence.

Mr. Justice *Keogh* said that the gentleman could be sworn and examined as to what took place if the Petitioners thought proper.

Mr. *Palles* stated that they did not intend to examine Mr. Cherry.

ROBERT M'CULLOUGH, sworn; Examined by Mr. *O'Loghlin*.

1986. You are Manager of the Ulster Bank?—Yes.

1987. You were served with a subpoena to produce the books?—I was.

1988. Have you the books there?—No.

1989. When did you get the subpoena?—On Thursday.

1990. Have you extracts from the books?—There is not an entry in the bank books relating to what is on the subpoena.

1991. Do you know Mr. Thomas Brennan?—I do by appearance.

1992. Has he an account in the bank?—No.

1993. Had he an account at the bank?—Never.

1994. Did he ever get a bill cashed in the bank?—Never.

1995. Was there ever a bill cashed with his name on it?—Never; he never had his name on the bank books.

1996. Have you got the books for November 85.

here?—I have not brought any of the books here.

1997. Will you tell me why you did not?—Because I searched them over carefully, and could not find his name in them.

1998. Were you subpoenaed to produce the books?—I was, with reference to a certain matter.

1999. Have you got a copy of your subpoena (it was handed to the Judge); do you know Mr. Griffith?—Mr. Henry Griffith?

2000. Yes?—I do.

2001. Has he any account with your bank?—He has not.

2002. Was there any money paid on his behalf, in the month of November last, through your bank?—Not that I am aware of. I think not.

Mr. Justice *Keogh* stated that the subpoena was merely with reference to a particular transaction, and the Witness had done right in not bringing his books.

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R. M'Cullough.

ELLEN FOX, sworn; Examined by Mr. *Palles*.

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2003. I BELIEVE you are at present in Mrs. Hall's employment?—I was.

2004. Have you left it?—I left it yesterday morning about six o'clock.

2005. You were in her employment in the month of November last?—I was.

2006. Has she a house in Sligo, next the Court-house?—She has.

2007. Do you know a person of the name of Mary Caveney?—I do.

2008. Was she taken in as a servant at Mrs. Hall's house immediately before the election?—Yes, she was taken in as an assistant.

2009. To assist you?—Yes.

2010. Do you know Mr. Harloe Phibbs, a solicitor, of Sligo?—I do not know him, but I heard of his name.

2011. Would you know him by appearance?—I would not.

2012. Do you remember how Mrs. Hall's house was occupied a few days previous to the election?—The Saturday before the election I saw Mr. Knox and Mr. Lawder coming there, and they went out and asked for the keys of the grand jury room, to go and look at the court. They went out to the court; some other person, I don't know who, came and asked for the keys of the door facing the street.

2013. The door of Mrs. Hall's?—No, of the Court-house.

2014. Who was it asked for the keys of the door of the Court-house?—Mr. McKame.

2015. When you say Mr. Knox, do you mean Mr. Utrud Knox or Major Knox?—Major Knox.

2016. That was on the Saturday?—On the Saturday before.

2017. Were Mr. Lawder and Mr. Knox in that house on the Saturday?—They were.

2018. Did you see them speaking to your mistress, Mrs. Hall?—I did.

2019. Previous to the Saturday, were there any persons excepting Mrs. Hall's family occupying the house?—I saw several people coming in there.

2020. Previous to the Saturday?—Yes, on Saturday.

2021. Before Saturday did you see any coming in?—Yes, I did.

2022. Did many people come in on Saturday? Well, I cannot say how many.

2023. But did several people come in on Saturday?—Several people did come in on Saturday.

2024. And stopped there on Saturday night?—No, not on Saturday night.

2025. Nobody stopped there on Saturday night?—Nobody stopped there on Saturday night.

2026. Did anyone stop there on Sunday night?—Yes, two voters.

2027. Do you know their names?—The name of one was Lindsay, and the name of the other McCoy.

2028. Do you know whether they are voters or not; can you give me their Christian names? I do not know their Christian names.

2029. Do you know where they live?—I may have heard them say where they lived.

2030. Did anyone sleep there on Monday night?—Yes.

2031. How many slept there?—I do not know how many.

2032. Did 10 sleep there?—I cannot say how many.

2033. About how many?—I cannot say.

2034. Were there more than two?—There were more than two.

2035. Were there 10, do you suppose?—I do not know how many.

2036. Five or six?—I think there were.

2037. Were all the rooms occupied, as well as you can remember, on that Monday; was the house full?—It was not.

2038. On Monday were there many there?—I cannot say how many.

2039. On Tuesday were there several there?—There were.

2040. And on Wednesday, the day before the polling, were there several there?—There were.

2041. As many as the house would hold?—There were a great many.

2042. Did any person move out of the house before these persons came in, or did any person change his room for the purpose of accommodating these people?—Yes.

2043. Whom?—Mr. Robinson.

2044. What night was that?—I cannot say whether it was on Tuesday night or on Wednesday night that Mr. Robinson did it.

2045. Are you able to give the names of any of the persons who were there with the exception of the two that you have already stated?—I can.

2046. Give me the names of any persons you can?—Paddy O'Brien, Johnny Reid, the two Grays, the two McGoldrick's, McGuirk, Gallagher Fallon; I don't remember the next.

Mr. Justice *Keogh* inquired the point at which the present evidence was directed.

Mr. *Palles* stated that it was directed first to the allegations of treating, and secondly to agency.

2049. Mr. *Palles*.] How were those men supported during the time they were in that house; did you see provisions coming in?—I did.

2048. Can you tell me the persons from whom those provisions came in?—I can.

2049. Who are they?—We got beef and mutton from Mr. Feeny. I do not know where the bacon was got. The tea and sugar were got at Mr. Crawford's. That is according as I heard the mistress say.

2050. Was there any drink brought in there?—Yes.

2051. Much?—I cannot say how much.

2052. Did you see Major Knox and Mr. Lawder frequently at Mrs. Hall's during those four days?—I did.

2053. Did you see them there every day?—I did.

2054. More than once; I suppose every day?—I saw them every day, however.

2055. Did you see them making arrangements how the rooms should be occupied by the different voters.

Mr. *Macdonogh* objected to the question.

2056. Mr. *Palles*.] What did you see them doing?—I saw them doing nothing but going in and

and coming upstairs to where those men were in the rooms.

2057. Going into the rooms?—Going into the rooms.

2058. You say you do not know Mr. Harloe Phibbs's appearance?—No.

Mr. *Harloe Phibbs* called.

2059. Did you see that gentleman in there?—I cannot say;—I have heard his name at different times.

2060. Did you hear his name mentioned by Major Knox or by Mr. Lawder?—I did not.

2061. But you saw persons there calling him Mr. Phibbs?—I did. They said, "Mr. Phibbs, come in here."

2062. Do you know Mr. Cherry?—Yes.

2063. Did you see Mr. Cherry there?—I did.

2064. Was he there often?—Every day almost.

2065. What did you see him doing there?—I saw him coming there, paying great attention to the voters.

2066. He was taking care of them, I suppose?—Yes.

2067. Did you see him there at any time when Major Knox and Mr. Lawder were there?—I did.

2068. Did you see him speaking to Major Knox and Mr. Lawder?—I cannot exactly say.

2069. Do you know Mr. Gilmore, the mayor?—I do.

2070. Did you see him there frequently?—I did.

2071. Can you tell me the names of any other persons you saw from time to time going in there during these four days?—Lyons.

2072. Henry Lyons?—I did.

2073. Try and tell me the names of any others?—Tom Woods, Campbell, the cabinet maker, coming in there with the voters.

2074. Do you know Mr. Stokes?—I do not know him; I heard his name.

2075. Do you know Mr. Williams?—I do; the man with big whiskers.

2076. I understand he has whiskers; is he in court?—

Mr. *Williams* called.

2077. Can you see the gentleman here?—I see one, Mr. Williams.

2078. Is that the gentleman you saw there?—I saw him coming there, but I did not know him at the time.

2079. Did you see him there often?—I saw him there, but I cannot say he was there at the election; I will not say it.

2080. Do you recollect that on one occasion Mr. Cherry directed a ladder to be brought to the back yard for the purpose of some men getting over it?—Yes.

2081. When was that?—On the Monday night.

2082. Was that the Monday before the election?—Yes.

2083. Who brought the ladder?—I, myself.

2084. Was Mary Caveney with you?—She was at the time.

2085. What was it Mr. Cherry told you to do?—He told me to bring the ladder and put it up against the wall.

2086. When you brought the ladder there,

85.

what was done with it?—I put it against the wall.

2087. Did you see any man either go up on that ladder, or come down it?—No, I did not; I saw Mr. Cherry at the time.

2088. Mr. Justice *Keogh*.] What did you say about Mr. Cherry?—I saw Mr. Cherry going up on the ladder, looking across the wall. He said that would do, thanked me, and gave me a shilling.

2089. Mr. *Palles*.] Then you left?—Then I left.

2090. Whom does the yard on the other side of the wall belong to?—I do not know.

2091. Did you observe by what doors the voters used to leave the house?—Used to leave the house?

2092. Yes; on the morning of the poll, did you observe any voters go by the front door?—

Mr. *Macdonogh*.] People, not voters.

2093. Mr. *Palles*.] Did you observe any persons going by the front or by the back door?—I saw the Protestant voters going out by the hall door.

2094. And the other voters?—I saw them go by the court; they were standing there; the door was locked at the time; I did not see them going in.

2095. Was there any communication between the side or back of Mrs. Hall's house and the court-house?—Yes.

2096. What is that communication; where does the door lead out to?—There is a door that leads from Mrs. Hall's house into the court-house.

2097. Do you know McGuirk?—I do.

2098. Do you know his wife?—I do.

2099. Do you remember taking a message from McGuirk's wife to him?—I remember that McGuirk told me to go down and see his wife.

2100. Do you remember bringing up a message?—His wife told me to tell him—

2101. Mr. Justice *Keogh*.] Did you take a message from him to her?—I did.

2102. Mr. *Palles*.] Was he stopping in the house at the time?—He was.

2103. How long had he been in the house?—I cannot say what time he came in.

2104. Late on the day of the polling do you remember Major Knox coming into Mrs. Hall's house?—I do.

2105. Did you hear him speak to him?—I did.

2106. What was it he said?—He came up and asked him how he would vote.

2107. What did McGuirk say to that?—He said he would not vote. He asked him why. He said he had a reason of his own for it.

2108. Did the Major say anything when he refused to vote?—He said, "Remember, McGuirk, you will be sorry hereafter."

2109. Did you at any time see any persons looking over accounts in that house?—On the Monday after the election I remember Mr. Cherry coming up. I remember Mrs. Hall coming into the kitchen to say that Mr. Cherry was in the parlour.

2110. You cannot tell me what Mrs. Hall said; did you go into the parlour?—I did not.

2111. Did you see Mr. Cherry when he was in the parlour?—I did not.

2112. When these men were in the house, did they get everything they called for?—They did.

F 2

2113. Whenever

E. Fox.

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2113. Whenever they asked you for anything, I suppose you went down and got it for them, if it was in the house?—I did.

2114. How many meals a day had they?—Three meals, and lunch if it was required.

2115. And had they plenty to drink the whole time?—According as they asked for it.

2116. Do you know a man of the name of Thomas R. Wilson?—No.

2117. Do you remember a few days ago being asked to go in and witness the payment for any of this?—I do.

2118. How many days is that ago?—I disremember the day.

2119. Was it a week ago?—Maybe it is a week. It is no more.

2120. Who was it asked you to go in and witness that?—Mrs. Hall.

2121. What did she say to you?—She asked me to go in and see the money paid.

2122. Tell me what you saw when you went in?—I did not go in and see it at all.

2123. You refused to go?—I did.

2124. Were the men brought down to the kitchen where you were?—They were.

2125. Will you tell me what you saw?—I cannot say, because I shut my eyes.

2126. You would not look at them?—No.

2127. You know the men who were there?—Young Gray.

2128. Was there anyone else except young Gray?—No; and Mrs. Hall and the girl.

2129. Who was the other girl?—I forget her name.

2130. You do not know her name?—Jane Blake.

2131. Did you tell me Mr. Wilson was frequently there?—I do not know.

Mr. Wilson called.

2132. Was that gentleman there, do you remember?—I don't remember.

Cross-examined by Mr. Robinson.

2133. You said you saw a ladder brought out and Mr. Cherry get over the wall?—I did not say he got over the wall.

2134. What then?—I say he went up on the ladder and came down, and said that would do; and he thanked me and gave me a shilling.

2135. That was all you saw of that particular transaction; at the time this occurred was not there great disturbance in the town; were there not violent mobs going through the town?—I believe there were.

2136. Have you any doubt about it; did you not see them yourself?—I saw crowds of persons.

2137. Did you not see people shouting, hurrahing, driving past the place and rushing up to Mrs. Hall's?—I saw them at Mrs. Hall's door, at the Court-house.

2138. Did not you see a large tumultuous crowd at Mrs. Hall's door?—I did.

2139. At the time this occurred?—Yes.

2140. Will you swear that Major Knox was ever in the room you say these men were in?—I would swear he was in the room they were in.

2141. You say the first day these people came to the house was Saturday?—They first came on the Sunday.

2142. You saw more come in on the Monday, and the Sunday was the first?—Yes.

2143. What day was it that you saw Major Knox going up into the room where these men were?—I saw him go up on the polling day, and I saw him going up before that.

2144. What day before that; Thursday was the polling day?—I cannot say. I saw him going in to them at different times during the election.

2145. You cannot fix the day?—I cannot fix the day, but I will swear I saw him.

2146. And you will also swear that you saw Mr. Lawder go up?—Yes.

2147. With him?—With him and without him.

2148. Will you swear you ever saw Major Knox in that place, except on the polling day?—I did.

2149. You said something about Mr. Henry Lyons?—Yes.

2150. Will you swear you saw him in the room with these men; there he is in the gallery, looking at you?—I cannot say at the time. I said I did not see him at the election.

2151. Then you now change your mind, and say you cannot swear you saw him at the election?—I cannot swear, there were several.

2152. Do you say you saw that gentleman, Mr. Lyons, at any time in Mrs. Hall's house during the election?—I cannot say.

2153. Do you not know he was not there?—I do not know whether he was or not; they were strangers to me.

Mr. Williams called.

2154. Do you swear Mr. Williams was ever in Mrs. Hall's house during the election; here he is?—I cannot swear; they were strangers to me. I heard his name mentioned.

Mr. Gilmore called.

2155. Will you swear Mr. Gilmore was in the house during the election?—He was.

2156. When?—Several times.

2157. What part of the house?—In every part of the house; in the parlour and in the drawing-room.

2158. Was it in the drawing-room that the men were?—They were in the back room until you left the drawing-room, and went down to the lower parlour to accommodate them.

2159. Had not Mr. Gilmore a friend; was there not some gentleman who lodged in the parlour?—Yes, Mr. Mossom.

2160. Was he not a personal friend of Mr. Gilmore's?—Well, they are friends.

2161. And great friends?—They seem to be such.

2162. Was there a day before the election, as far back as you know, that Mr. Gilmore was not in there to speak to Mr. Mossom?—He always came to see him.

2163. Did you not see Mr. Tighe, the mayor, there during that time?—I saw him on the poll day there.

2164. Upon your oath, did you not see him before the poll day there; do you swear you did not see him before the poll day, there?—I do not recollect that I did.

2165. Will you swear that you did not; I ask you, upon your oath, did you not see him there several times before the polling day?—I disremember.

2166. Did you not see Mr. Cogan, the sub-sheriff, there day after day?—I saw him there.

2167. Going

2167. Going through the house?—Yes.
 2168. Going up and down?—Not upstairs.
 2169. He avoided that; he never went up at all?—He went into the lower parlour.
 2170. And went out through the door between that and the court-house?—He did.
 2171. Did you see him there more than once? I did.

2172. You said that when some money was paid to Mrs. Hall the other day you shut your eyes; why did you shut your eyes?—I said I would not look at it.

2173. Why?—I wanted to see no more about it.

2174. And you shut your eyes; where was it paid?—I do not know where it was paid.

2175. To go back to the earlier part; upon your oath, did not several of the men tell you they went into that house to save themselves from violence?—They never did.

2176. Will you swear it?—I will swear it.

2177. Not one of the men you mentioned said such a thing to you?—I never talked to them on the subject.

2178. Did you not hear it in the house when you were there?—I heard Mrs. Hall say it.

2179. She said they went in there to avoid the violence?—She did.

2180. You said something about Major Knox and Mr. Lawder getting the key?—Yes, they asked for the key.

2181. And they got it?—They got it.

2182. Were not Mr. Cogan, the sub-sheriff, and Mr. Tighe, the mayor, with them when they asked for the key and got it?—I do not know who got it; I cannot say.

2183. Did you shut your eyes to see those two, and not to see the others?—I know I saw those two; I do not know about the others.

2184. Were not Mr. Cogan and Mr. Tighe, the mayor, with them when the key was got?—On my oath, I could not tell.

Re-examined by Mr. *Palles*.

2185. When was the first time that you saw any mobs or disturbance in the streets; do you remember the day of the polling?—I do.

2186. That was the Thursday?—Yes.

2187. Before the day of the polling did you see any mobs or disturbance in the streets?—I never was on the streets to see the mobs.

2188. You told Mr. Robinson there were mobs and a disturbance on the street, did you see that till the Thursday, the day of the polling?—I cannot say, because I saw persons at the court-house, as they generally are there, on the poll day and the day of nomination.

2189. This Mr. Mossom, that was a friend of Mr. Gilmore, did not he stop in one of the parlours?—He did.

2190. And you saw Mr. Gilmore frequently going upstairs during this time?—Yes.

2191. I suppose you never saw him before this election time going upstairs when Mr. Mossom was only in the parlour?—I cannot say; occasionally he would go upstairs if the mistress wanted him upstairs.

[The Witness withdrew.]

MARY CAVENEY, sworn; Examined by Mr. *Waters*.

2192. WERE you engaged as an assistant in Mrs. Hall's house during the election?—I was.

2193. Do you recollect the day you went there?—I do.

2194. What day was it?—On Saturday.

2195. Was that the Saturday before the polling?—It was.

2196. What hour did you go there?—I went in the morning, and then I went home and did not come back there till Monday.

2197. Do you know Mr. Harloe Phibbs?—I do.

2198. Did you see Mr. Harloe Phibbs in the house on the Saturday?—I cannot say; it was late when I went.

2199. Did you see him in the house?—Yes, he was in several times.

2200. What part of the house was he in?—He came into the parlour, and he was upstairs.

2201. Was he in the bedrooms?—I cannot say.

2202. Tell me the names of any other gentlemen you saw coming in there?—There were Mr. Campbell, and Mr. Cherry, Tom Woods, and Mr. Gilmore.

2203. Did you see Mr. Cherry there more than once?—I did.

2204. How many times do you suppose that you saw him; every day?—He was there occasionally, but I cannot say that I saw him every day.

2205. On Tuesday evening before the polling, you saw Mr. Cherry there?—Yes, I did; he came in.

2206. What time did he come?—It was in the dusk of the evening.

2207. Tell his Lordship what occurred when he came in?—He came in, that was on Monday evening; and the ladder was taken down and put in Mrs. Hall's yard that night; it was put against the wall, and then I carried it from the wall to the yard.

2208. Who told you to do that?—Mr. Cherry. I came down. The ladder was there, and Mr. Burrows went up the yard with him.

2209. With whom?—With Mr. Cherry, because he was up there that night with him.

2210. Do you know where that Mr. Burrows lives?—At the Cemetery.

2211. Did you see the ladder put up against the wall?—Yes, I put it myself up against the wall.

2212. Did you see anyone come down that ladder?—I cannot say that they came down the ladder, but Mr. Cherry went up the yard to Mr. Burrows.

2213. What I asked you was, did you see anyone coming down the ladder?—I did not see them coming down the ladder, but they were in the yard.

2214. Did you see them coming from the yard into the house?—They came into the house; the kitchen door was half shut-to; I cannot say who came in; they were in the yard, but when I went upstairs there were two men that I did not see before that, Johnny Reid and Paddy O'Brien.

F 3

2215. Were

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M. Caveney.

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2215. Were you downstairs when they went upstairs?—Yes I was.

2216. Could they have come in the door without your seeing them or knowing them?—If the door was open I might have seen them; but the door was shut.

2217. I mean through the front door. Could they have done so, without your seeing them?—They might have come in through the front door without my seeing them, because I did not open the door at all.

2218. Was the front door open just before they came in?—The door was open for Mr. Robinson's men.

2219. After that, till these two men came, was the door opened?—No, only when the man went out.

2220. Did you see any other men there; do you know a man named Fallon?—Yes.

2221. Gallagher?—Yes.

2222. Did you see them come in?—They came in at the front door, I think, on the polling morning.

2223. How many men were there altogether in the house on the morning of the polling?—I do not know whether it was 21 or 22.

2224. Did they sleep there the night before?—Well, they did not all sleep there the night before.

2225. About how many slept there the night before?—I cannot say.

2226. About how many; 10 or 12?—There were 18 or 19, I think.

2227. How many days had they been in the house?—There were some there on the Sunday night; I was not there you know on the Sunday night, not till the Monday morning. There came two on the Monday morning; there were four at breakfast on Monday morning.

2228. Tell me the names of those four?—There were Mr. Gilmore and Mr. McCoy, and I do not know the other parties' names, and the two Mr. McGoldricks, and Mr. Campbell that came in with them.

2229. You say Mr. Campbell came in with them?—He did, in the morning.

2230. Did you see any others come in; after that on the Monday?—There came more between that and night.

2231. Tell us the names of those you recollect?—I could not think, for we were all in a fuss. I know the names of nearly all that were there.

2232. I want you to tell me the names of those you saw in the house in addition to those you have mentioned?—The two McGoldricks, the two Grays, Doherty, and Mr. Fallon.

2233. Do you recollect any other names besides those?—Paddy O'Brien, and Johny Reid, and McGuirk, and Mr. Gethins.

2234. Did you see a person named Lindsay there?—Yes, he was there.

2235. Did you see a man named McCoy there?—Yes, he was there.

2236. Did you see quantities of provisions come into the house?—Yes; there came beef on Saturday, and there came groceries and bread.

2237. All sorts of provisions, bread and everything?—Yes.

2238. Were these men fed in the house?—Yes.

2239. And did they get drink when they asked for it?—Yes; but Mrs. Hall was not willing to give them too much of it.

2240. But they got a reasonable share of it?—They did.

2241. Did you see Major Knox there?—Yes, I did.

2242. Did you see him more than once?—I have seen him a few times, but I cannot say for certain the times I saw him; but I saw him on the poll evening.

2243. The evening of the polling day?—Yes.

2244. Did you see him before that?—I saw him in and out, but I cannot say how many times I saw him.

2245. In what part of the house did you see him?—I and Ellen were looking out of the window; Mr. McGuirk was sitting in the middle of us; we were looking at the voters going in; he was looking down. Mr. Knox came in and said to McGuirk, "Are you going to vote?" He said, "No." "What is the reason?" he said. He said, he had a reason of his own for it. Upon that, McGoldrick came in and said, "Are not you going to vote?" He said, "No, I am not;" and he said, "I am after voting for Major Knox;" and McGuirk said he would not vote.

2246. Did you hear Major Knox say anything?—He said, "McGuirk, you will be sorry afterwards, and mark the consequences."

2247. I want to know whether the McGoldrick you mentioned in the last conversation was one of the McGoldricks you have mentioned already, that came in with Mr. Campbell?—Yes.

2248. Did you see mattresses sent to the house for the men to sleep upon?—Yes.

2249. Who sent them in?—Mr. Cherry.

2250. Did the men sleep in the sitting-rooms as well as in the bedrooms?—Yes, they slept in the drawing-room.

2251. Did you see Major Knox in the room that these men occupied?—Yes, he went into Mr. Gethin's on the day he was talking to Mr. McGuirk; on the poll evening; when McGuirk did not vote, he went into them.

2252. You do not know what occurred?—The door was shut. There was one with Mr. Knox; one who lodged at Allingham's; I do not know his name; I saw him in the back parlour and another, a big stout man.

2253. Would you know him again if you saw him?—Yes; and Mr. Woods was in with him; Mr. Joe Woods.

2254. Did you see Mr. Gilmore there?—Yes.

2255. Is that Mr. Gilmore that you see there?—It is.

2256. Did you see him there frequently?—Yes. There was Mr. McCoy, a voter, there.

2257. In what part did you see Mr. Gilmore; upstairs?—I think he went into the back parlour; I got a message from one of the voters to take to him.

2258. You saw him in the back parlour?—No, when I saw his son, I told him; I saw Mr. Gilmore there after.

Cross-examined by Dr. Kaye.

2259. You have mentioned a man of the name of Burrows?—Yes.

2260. Is Burrows the assistant of Mrs. Hall, in keeping the Court-house?—He is.

2261. You know Mr. Mossom to live with Mrs. Hall?—Yes.

2262. He occupied his rooms during the election?—He did not occupy his bedroom during the election.

2263. Was

2263. Was he not in the parlour?—He was adjoining the parlour.

2264. Have you seen Mr. Gilmore frequently going into Mr. Mossom's rooms?—I cannot say I saw him going into it; but I saw Mr. Lawder and all those going into the parlour.

2265. Did you see Major Knox and Mr. Lawder there?—They were not both together; but I saw them there.

2266. Did you see Mr. Tighe, the mayor, there?—Yes, several times in the parlour, and they were there on the morning of the polling day.

2267. And you saw Mr. Cogan?—I saw Cogan come to search for the voters in the Court-house.

2268. Did you see Mr. McKee; do you know him?—I know him, but I do not remember seeing him; I know that he did not go upstairs.

2269. Are you living with Mrs. Hall now?—No, I am living with Dr. Little.

2270. When did you leave Mrs. Hall?—I left after the county election.

2271. Did you see Mr. Cogan speaking to the people that were in the house?—No; he went looking for them in the court outside; if they were not in the court outside, he did not mind searching Mrs. Hall's house.

[The Witness withdrew.]

ANN HALL, sworn; Examined by Mr. O'Loghlin.

2272. Do you recollect the Saturday before the election?—Yes.

2273. Do you know Mr. Harloe Phibbs?—Very well.

2274. Did you see him on that Saturday?—I saw him, to the best of my knowledge, passing the street. He is a particular friend of mine, and he often comes in to see me.

2275. Was he in the house that day; upon the Saturday?—I could not say.

2276. Who did you make the arrangement with about these lodgings?—With the men themselves.

2277. Whom did you make the arrangement with first?—Paddy O'Brien.

2278. When did you see Paddy O'Brien?—He came a few days before the election.

2279. Did you know they were coming?—I heard some talk about it through the men themselves.

2280. Who did you hear it from first?—From the men themselves; some of them were saying they would be happy if I could give them shelter.

2281. Tell me which of them spoke to you first?—O'Brien came from the court; he was engaged in the Court-house. I was passing out by my own back door, and he said to me, "Mrs. Hall, you will be so kind as to take a few of us in, to save our lives; we will be all murdered if you don't."

2282. What day was it he said this to you?—To the best of my opinion it was a week or ten days before the election.

2283. What did you say to him?—O'Brien said he had another few friends, naming a man of the name of Reid and some others, that could not possibly go through the street. They said they were so badly treated at the other election, it would be a great charity on my part to take them in.

2284. Do you know Mr. Cherry?—Yes, he is a very particular friend of mine.

2285. Did you speak to him about this business?—Nothing particular.

2286. Did you speak to him at all about it?—Well, I might be saying these parties were coming in.

2287. I do not ask what you might say, but did you speak to him?—To the best of my opinion—

2288. Upon your oath, did you speak to him?—I might.

2289. I do not want to know what you might, but did you speak to him about this business?—I said, I likely might have done, but I could not

say; because I have a very bad recollection. I might have said to him, which to the best of my opinion, I did, that these men were likely to come to me; were about coming to me.

2290. Did you speak to Mr. Cherry?—I might have done so; I could not swear to it.

2291. Did you ask him for mattresses?—I asked him when they did come to me; not then, but after they did come; I had no beds to put them in. He is a very great friend of mine, and I asked him if he would kindly let me have half a dozen mattresses, and he said, yes, or anything in the house to oblige me.

2292. He did send you some mattresses?—He certainly did, very kindly.

2293. During the time these people were there, did you happen to see your friend, Mr. Cherry, in the house?—Certainly; he comes in to see me very frequently.

2294. But, during the time these people were there?—Sometimes; I could not say how many times.

2295. Did you pay him for the use of the mattresses?—Certainly not; he would not accept such a thing.

2296. Did anyone else lend you anything for that week?—Let me see; well, I do not know; I might have borrowed a pair of blankets or so.

2297. Do you know Mr. Williams?—I do.

2298. He lent you anything?—He did not; I have got a very good supply of these things myself.

2299. Did you ever settle any accounts about this matter?—None whatever.

2300. What arrangement did you make about being paid?—The men were to pay me.

2301. You made that arrangement with whom?—Every one of them.

2302. Did anyone of them say to you he was to pay you?—None whatever.

2303. Do you know Mr. Lindsay?—One of the voters?

2304. Yes?—Yes.

2305. Did you know him before?—I do not know that I did; but I know his father and mother and family.

2306. And you never saw him; he never stopped in your house before that week?—Never; I am in the habit of having gentlemen at my place.

2307. He was not one of those?—He was a voter, and I pitied him, and just felt for him.

2308. Was Mr. McCoy one that you pitied also?—

M. Caveney.
—
20 February
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Ann Hall.
—

Ann Hall. also?—He was the first man who came on the Sunday.

20 February 1869. 2309. McGoldrick never stopped in your house before?—Never.

2310. Neither the father nor the son?—Never.

2311. Did Paddy O'Brien ever stop in your house before?—Certainly not.

2312. Did Johnny Reid ever stay in your house before?—Certainly not.

2313. Or McGuirk?—Certainly not.

2314. Did any single one of them ever stop at your house before?—Certainly not.

2315. You made the arrangement with each person as he came?—Certainly.

2316. Upon your oath, who told you to do that?—Myself told me; I thought it right to do so.

2317. Did you open the door to each one as he arrived?—Not I; I have servants to do so.

2318. Did you open the door to anyone?—Frequently.

2319. What did you say to them when you opened the door to them?—I asked them to make their arrangements before I would let them upstairs.

2320. Is it not a fact that you opened the door yourself for some of these voters?—I could not say; I have opened it often, because my servants do it for me, but I might; I will tell you what I did; I used to go out and receive them, and ask them to arrange before I would let them upstairs, and know if they were agreeable to my arrangements.

2321. What was the arrangement you made with each of them?—My arrangement was 5 s. a day.

2322. And what were you to give them for that?—I made no arrangement about it.

2323. Did you use the word "protection" to any one of them?—They asked me to protect them.

2324. Did you ask them if they wanted protection?—I did.

2325. Who told you to ask that?—No one.

2326. Then it was yourself asked them if they wanted protection?—No; they said they came for protection.

2327. Did you ask anyone if he wanted protection?—They came and asked me would I take them in to protect them; some of them said they were going to stay with me till the election. I said, "You want protection;" they said they did; they were afraid to go through the streets, the mob was so violent.

2328. Did you then say, "You must agree to pay 5 s. a day each"?—No; I asked them would they agree.

2329. Were they willing?—Were they willing?

2330. Do you keep books?—I do not.

2331. Have you any book at all connected with this election?—I have no book whatever.

2332. Have you any book connected with your house?—Just when the men came to me, in order that I should know their names, I got their names entered into a book which I had.

2333. Where is that book?—It is a common account book which I had for putting down. There was some entry before it, and I just took it out before I entered their names.

2334. You took out the entry?—It is my own private affair.

2335. That was not to be examined?—Yes.

2336. When did you tear out this page?—Just as I entered the names; or at least my clerk entered part of it, and I entered other names myself when my clerk was not convenient.

2337. Who is your clerk?—A young lad that I have for writing when I require some writing done.

2338. Tell me where is the book for November?—I have no book about that.

2339. Upon your oath, was there any entry in that book with reference to November at any time?—With reference to November?

2340. The last entry there is January 1869; upon your oath was there any entry in that book with reference to November last?—All I can say is—

2341. Will you answer that question; upon your oath, say yes or no?—There are the bills of some parties that have not paid me as yet. As to that book, I could not say, because it was a temporary entry.

2342. Is there any entry in your book for November; say yes or no?—No.

2343. Did you answer me a minute ago that you wrote down their names according as they came?—After they came.

2344. How long?—Perhaps it might be a day or two.

2345. Where did you enter that?—In that book.

2346. Where is it now?—This is all the entry that ever I had.

2347. Take that book and show me now the entry you made the day or two after they came, these 21 people?—I do not keep a regular entry.

2348. Show me the entry?—All the entry I made was when I was going to serve them with their bills; and then I put down a few names here that paid me. That is all the entry that I made; on my oath.

2349. Did you make an entry in the month of November last, according as they came in?—I did not; the entry was made when I wanted to send them their accounts. I wanted to keep an account of who paid me and who did not.

2350. Did you swear to me a minute ago that you took down their names the day or the day but one after they came?—Well, if I did—

2351. Did you swear that?—You excite me so, and you will not allow me time to think of what I am to say.

2352. Did you swear that?—All that I swear is—

2353. Did you swear that, Mrs. Hall; did you?—I do not know; you do not give me time to consider what I say.

2354. Did you make an entry?—I made no entry but that, on my oath; and that was made when the men paid me.

2355. Did you make any entry in November?—No.

2356. How did you know who to charge?—I got the names.

2357. From whom?—From Mr. Cherry; I asked him for their names.

2358. When did you get them?—I could not say.

2359. Upon your oath, was it the Monday after the election?—Not at all.

2360. When was it?—I could not say; I know I got their names.

2361. Was

2361. Was it at the time of the election?—I could not say.

2362. Did you get them in writing; did he give you a list?—I asked him for the names.

2363. Did he give you a list?—No.

2364. Did you take them down?—No, I just got the names, and I entered the bill; so many bills; I kept no account.

2365. Where did you enter the names you got from Mr. Cherry?—Where did I enter them?

2366. Yes?—Here they are in the bills I made out. The men have got the remainder, and here are the rest that the men did not pay me. I entered some bills; I made out some more, because I cannot always be in attendance on writing; there are five bills there.

2367. When did you get your list from Mr. Cherry?—I could not say exactly.

2368. About when; I am not asking you exactly?—I really could not say.

2369. In November?—I really could not say; I kept no account of it.

2370. Is that the only answer you will give me?—I assure you I kept no account of it.

2371. Was it before Christmas?—It was.

2372. Was it between the election and Christmas?—I could not say; I kept no account of it. All I can say is, if you will allow me to tell you, I just got a few bills written out for some of the men who were in the country, when they would call on the 21st December. I think the dates are there, are they not?

2373. Whose handwriting is that (*handing a document to the Witness*)?—My clerk's.

2374. Who is your clerk?—A young lad in Sligo.

2375. What is his name?—Aleck Grant.

2376. Do you see that bill marked "paid"?—Yes, because I had them ready when the men would come to pay me, and they have not come to pay me.

2377. Do you see the date of that?—Yes, 21st.

2378. Was it before that you got the list from Mr. Cherry?—Yes.

2379. How soon after you made out these bills on the 21st did you get the list?—Well, I do not know exactly; it was very soon before it. I must say I am very negligent in matters of this kind.

2380. When you got the list from Mr. Cherry?—He gave me the names.

2381. Till he gave you the names, you did not know who were in your house?—I knew some of the parties; I did not know them all by name. Those I did not know, he very kindly gave me their names.

2382. Will you look at that bill (*handing one to Witness*). Do you know any name in that bill?—Yes.

2383. What name is it?—My own name.

2384. The debtors?—Mr. Gilmore.

2385. Who is Mr. Gilmore?—One of the voters.

2386. Do you know him?—No.

2387. Who told you who Mr. Gilmore was?—I heard nothing more about him than that he was a voter.

2388. Who told you that?—I am not quite sure; it might be Mr. Cherry. I do not know who told me.

2389. Did you ever see Mr. Gilmore to speak to him in your life?—Not to my knowledge.

He might have been in the room, and I not have seen him. I may have seen him.

2390. Did you make any arrangement with Mr. Gilmore what you were to charge him?—There were arrangements made with all the parties, and I sent up my friend, Mr. Mossom, to ask them all were they agreeable to the arrangement. He came down from their room, and told me they were quite agreeable.

2391. Never mind what Mr. Mossom said; did you ever make an arrangement yourself with Mr. Gilmore?—I made arrangements with all the men.

2392. Did you with Mr. Gilmore?—I do not know Mr. Gilmore in particular.

2393. Do you know Mr. Burrows?—Yes; a painter.

2394. Did you make any arrangement with him?—Yes.

2395. When did you make the arrangement with him?—Going up the stairs that night.

2396. Who is Mr. Beattie?—He is a gardener at Ballytiven.

2397. Was he a voter?—Yes.

2398. Was he stopping in your house?—Yes.

2399. When did he come there?—I could not say the day.

2400. Mr. Cherry kindly gave you the names, you say?—Yes.

2401. How did Mr. Cherry know who were in your house?—Of course he was a visitor of mine, and he saw these men, every one of them.

2402. Then he was in the house when they were there?—He was.

2403. And he gave you the names of the people who were in your own house?—I asked him to do so, kindly.

2404. Do you know a person of the name of Feeny, a butcher?—There is such a man in Sligo, I believe.

2405. Did you get your meat from him that week?—I get meat always from him.

2406. Did you get your meat from him the week of the election?—I did.

2407. Have you paid him?—I have paid him some money.

2408. How much was your account with him for that week?—I cannot answer that question.

2409. Have you paid him for the meat he supplied you that week, on your oath?—No, I have not paid him all. I owe him some balance.

2410. Did you pay for that week?—I paid him some money; I could not say.

2411. Where did you get your groceries that week?—From the lady I always get them from.

2412. Who is that?—Why, I get some from Mrs. Robinson, and some from Mr. Crawford.

2413. Did you get from them that week a quantity?—Well, you know, I get a supply of groceries.

2414. Did you buy any tobacco that week?—Of course; I might have given these men, if they asked me for it, a little tobacco.

2415. Did you; I am not asking what you might have done?—Very probably I did.

2416. Upon your oath, did you not?—Yes; I think there was some tobacco got.

2417. Where was it got?—At Mrs. Robinson's.

2418. Did you pay for it?—I keep a pass-book, an account there with them.

2419. It is not paid for?—I could not say; I think not.

2420. Did you supply these men with every-
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Ann Hall. thing they asked for?—They were very easily supplied.

20 February 1869. 2421. Did you supply them with everything they asked for?—Of course I did.

2422. With drink?—Very little drink.

2423. You gave them what they asked for?—Well, it was very little. They were very moderate.

2424. Did you give them what they asked for?—I always supply my lodgers with everything they want.

2425. How many slept in the same room?—As many as I could accommodate in my bedrooms. I had Councillor Robinson and some others staying, and as many others as I could accommodate.

2426. Did not Mr. Robinson kindly give up his room?—Mr. Robinson?

2427. Yes?—Certainly not. Mr. Robinson kept his own bedroom. I should not deprive him of his room.

2428. When did you first get any payment for these lodgings?—I think the first money I got was from Clancey.

2429. When?—I think it is entered in the little book.

2430. Take your book, if you please (*handing it to Witness*); will you tell me, as a matter of curiosity, when did you tear out these pages?—When I was entering, or getting some of these entries in; Mr. Coleman, the collector of Excise, lodges with me, and I supply them with matters they require for the house; and there is Miss Coleman's name there, I just put a pen over it; you would ask me for it; I did not want to talk of this matter; I supply these people with anything they require; I just tore the piece out, on my oath, and entered these people that paid me; I kept no entry of the voters, or any one thing connected with them.

2431. Did you see these little bills?—Yes.

2432. Did you write them in Mr. Cherry's presence?—No.

2433. Where did you write them?—In my private sitting-room, with my clerk.

2434. How did you know the names; had you any paper with a list on?—I had.

2435. Who gave you that?—Mr. Cherry; of course I burned it when I made the bills.

2436. Of course you burnt it?—When I made out the bills I did not want it.

2437. You did burn it?—I think to the best of my opinion I did.

2438. Do you know Major Knox?—Scarcely.

2439. Do you know his appearance?—Yes.

2440. Did you see him in your house?—Just about once or twice; he passed through with some gentlemen that wanted to see the court-house.

2441. Do you know Mr. Gilmore?—Which Mr. Gilmore?

2442. The Mayor?—I do; I have the pleasure of knowing him.

2443. Was he in your house during the week?—Mr. Gilmore is a constant visitor.

2444. I am not asking you whether he is a constant visitor?—I know; I say he is a constant visitor; I could not say exactly whether he came that week any more than another week; he is constantly coming to see Mr. Mossom.

2445. Do you know Mr. Joseph Woods; young Mr. Woods?—Yes.

2446. Was he in your house?—I could scarcely say.

2447. Do you know Mr. John Fawcett?—No, I do not.

2448. Was Mr. Phibbs in the house?—I did not see Mr. Phibbs during the election.

2449. Do you know Mr. Lawder?—I barely know him.

2450. Did you see him there?—I just saw him passing through one day; he came in to inquire for a room for Mr. Robinson.

2451. Besides Clancey, has anyone else paid you?—Yes, all these men have paid me.

2452. Will you tell me who they are?—Who they are? I know nothing about them, but they paid me.

2453. Nobody paid you then until January?—No; to the best of my opinion none of them paid me until January.

2454. Did you apply for payment to any of them?—No; several of them; there was a process server.

2455. Michael Doherty?—Yes; he called once or twice; he went up very nicely to the servants, those two girls that were here, and gave them a shilling each for house money; he came and asked me for the account, and I told him not to be in a hurry till the other parties would have paid, and it would be paid altogether; the money would be more useful then when I had it all.

2456. You did not apply to anyone?—Not until they paid me at the time.

Cross-examined by Mr. *McDonogh*.

2457. "Received from Mr. Clancey"; did I rightly take you to say that Mr. Clancey was the first who paid?—Yes.

2458. Accordingly he is entered "first; do you see the entry 5s.?—Yes.

2459. Was he but one day with you?—But one day.

2460. You received 1*l.* 15*s.* from the two McGoldrick's?—Yes.

2461. Do you happen to remember how many days the Grays were with you?—Their entry is there, 30*s.* they paid me; that is three days each, 5*s.* each; that is for the father and son.

2462. I see "Received from Mr. McGuirk"?—Yes.

2463. Did he pay you himself?—He did not come to me, he sent it.

2464. Mr. Gethin?—Mr. Gethin sent it also to me when I sent the bill to him.

2465. Mr. Gallagher the same?—Yes.

2466. And each of these I see varies in point of amount?—It does; according to the days they came I charged them.

2467. "Mr. G. Ferguson, 15*s.*."?—Yes.

2468. And another 15*s.*?—Yes.

2469. Where does this end?—There (*pointing*).

2470. Each and every one of these persons lodged at your house?—Yes.

2471. And did each and every one of these persons make an agreement for himself?—Yes.

2472. You say you met several of them coming in and made the agreement yourself?—Because I would not allow them into my house unless they would agree to pay me what I charged; at least, I made a mistake, I might not have asked them all round whether they agreed to my proposal.

2473. Lest there should be any inadvertence?—Yes, Mr. Mossom came down and said, "You may rest satisfied; they are all quite delighted to get into the house, and to pay any charge you make."

2474. Were you, of your own knowledge, aware

aware of the turbulence and the untranquil condition of the town?—Certainly I was; the morning of the election I thought they would break down the house. The greatest war was outside my door, so much so that I went into the court-house hall, and begged of the police officer to come out, and keep the house from being broken in.

2475. But before that, I think it was the Saturday or the Sunday previously to the day of polling that the first of the men came to you?—It was.

2476. Had the state of the town been disturbed before that?—Certainly it was.

2477. I believe so a considerable time?—Yes; the night before I had a gentleman, a very high-up gentleman, that paid me a very large amount. He left my house, he was so frightened at the breakage of Miss Allingham's windows. He was a London gentleman.

2478. What evening are you referring to?—The Sunday before the election, to the best of my opinion.

2479. On the day of the nomination, was there great tumult?—Oh, fearful; I was so much alarmed that I was nearly fainting; I could hardly stand through my house, the uproar was so much.

2480. Then, from your own knowledge of the state of the town, did you really and verily believe that these persons required to be protected?—I solemnly declare I did, and I thought they would be in danger of their lives if I did not give them room.

2481. Had you a guard of police?—I had in my own house, I was that alarmed; and one of the nights of the election a friend of Major Knox, a tall gentleman, I forget his name now, that was travelling with him, was coming in to visit Mr. Robinson, and there was a stone thrown after him; I thought he was killed.

2482. Is that the gentleman (*pointing to a gentleman in court*)?—That is him.

2483. You happen to know he is an English barrister?—Yes; Mr. Morrison. And I called out to one of my servants, and said, "I hope Mr. Morrison is not killed." It was the last girl who was examined, to the best of my opinion. She said, "Oh no, he was just in when the stone was thrown." And he was going in to see his friend, Mr. Robinson. I was dreadfully alarmed about him. He came to my house faint. I had to give him some wine two or three times.

Re-examined by Mr. O'Loghlin.

2484. Although you were so desperately alarmed, was there a single pane of glass or anything broken in your house?—The police guarded that.

2485. Was it so or not?—It was not.

2486. Mr. Justice *Keogh*.] Just bethink yourself: do you, or does your clerk for you, keep any book of entries of accounts in connection with your establishment?—Not in connection with the election.

2487. I did not ask you that question, as you would have found if you had paused to consider; I again beg of you to do so; do you, or does your clerk, keep any book in which there are entries made in connection with your establishment?—Certainly.

2488. Where is that book?—At home. It has nothing to do with the election.

85.

2489. Were these different papers that I have in my hand entered in that book?—No.

2490. You see these different papers that you have produced here?—They are parts of bill-paper that I write out bills upon when I am in a hurry.

2491. You are proceeding to give me information which I am not asking?—But they are not anything belonging to the account book.

2492. Will you be kind enough to wait till you have heard my question; were they originally on one sheet of paper?—They were; that I bought at Mr. Gilmore's a few days before I wrote them out.

2493. I am not asking you where you bought it; but were they originally on one sheet of paper?—Certainly; a sheet of paper that came in from the shop.

2494. Afterwards you cut them apart?—Yes.

2495. Were they all from one sheet of paper?—I could not exactly say; there might have been two different pieces of bill paper on the table, and I might have taken a piece of one, and not the other.

2496. They were originally together, and then they were separated?—Yes.

2497. Were they in the handwriting of your clerk?—Yes; with my own name signed.

2498. Did you sign this as paid the 21st of December?—I signed them as paid in order that the men might come, and it would be convenient just to hand the bills to them.

2499. To each one as he came?—Yes.

2500. If you intended that each should pay as he came, why did you say to Doherty that it would be more convenient to wait till all came and paid together?—I had no particular reason. He was wishing for his bill, and I just thought that if all the men would just come and pay the money, it would be more acceptable to me than getting a few shillings; 10s. I think his money was.

2501. You did not know their names?—Not until I got them entered in the bills. I knew a few of these men by sight; I knew a few of them to know, and some of them by sight, but I did not know their names.

2502. You did not know their names until you got all their names?—I knew some.

2503. You did not know all their names, I understand you?—Certainly not.

2504. Will you just wait to hear my question before you answer it; you did not know all their names, I understood you to say, until you got the bit of paper upon which entries were made by Mr. Cherry; is that so?—Yes.

2505. Not knowing their names, to whom did you intend to look for payment, if you did not know their names when you accommodated them?—I knew my friend Mr. Mossom would find their names for me; he knew them all, every one of them.

2506. Then why was it you applied to Mr. Cherry?—Because Mr. Mossom is engaged in his office, and I do not like troubling my gentlemen in the house.

2507. Is Mr. Mossom engaged in Mr. Cherry's office?—No, in his own office; he is constantly out, and I could not just get him at the time; and Mr. Cherry is a great friend of mine.

2508. Did you allow these people all to go away?—I did; I could not speak about money matters,

Ann Hall. matters, the town was in such a state I was not able to.

20 February 1869. 2509. In point of fact you did not know the names of them until afterwards?—I knew the names of some of them.

2510. But not of all?—No, certainly not.

2511. Have you any more of these papers about you?—How many are there there?

2512. There are five?—The rest paid me, I think, to the best of my opinion.

2513. Have you any more?—None.

2514. I thought I saw one more with you?—No; five.

2515. Mr. *McDonogh*.] I think there is one that Mr. O'Loughlin gave you?—I think I handed it back; you will see how many there are entered; that will tell you.

2516. Mr. Justice *Keogh*.] There are five here?—Then how many entries are there in the book?

2517. Nineteen?—Nineteen and five.

2518. No, nineteen in all; how many were there in the house?—I thought there were twenty.

2519. That is very nearly the same; the girl Ellen Fox who was here, was in your establishment at the time?—Yes.

2520. When did she leave your establishment?—She has not left me; she only came up; I gave her leave to come up here.

2521. She is still in your employment?—Yes.

[The Witness withdrew.]

MARY BURKE, sworn; Examined by Mr. *Coffey*.

M. Burke. 2522. Do you live in Sligo?—Yes, presently.

2523. Were you there in November last?—I was at Mr. Leech's

2524. Was there any gentleman lodging at Mr. Leech's in the month of November?—Major Knox and Mr. Knox, and Mr. Morrison.

2525. Was there any other gentleman but those two?—No, except Mr. Knox's servants.

2526. Is that the gentleman (*pointing to a gentleman in court*)?—Yes, that is Mr. Morrison.

2527. How long was Major Knox lodging there during the whole month of November?—I think he came on the 3rd or 4th of November.

2528. What apartments did he occupy in the house?—He engaged the drawing room and dining room; two large front rooms.

2529. All I want to know is, did he have two sitting rooms there?—Yes.

2530. Do you know a man of the name of Thomas Brennan?—I do.

2531. Did you know Thomas Brennan very well?—I did; I knew him for two or three years before.

2532. During the time that Major Knox was occupying these apartments did you see Brennan in and out there frequently?—I think about three or four days after Major Knox came, but he came there frequently.

2533. Did Major Knox allow him to have his meals or refreshments there?—Yes, he dined there.

2534. I suppose in one of those little rooms?—A third sitting room that was engaged for him; there were two rooms first engaged, and a third was prepared for these people who might be coming in and out; Thomas Brennan and Michael Doherty.

2535. I suppose Thomas Brennan came there every day?—Yes, twice a day sometimes; I do not know the days of the month.

2536. Was Michael Doherty there pretty often?—I saw him there some days in the morning, some days in the evening; some days I did not see him at all.

2537. Do you know Henry Lyons?—Yes, of Market-street.

2538. Was he continually in and out with Major Knox?—I saw him frequently with Major Knox.

2539. Was he almost daily there?—Yes, every day he would go out and come back.

2540. He would go in the town and then come back?—I saw him go out.

2541. Do you know Mr. Stokes?—I do.

2542. Was he a daily visitor of Major Knox?—Well, in the morning sometimes I would see him coming and at night, sometimes, but I did not see him during the course of the day except in the morning and evening.

2543. Was his habit to come there in the morning and then to come again in the evening?—Yes.

2544. He remained frequently with Mr. Knox some time?—He would go into Major Knox's room.

2545. Do you know Mr. Williams?—I do.

2546. Was he a frequent visitor of Major Knox?—He was.

2547. The same as the others, in and out?—Yes; sometimes he would come there, and Major Knox would be out.

2548. Did you know Mr. Harloe Phibbs?—I have heard his name frequently.

(Mr. *Harloe Phibbs* called.)

2549. Is that the gentleman?—Yes.

2550. Was Mr. Phibbs there frequently?—He was.

2551. Do you know Mr. Cherry?—I do; I only know him since before the election.

2552. Was Mr. Cherry a frequent visitor of Major Knox's?—Yes, but I did not see him in and out there so often as the other gentlemen.

2553. But you did see him there with Major Knox?—I did.

2554. Did you see him repeatedly there?—I did several times, day after day.

2555. Do you know Mr. Pollock, the attorney of Sligo?—I do.

2556. I believe that gentleman was frequently there?—He was.

2557. Do you recollect the day that the election took place?—I do, Thursday the 19th of November.

2558. Do you recollect the day the nomination was?—On Tuesday, I think; that was about the 17th.

2559. A day, or two or three or four days previous to the nomination, the latter end of the week previous, did you see a woman coming there inquiring for Major Knox?—I did; I think it was either the day of the nomination or the day after, the Wednesday morning about nine o'clock.

2560. Did you know who that woman was?—Well, I did not know her before, but I heard people

people repeat through the house that she was Mrs. Armstrong of Knox's-street; I saw her afterwards in Knox's-street, and knew her to be Mrs. Armstrong.

2561. Was there a man named Michael O'Neill in the house at the time that she called?—There was.

2562. Had she and O'Neill some conversation?—I think so.

2563. Did Michael O'Neill then, show her upstairs?—Yes, upstairs.

2564. To Major Knox's sitting-room?—To the little sitting-room where Thomas Brennan used to dine.

2565. After she had been up there, did Major Knox go to see what her business was?—Mr. Henry Lyons; I saw him in the room with her.

2566. Of course you did not hear what Mr. Lyons was saying?—No, I passed into the room; Mr. Lyons and her were standing quite close; I went in with some fire; of course I left the room; I did not hear what was said.

2567. What occurred after Mr. Lyons and she had remained there; how long were they there?—Well, I suppose, a quarter-of-an-hour, that is as far as I can recollect.

2568. Did anybody join them?—I went downstairs; I did not know who joined them.

2569. Did any other person come, after Mrs. Armstrong had been there, to the lodgings of Major Knox that evening?—I think not, not that I remember.

2570. Did you see Major Knox go into that room while Mrs. Armstrong and Lyons were there?—He might have gone in without my knowing it; I did not see him for I went downstairs.

2571. Do you know a man of the name of Sweeny?—Yes; Hugh Sweeny.

2572. Did he call at Major Knox's lodgings?—He did, one night.

2573. Did Major Knox see Sweeny when he called?—Yes, he was shown into Major Knox's sitting-room.

2574. How long was Sweeny with Major Knox on the occasion you speak of; how long did he remain?—As well as I can recollect, he came between 12 and one o'clock at night.

2575. And how long did he remain?—I think until about two.

2576. Until about two o'clock in the morning?—Yes.

2577. Do you know a man of the name of Price?—I do not.

2578. Do you know a man with sore eyes?—I do; with red eyes; I saw him there once.

2579. Did you know a man of the name of Feeny?—No.

2580. Do you know Feeny by appearance?—I know him now, but I did not know him before the election.

2581. But you ascertained who he was after?—I did.

2582. Did you see him at Major Knox's lodgings?—I do not recollect seeing him.

2583. Did you ascertain the name of the man with sore eyes afterwards?—I did not.

Cross-examined by Mr. Robinson.

2584. I suppose during the time that Major Knox was in Leech's house, you saw the whole town almost come in to see him?—Not the whole town.

2585. Was there not a great crowd?—There were Mr. Gilmore and Henry Lyons.

85.

2586. Did not all his own supporters come in to see him?—I do not know about all his supporters coming to see him.

2587. How many a day came in to see him?—People came in repeatedly.

2588. Did not many others come in as well as those?—Not to my recollection.

2589. No one else besides those came in to see him?—No.

2590. Will you swear that?—I will swear that I saw Mr. Gilmore.

2591. Will you swear that any other person came in to see him?—I do not know of any other person coming in to see him.

2592. You said there was some private room in which he and a man of the name of Doherty dined?—Doherty did not dine; but Brennan dined there for one week, and then on one or two days.

2593. Was not the room in which Brennan dined the room that a man named Cooke had for his own use?—No; he did not use it for his own use; he breakfasted, dined, and supped in the kitchen.

2594. Where was it this man dined during that week?—He dined in a sitting-room by himself.

2595. Do you swear that that was with Major Knox's knowledge?—I got directions to prepare the room; Michael O'Neill said to me, "Major Knox wants a third sitting-room," he had two already. Michael O'Neill brought me word (he was Major Knox's butler), to prepare a third sitting-room, that Thomas Brennan was to dine there.

2596. You know this Michael O'Neill pretty well?—Only since he came to Sligo with Major Knox.

2597. I suppose not; still during the time you did see him in Sligo you were very intimate with him?—Of course, as far as being with him, there was no other imputation.

2598. Do you mean to swear you know nothing of him, except to see him in the house in that way?—I did not know anything else about him.

2599. Will you swear that?—I do.

2600. Will you swear that you were not intimate with him?—I was, as I would be with any other servant in the house.

2601. And would you be intimate with every servant in the house?—I just passed on and laughed with him sometimes.

2602. Did nothing ever pass between you and O'Neill?—No.

2603. Will you swear that?—I do.

Mr. Justice Keogh intimated, that he did not think this line of cross-examination was justifiable.

Witness.] There was nothing between me and him, my Lord.

2604. Mr. Robinson.] Were windows broken in this house?—There were.

2605. Were there many of them broken?—Windows in the front room were broken; in the drawing-room there were three panes broken in one window, and in the dining-room there was one pane, I think.

2606. That was the whole?—Over the hall door there was another pane.

Re-examined by Mr. Coffey.

2607. You have been asked a question about your relationship with O'Neill, Major Knox's butler; upon your oath did anything improper occur

M. Burke. occur between you and that man?—Upon my oath there never did.
 20 February 1869. 2608. And is that a scandalous imputation upon your character?—I just think it is in a court of justice.

Mr. Justice *Keogh* stated that he was bound to say there was not the shadow of a

foundation for the slightest imputation on the Witness's character, and that it was not proper to assail the character of the Witness in that way, upon the trial of an election petition.

[The Witness withdrew.]

PATRICK NEELIN, sworn; Examined by Mr. *Palles*.

P. Neelin. 2609. HAVE you a house and shop in the town of Sligo?—Yes.

2610. I believe you formerly carried on business there as a Baker and Grocer?—Yes.

2611. Did you give up your business about two years ago?—Yes.

2612. I believe you voted at the last election for Captain Flanagan?—I did.

2613. Do you remember in the month of January last having a conversation with a Mr. Thomas Brennan?—I do.

2614. Is he a next-door neighbour?—He is.

2615. Did you go to him, or did he come to you?—He came to me.

2616. Was that at night?—Yes.

2617. Tell me what he said to you?—He came into the house and said, "I am writing to Major Knox, and you had better drop him a line."

Mr. Justice *Keogh*.] Who came into the house?

Mr. *Palles*.] Thomas Brennan.

Mr. Justice *Keogh*.] When?

Mr. *Palles*.] In January 1868.

Witness.] Oh no, before that time; it was about that time between eight and nine o'clock at night. He had a pen in his hand, and he said, "You had better drop a line; I have sent 30 names off to Major Knox and you in the number, you had better drop him a line, and I will recommend you very particularly to him. I will recommend you," said he.

2618. Did he say for what he would recommend you?—He mentioned nothing.

2619. Did he mention nothing about your affairs at the time?—Not to me; he was aware of my embarrassment.

2620. Were your affairs embarrassed at the time?—They were; I was not able to pay my rent or taxes.

2621. When he advised you to write a line, what did you say?—I said I would not; "I would not like to do that; but anything you can do for me yourself, of course, I would make no objection to."

2622. Did you say anything about a situation?—No; I made a remark that I would sooner that a situation be got for me than anything in the light of—. I did not mention money; but I insinuated money, it was understood that that was what I meant.

2623. Do you remember after that writing a letter to Major Knox?—I did.

2624. State what was in that letter that you wrote to the major?—I beg to remark that before I wrote the letter, I said I would not write a letter, and had no notion of doing it, but I expected that Brennan himself would do something, and that it would turn up in the meantime. When it did not, and my rent and taxes were pressing upon me, he came into me in the kitchen one day.

2625. Brennan?—Brennan; he had a list of names in one hand; he was going to read them for me; a list of the names of non-voters, and 2 l. in the other hand; and he said, "Here's a few pounds for you"; "No," said I, "I don't want it."

2626. Was that before you wrote the letter to Major Knox?—Yes.

2627. Was that the only occasion on which Brennan offered you money before you wrote to the major?—Yes.

2628. What was in the letter you wrote?—I beg to remark I would not take it; I felt a little indignant, and said, I would write myself.

2629. Did you tell him why you would not take the 2 l.?—No, I made no observation, but refused it.

2630. Without making any other observation; tell me what was in the letter?—The substance is just this: "At the request of a particular friend of yours I drop a line (or write) to say that I am not able to pay my rent and taxes, and I am in a destitute way (or something like that), poor, and in hopes that you might be able to do so, that I will be grateful for, and manifest my gratitude one way or the other."

2631. Did you get an answer?—Yes.

2632. How long after was that?—A week, or eight or nine days.

2633. Have you got that letter?—No.

2634. What did you do with it?—I cannot say; I looked for it, so did every one of my family; when I was from home it was in my clothes.

2635. Do you know Major Knox's writing?—Yes.

2636. Was it in Major Knox's handwriting?—It was.

2637. Will you state what was in that letter?—It was acknowledging the receipt of mine, and stating that early next week I would hear from him; that was all.

2638. Do you remember another conversation with Brennan in which he made some observation to you about getting provisions at the shop of a man of the name of Bolde?—No, but at the time I refused the 2 l. he said, "Anything else you require you can call at Bold's," meaning provisions, bakery, grocery, or the like of that, that is what I understood him to mean.

2639. Do you remember some time after you got Major Knox's first letter receiving from him another letter?—Yes.

2640. About how long was that after the receipt of the first letter?—Well, it might be, I think it was, some time in the early part of February I got that letter.

2641. Have you got that letter?—No.

2642. What became of it?—I do not know in the world.

2643. Have you searched for it?—I have.

2644. Now state what was in it?—It said, "Call and see Mr. Pollock on the subject; I think

he

he has been attending sessions, holding his professional engagements at sessions," or something to that effect; the signification was that he would have written sooner, and that was apologising for not doing so; that is the sense I took out of it.

2645. Did you call at Mr. Pollock's office?—I did.

2646. Did you see him?—I did.

2647. Tell me what passed between you and Mr. Pollock?—I had two interviews.

2648. Take the first interview first?—Just so; at the first interview I saw Mr. Pollock as he was just going through the hall door; I waited outside to see him; he came out; I approached him and said, "Have you any commands for Mr. Neelin?"

2649. Was this to Mr. Pollock?—Yes, from Major Knox; "Are you the person?" said he, "I am," said I; then he opened the door and we walked in; "Have you a line or anything," he said; I handed him the letter.

2650. Which letter did you hand him?—The letter authorising me to call upon him.

2651. That is the second letter?—The second letter.

2652. What occurred next after you handed the letter to Mr. Pollock?—Said he, "I will give you 12 l.;" "That will not do me," said I; "I will make it 14 l.," said he; "It will not do," said I; "It would not suffice for what I require it for;" "Well, sir, I cannot do anything more;" I retired and went away; then as I was going out of the door he told me to call in a few days and to see my friend in the meantime, meaning Mr. Brennan.

2653. Did you call on Mr. Pollock on a subsequent occasion?—I did.

2654. How soon after the first?—I asked him what time I should call. He said, about the end of the week. I called on the Saturday, and he said to the effect that he had no communication; that he had heard nothing since.

2655. Mr. Pollock said that?—Yes, something like that, I remember. On the Tuesday following, I asked him again. He said he had not. I wondered at it. He said something like that Mr. Knox was in London, or he might have said that he was from home, or something like that.

2656. You called once or twice, and he said nothing was done?—Yes.

2657. Did you call a fourth time?—I called at home; my stepmother brought me word from Mr. Brennan.

2658. Did you go to Mr. Pollock on another occasion?—I did.

2659. Tell me what took place on that other occasion?—I went to him, I think, on the 15th of February on a Saturday; I went into the office, and he handed me 20 l.

2660. Did anything else take place then?—Yes, he wrote down three capital letters "I O U," I think nothing more than that, and he said, "Sign that."

2661. Mr. Pollock did?—Yes.

2662. Did you sign that?—I did.

2663. Are you able to state what sort of notes that money was paid in; was it paid in large notes or small ones?—They were large notes.

2664. Were there any 5 l. notes?—They were all 5 l., I think.

2665. Mr. Justice Keogh.] Will you fix the time of this; when was it?—Saturday; I think 15th February 1868.

2666. Mr. Palles.] In the meantime between

the first time that you saw Mr. Pollock and the last time when he gave you the 20 l., did you see Brennan?—I did.

2667. Tell me any conversation you had with Brennan in the interval?—After I wrote my letter to Mr. Knox, Brennan came into the house and asked me out, and we went to a place called the Cemetery. It began to rain. We put our backs to a wall, and he asked me how much money I would require. Brennan did. I said nothing. He stated just merely that himself. I was very delicate on the matter. He said, "You were stating something about 10 l.," because the day he offered me the 2 l., I said it would take 10 l. to meet my present difficulties. "You said something about 10 l.," said he. I said nothing. "Would 15 l. do?" said he, then. "That would be very good," said I. "It will, I suppose, then," said he. "It is better not to expect too much, unless it might be looked upon unfavourable." He made use of some expression, "Lest it might be thought a grab," or some such term as that, and then I came home; and when I went into the house I took a little summary of my state, and I sent for him. I said, "Did you write?" "No," said he. I said, "You had better write down 20 l., for less than that will not do, and I would rather not have it."

2668. You were a voter at that time in January and February 1868?—I was.

2669. Did Brennan say anything to you about your vote on any occasion?—No.

2670. Did Mr. Pollock say anything to you about your vote?—Not a word.

2671. You knew, of course, that Major Knox was a candidate?—I did; but I said to Mr. Brennan that I would vote for Major Knox.

2672. When did you say that?—On the night that he came into the house.

2673. The first night?—Yes, the first night; no, at the time that I told him to say the 20 l., I said, "I will vote for Major Knox," and that was my intention; I was quite sincere.

2674. That is, if you got the 20 l.?—Well, of course, I will say it was my intention to vote for him, and I was quite sincere when I said so to Brennan. Of course, I changed my mind.

Cross-examined by Mr. McDonogh.

2675. Then it is a fact that Brennan never spoke to you about your vote?—No, he never mentioned it.

2676. He never asked you to vote for Major Knox?—Never.

2677. Neither did Mr. Pollock; neither the one nor the other?—Neither the one nor the other ever alluded to it all.

2678. Will you fix the date particularly when you got the 20 l.?—I think it was the 15th of February; I took no note, but that was the date of it.

2679. Was that in the year 1868?—Yes.

2680. There was no election coming on then?—No.

2681. Do you remember when Parliament was dissolved?—I think I do.

2682. When?—I am not certain, I think it was some time in the summer.

2683. However, this transaction you have been detailing occurred and was complete in February, 1868?—It was.

2684. You really intended to vote for Major Knox?—At that time.

2685. And in no respect did Brennan stipulate,

P. Neelin.

20 February 1869.

P. Neelin. or Mr. Pollock either, that the 20*l.* was to be a consideration for your vote?—No, there was no mention made of me voting, or what I would do, but he silently handed it to me.

20: February
1869.

2686. When was it you mentioned the circumstances you have told his lordship the judge to-day?—When was it that I mentioned—

2687. When was it you mentioned what you have proved here to-day, and I have a reason for asking this that you will understand by-and-bye?—First mentioned, where?

2688. When was it you first told what you have said to-day in relation to Brennan, and the letters, and the 20*l.*?—

Mr. Justice *Keogh* inquired what number in the bill of particulars this evidence referred to.

Mr. *McDonogh* said the case was not in the bill of particulars, but late at night a notice was served that an application would be made to include two additional names.

Mr. Justice *Keogh* stated that he would accede to the application.

2689. Was it not this morning that you mentioned to Mr. Molony what you would have to prove?—No.

2690. When was it?—Yesterday.

2691. And for the first time?—Well, I spoke to him before that, but that was the first time to the parties.

2692. You never spoke to Mr. Molony before?—No, nor to any party on the opposite side; and I had no communication with them, never a word about it till yesterday. I was most anxious to avoid coming here.

2693. You voted for Captain Flanagan, I take it for granted?—I did.

2694. Why did you refuse to take the 2*l.* and the list of non-electors from Brennan?—He did not offer me the list of non-electors, but, as I considered, it was merely for a pretext that he brought it in his hand; it was to read to me, and perhaps to accommodate me and please me, and to show he was doing something in another line, and to give me a little idea of the things that were passing; so it appeared to me.

2695. Will you please to tell me was the 2*l.* to be distributed amongst the non-electors?—Not at all.

2696. You refused the 2*l.*?—I did; I expected it would be a great deal more, and indeed, that he would have done something himself, for at the time that I said I would not write to Major Knox, I said, "But anything you can do yourself"—

2697. You said you would not write to Major Knox?—Not at the time he asked me.

2698. How long before the February when you got the 20*l.*?—It was some time, I cannot say, either a week or so or a fortnight, either before Christmas or after Christmas, some time at the beginning of the year, or at the close of the old year.

2699. Then it was either the close of the old year, 1867, or the beginning of the new year, 1868?—Yes.

2700. You had represented your dreadful state of circumstances to Brennan, I suppose?—No, never; but he told me he was a friend of Major Knox. "Did you hear the news?" said he, "I am Major Knox's land agent, I am sure you will be glad to hear it." This was the introduction of the matter. Said he, "He has purchased Mr.

Tennysen's property for 18,000*l.*, and I am appointed his agent without soliciting, would you be glad of it?" "I would," said I. Shortly afterwards he came to say that I had better drop a line. "I have sent your name," he said, "with 30 more." I thought it very presumptuous of him, without coming to me to say would he do it.

2701. But, thinking it presumptuous of him, did you scold him for it?—Not a word.

2702. Although you thought it presumptuous?—I did indeed; it was a liberty.

2703. A liberty with you?—Just so.

2704. A very great liberty?—Indeed it was.

2705. Did you so express yourself?—No, but I thought he might very well guess it.

2706. Guess from your manner?—Just so.

2707. How soon after that did you write to Major Knox?—After refusing the 2*l.*

2708. You thought this man was very presumptuous, to send your name to Major Knox?—I did, unquestionably.

2709. Had not you refused to write to Major Knox, and said, "Do for me yourself something"?—No.

2710. You had not?—I do not understand what you mean.

2711. I will try to make you understand; did not Brennan tell you to write to Major Knox?—He did.

2712. Did not you refuse and say, "I will not write to him, you do something for me yourself"?—I did.

2713. Did you not by that convey that he should write to the major?—I left him to his option.

2714. Having done that, what is the meaning of what you say when you told him to write to the major, you having given him distinct authority to do so?—He sent my name off to the major, saying, "This man is poor and destitute and open to be tampered with."

2715. Perhaps he did that?—That is what he did do. He selected out the names of other parties, whether he had their sanction or not, I do not know; but he classed my name with other parties as he told me himself. Certainly, I felt indignant with him for doing that. That was a different thing from leaving him himself to write to the major, knowing I was embarrassed, and could not pay my rent and taxes.

2716. You would have thought that all right?—I would have had no objection.

2717. Did you ever see the letter he wrote to the major?—Never.

2718. But you were quite disposed that he should have sent your name to the major as a man in destitute circumstances?—Yes; but not as a man open to corruption; that was the point he had in view. "Write you then," said he. That was to corroborate what he had done, to establish the fact with the major. You know I take it for granted that when he sent my name, he meant to say, "Why, here is a man; here is a fellow"—

2719. Did not you immediately afterwards write; in the first place, I ask you, is there a word of truth in this, that Brennan told you that he had written that you were a man open to corruption?—No, he never told me that; I only infer that.

2720. Did you not write to Major Knox; you say, "I wrote to him to say I was in a desperate way; I was oppressed by rent and taxes, and I would be grateful for anything he could do for me"?—Yes.

2721. Then

2721. Then you wrote yourself to Major Knox that you were in desperate circumstances?—Yes; that is just the very words.

2722. I took it down from your lips?—Yes, that is it.

2723. That is strange; first of all, you refused to write to the Major; then you said Brennan might do anything for you, intending him to write?—Yes.

2724. Then you were vexed and thought him very presumptuous in sending up your name?—I did.

2725. Then you wrote yourself, telling him the desperate condition you were in, and about your rent and taxes, and that you would be grateful?—I did.

2726. And you did not say a word about voting in your letter?—No.

2727. How came it unfortunately that you lost both Major Knox's letters?—Well, I cannot say.

2728. You say you showed one to Mr. Pollock?—I did.

2729. And he gave it back to you?—He did.

2730. Did the Major in his first letter say that he would be glad to do anything for any poor man in Sligo, but that he could give no money?—No; not a word of it.

2731. Have you any recollection of what was in it?—I have.

2732. Tell me the substance of it?—Which letter?

2733. The first letter?—The first letter was acknowledging the receipt of my letter, and he said that I would hear from him in the early part of next week.

2734. And the second letter was a reference to Mr. Pollock only?—That is all. "Call and see Mr. Pollock."

2735. You say that is the substance of the two letters; on your oath, did you call on Mr. Pollock and solicit him to give you a loan of money?—No; never.

2736. Do you know what an I O U is?—I do.

2737. And you gave an I O U to Mr. Pollock for the money?—Yes; and I put my name to it.

2738. And you say that you promised to pay it?—Yes.

2739. Did you intend to pay it?—Well, certainly, I did not know that I would be called upon to do it; and in case I did, I thought I might be able to refund it, perhaps.

2740. To refund it, perhaps?—Well, I thought, if I was able, I would.

2741. Then you really did, if you were able, intend to pay the money?—I did.

2742. And you were in business, were you not?—Not these two years.

2743. But you had been in business?—Yes.

2744. You have seen many an I O U in your day?—Not many.

2745. How many?—I have never seen but two of them in my life.

2746. You know it was an acknowledgment of a loan of money?—Certainly.

2747. And you meant to repay it if you could?—I did.

2748. Now, did not you apply to Mr. Pollock to lend you money?—Never. Mr. Pollock is here.

2749. Then you mean to convey to his Lord-

ship, that it was a present of money?—That it was a present of money?

2750. Yes?—I imagined that I received the money from Major Knox through Mr. Pollock's hands.

2751. You imagined that?—I did; and was certain of it.

2752. You intended to pay it?—I certainly would like to do it, and I have done all I could to get it refunded and taken up.

2753. You made every effort to do it?—I did; that is a fact.

2754. Did you borrow money for the purpose of repaying it?—I did not borrow money, but if I could borrow —

2755. Did you not ask some one to lend you money for the purpose of repaying it?—I did not.

2756. Did you ask anybody to assist you in repaying it?—No.

2757. What were you saying; did you not proceed to utter these words: "But I"; did you ask anybody of Captain Flannagan's side to redeem it?—Well, I made a remark to a certain person; I said to a certain person, a certain respectable person on the Liberal side, that I would be very glad that the I O U would be taken up; that I certainly then would vote for Captain Flannagan with all my heart if that was done, if that was removed. I was very susceptible on that point. I would be very glad if Major Knox would get his money, that it would be taken up; and I would not like it at all, that it was dishonourable and discreditable.

2758. When did you say that?—Before the election.

2759. To whom?—Well, I —

2760. On your oath, to whom?—Will, I —

Mr. Justice *Keogh*.] Yes.

Witness.] I would not like to mention the name.

2761. You must mention the name?—Well, I mentioned it to my director.

2762. Mr. *Macdonogh*.] Was it anything *sub silentio*?—It was.

2763. I will get the fact; you mean to say it was solely and entirely to your spiritual director, and under the seal of confession; because, unless it was, you must mention it?—It was in the confessional; it was there I mentioned it, in hopes —

Mr. Justice *Keogh*.] If it was anything you said to your religious director in that way, you need not mention it.

Witness.] I mentioned the matter.

Mr. Justice *Keogh*.] If it was anything you said there, you are not bound to say it.

Witness.] I know that, my Lord.

Mr. Justice *Keogh*.] Was it said in that way?—

Witness.] It was not.

2764. It was not said in that way?—I think it was outside of it.

Mr. Justice *Keogh*.] Then, if it was outside of it, you are bound to tell it.

2765. Mr. *McDonogh*.] Now, then, upon your oath, to whom did you mention what you have told us about paying this money?—I mentioned it to my director, I say.

H

2766. Who

- P. Neelin.* 2766. Who is your director; mention the name of the gentleman?—Father Andy.
- 20 February 1869. 2767. Did you mention it to anybody else on the Liberal side?—No; I mentioned to the Liberal side that I owed the money.
2768. To whom on the Liberal side did you say you owed the money?—I mentioned it to Dr. Gillooley.
2769. To whom else did you mention it?—To no other person; I never spoke of it at all to any one, with the exception of the two gentlemen that I have mentioned.
2770. Then, of course, in speaking to the reverend gentleman you first named and the right reverend the bishop, you spoke the truth; you would not dare to tell them a lie?—No.
2771. Then, it was true you told them you owed the money?—I did.
2772. And that you wished to have it repaid?—Surely.

2773. That it was really a loan to you in your distress?—I simply told the thing as I told it here. I wrote to Major Knox; he wrote to me to call on Mr. Pollock; that I received the money; it was on Major Knox's account, and I wished it to be given back.

2774. Did you get any money to repay Mr. Pollock?—Not at all.

Re-examined by Mr. *Palles*.

2775. Had you ever any business transaction with Mr. Pollock before?—No; never any business transactions before.

2776. Did anyone on the Liberal side ever promise to pay you any part of the 20 l.?—No, never.

[The Witness withdrew.]

JOHN KEARNS, sworn; Examined by Mr. *O'Loghlin*.

- J. Kearns.* 2777. You are a voter, I believe, of the borough of Sligo?—Yes.
2778. You did not vote at the last election?—I did not.
2779. Were you in Sligo on the day of the election?—I was.
2780. Where do you live?—In Temple-street.
2781. You are in trade, I believe?—Yes.
2782. In the butter trade?—I am.
2783. Do you know Mr. Lawder?—I do.
2784. He is Major Knox's conducting agent?—Yes.
2785. How long have you known him?—A length of time.
2786. For several years?—For several years.
2787. Have you had business transactions with him?—No, never.
2788. Do you do any business in Carrick-on-Shannon?—I do.
2789. On the day of the election did you see Mr. Lawder?—I did not.
2790. Where were you on the night before the election?—I was in an hotel.
2791. What hotel?—Miss Allingham's.
2792. When did you go to Miss Allingham's hotel?—At three o'clock in the evening; the evening before the election.
2793. The evening of Wednesday?—Wednesday.
2794. Who was in the hotel, do you know; was Mr. Lawder there?—He might be in there, but I did not see him then.
2795. Did you see him at all in the hotel?—No, not that evening, I did not.
2796. Did you see him next day, the day of the election?—I did.
2797. Where did you see him, was it in the hotel?—I have seen him in the hotel.
2798. On your oath, were you speaking to him?—I was. He asked if I would vote; I told him I would rather not, but if he pressed me hard I would vote for him.
2799. If he pressed you hard?—Yes; I would vote for him, there is no mistake in it.
2800. Had you previously promised anybody your vote?—No, never.
2801. Do you know John Macdonogh?—Yes, I do, well.

Mr. *Macdonogh* called.

2802. Is that Mr. Macdonogh?—Yes, that is him.

2803. Did you see him on the day of the election?—On the day of the election, I did not.

2804. On the day before the election?—I saw him the evening before the election.

2805. Did you tell him that you were going to Miss Allingham's to see Mr. Lawder?—Well, I did.

2806. Did you tell him you were going to see Mr. Lawder for the purpose of telling him that you were going to vote for Captain Flanagan?—I did not tell him any such thing.

2807. What did you tell him?—I told him I wanted to see him, nothing more than that.

2808. To see Mr. Lawder; what for?—Just to tell him that I would vote for Major Knox if I was required.

2809. Do you swear that?—I do swear that, positively.

2810. Who paid for your bill at Allingham's?—I paid it.

2811. When?—I paid it just the day after.

2812. Did you get a letter on the day of the election?—No, I did not.

2813. Did you hear there was a letter for you?—I did not.

2814. Did you hear there was a letter sent to you, and that it would not be delivered?—I did not.

2815. You got no letter?—I got no letter.

2816. Did you remain the entire of the day at Allingham's?—No, I was down in the Butter-market at three o'clock.

2817. The day before?—Yes.

2818. The entire day of the election did you remain at Allingham's?—Yes.

2819. Did you sleep there that night?—Yes.

2820. Where did you stay at Allingham's?—Where did I stay?

2821. Yes?—I stopped in the hotel, of course.

2822. Where in the hotel?—In a room in the hotel.

2823. In what room?—I do not know the number of the room.

2824. Was it a bed-room?—A bed-room.

2825. Was

2825. Was the door shut?—No, it was not.
 2826. Then you remained the entire day in a bed-room?—No, not the entire day; I walked about through the place.

2827. Did you see Major Knox that day?—No, I did not.

2828. Did you see Mr. Phibbs?—No.

2829. Did you see Mr. Pollock?—I did not.

2830. Did you see Tom Brennan?—No.

2831. Were none of them in the house that day?—They were not.

2832. Did you remain in the house that day of your own free will?—I did, of course.

2833. Of your own free will?—Certainly.

2834. Did you give any directions to anybody to intercept any message that came for you?—No, I did not.

2835. You ordinarily live in Sligo?—Yes.

2836. You have a house in Sligo?—I have.

2837. And your family are in Sligo?—Yes.

2838. And your wife?—Yes.

2839. And she was living there on the day of the election and the day before?—Yes.

2840. Have you a receipt for what you paid Miss Allingham?—I have; do you want to see it?

2841. If you please?—

The receipt was handed to Counsel by the Witness, and is as follows:—

“ Victoria Hotel, Sligo, 21 November 1869.

“ Mr. John Kearns,

“ R. Allingham, Proprietress.

				<i>s.</i>	<i>d.</i>
“ November 18.	Two Dinners	-	-	4	-
	Bed servants	-	-	3	6
“ 19.	Two Breakfasts	-	-	3	-
	Two Dinners	-	-	4	-
	Bed servants	-	-	3	6
				18	-

“ Paid, A. H.”

2842. Who dined with you on the 18th?—No one dined with me but myself.

2843. Who dined with you on the 19th?—Myself in person.

2844. Did anyone dine with you?—No.

2845. Who breakfasted with you?—No one but myself.

2846. You paid your own bill?—I did.

2847. Did you pay anyone else's bill?—No, I did not.

2848. Will you take that bill in your hand; do you see two dinners on the 18th?—That is when my son came down to the hotel to see me.

2849. That is on the 18th?—Yes.

2850. Do you see two breakfasts there?—Yes.

2851. Is that for your son also?—Yes.

2852. Two dinners on the 19th?—I do.

2853. Is that for your son also?—Yes.

2854. Was your son with you then on the 18th and 19th?—He was.

2855. Did you see your son on the 19th; I mean did he stop in the house with you?—He did.

2856. Did he bring you any message from anybody?—He did not.

2857. What took him down there to you?—I sent for him to me, not to stop in the house.

2858. Did you swear to me a minute ago that you dined by yourself?—I did not swear that; you asked me if any strange man did.

(The shorthand writer read the previous answer of the Witness.)

2859. Who met you on the door of Allingham's hotel when you went there?—I do not recollect who met me.

2860. Do you swear that?—I do.

2861. Did you meet Mr. Lawder?—No.

2862. Were you speaking to him on the steps?—I was not.

2863. Did you ever tell any one you could not leave the hotel, that you were not allowed?—That I could not leave the hotel?

2864. Do you hear my question?—I do.

2865. Did you ever tell any one you were not allowed to leave?—I did not tell any one; never.

2866. Do you know Mr. McDonogh?—I do.

2867. Did you tell Mr. McDonogh that you were going to vote for Captain Flanagan, but that you would see Mr. Lawder first before you did so?—I did not say such a thing, because I did not promise any one of them.

2868. Did you get any letter from Mr. Lawder?—I did not.

2869. Then when you went to the hotel you did not promise Major Knox?—I did not promise any of them at the time.

Cross-examined by Mr. Robinson.

2870. As a matter of fact, was not your house broken during the election?—It was.

2871. Smashed to pieces?—Smashed to pieces and put out of business altogether, and my family were hunted out of the house too.

[The Witness withdrew.]

MARY DUNLEVY, sworn; Examined by Mr. Waters.

2872. Do you know Major Knox?—I did not know him till Mr. Pollock introduced him to me.
 2873. Did he call at your house, then, with Mr. Pollock?—He did.

2874. When was that, do you recollect?—To the best of my opinion it was some time in the middle of July.

2875. Did he ask for your husband?—Yes.

2876. Was he at home at the time?—No.

2877. Is your husband a voter of the borough of Sligo?—Yes.

2878. What did they ask you about your

husband when they called?—When they called the Major asked me was my husband at home? I said, “No.” He asked where he was; I said he was working at Lanvern Chapel. He asked me what work he was doing; I said, he was a stucco plasterer by trade, and Major Knox stepped into the shop a little bit more, and spoke some few words, and Pettitt beckoned me; Mr. Pollock stood by the shop door.

2879. What did Pettitt say to you?—Pettitt asked me if my husband would take a situation in Dublin; I said, I would much rather he

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M. Dunlevy. would get one at home. The Major then asked me if he would be a supporter of his for the borough of Sligo election; he said, "Would you write for him"; I said, most likely he would be at home on Saturday night. I told him then we were very poor, almost the poorest of voters in the street. He told me if I wanted an interview with him I would see him at Mr. Knox's on the Mall in the afternoon.

2880. Did you go there in the afternoon?—Yes.

2881. On the same day?—Yes.

2882. Did you see Major Knox there then?—No, not that evening.

2883. When did you see him next?—On the next morning.

2884. Where?—In Mr. Knox's hall on the Mall.

2885. You called again the next morning?—Yes.

2886. What occurred then?—After a few minutes' delay in the hall, the breakfast things were on the table; I saw him, he shook hands with me, gave me a chair to sit down, and asked me if I wanted him particularly; I told him I was embarrassed to the extent of 9*l.* or 10*l.*, and the particular reason I had for asking it; I showed him what I wanted the money for, for fear he might think I was rather covetous in so soon asking him. Mr. Pollock came in at the saying of the word; he asked Mr. Pollock how it could be arranged to get me the money without an injury of the law. Mr. Pollock said, perhaps the thing could be managed in a way that the law could have no hold of, and Mr. Pollock knowing me these many years—

2887. What did Major Knox say to you?—Major Knox told me in the presence of Mr. Pollock that he would have matters arranged, and that he would get me the commands. "I will see all about it," he said. I returned again to show Mr. Pollock what I wanted with the money, and he said, for goodness sake not to show him any more for he would see matters arranged for me.

2888. Did you go again?—Yes.

2889. Before you went, were you told to go anywhere with reference to this application that you made?—No.

2890. Were you afterwards?—Yes, the Major called at the house the next week.

2891. What did he say when he called?—He bade me good morning, told me he was about to go to Dublin, and that he wished to let me know that he was going to Dublin, and that he left my commands with Mr. Pollock, 10*l.*; that I was to call for it in the afternoon; there was a young man present at the time, and sure the gentleman present here himself knows.

2892. Who is the young man?—John Dowd; he is a young man that came with a message for my husband, which caused him to be standing there.

2893. Did the Major go away then?—Yes; I wished him a happy journey to Dublin.

2894. And did you go to Mr. Pollock afterwards?—Yes.

2895. What did Mr. Pollock say to you?—I did not see Mr. Pollock at that time.

2896. Did you call again to see him?—Yes, I did, and Mr. Reddie his son told me that he could not see any one; I thought that an insulting answer, and I promised that I would never call again.

2897. Do you recollect at the time of the revision Major Knox coming to your house again?—Yes.

2898. Was any one with him on this occasion?—No one else.

2899. Where were you at the time he came into the shop?—I was standing at the door, and my husband was blaming me at this time.

2900. Was he at home?—He was at home the week of the revision.

2901. Just tell us shortly what occurred when the Major came to your shop?—He shook hands with me, and he said he got on successfully in court; I said, I was very glad to hear it, but I was greatly disappointed in the promises he made me. "How is that?" he said; I said, "you never left the commands that you said you left with Mr. Pollock for me"; I said, "Major Knox, it grieves me to see this after the election is concluded." He gave me 10*l.*

2902. How did you get the 10*l.*?—It was in single notes; sure the gentleman himself will tell you.

2903. I ask you to tell us yourself?—I am on my oath; I will not tell a lie; it was 10 single notes.

2904. Was your husband in the house at the time?—He was.

2905. You said something about shaking hands?—My husband shook his hand at me; he did not approve of what I was doing; he did not wish me to take money, for fear of getting his vote broken. He told me after; I did not know what he meant by shaking his hand.

2906. Did he see Major Knox give you the money?—He was in the view of seeing it.

2907. Where was your husband?—In the kitchen.

2908. Where were you?—With my back to the counter.

2909. In the shop?—In the shop.

2910. Can a person see from the kitchen into the shop where you were standing?—Certainly so.

2911. Is there a door between?—There is a door, and a large glass window.

2912. What occurred after you got the money?—He told me to be very cautious, and never to speak of that, for that my husband would get two years' imprisonment.

2913. Who said that?—Major Knox, his own honour.

2914. Did anything occur about any more money?—He asked me if my husband would be a supporter of his other borough. I said with all the influence I could use I would make him do what was right. I asked him at the same time was that all we were going to get for the vote. He said "No, Mrs. Dunlevy, you will get 50*l.* after the election is over; with 10 acres of land you will soon be very comfortable on it, you will get it at a reasonable rent."

2915. Did he say what land it was?—He told me he was going to purchase part of Colonel Tennyson's property, round Sligo. He called my husband out of the kitchen, and said he would get him the plastering of the Town Hall.

2916. Had your husband had an interview with him?—Before that, at least, my husband told me he was up at Mr. Knox's.

2917. Did anything further pass on that occasion; did Mr. Knox go away soon after that?—Yes.

2918. Between that, and a short time before the

the election, did you ever see Major Knox?—No, I did not see him, unless I saw him passing the street in a car.

2919. You had no interview with him?—No, not any more.

2920. Do you recollect a short time, some three weeks before the election, Mr. Woods coming to you?—No, but I recollect about a week before the election.

2921. Did Mr. Woods come to your house?—He did.

2922. About what?—He came about manure.

2923. Which Mr. Woods was that?—The oldest man, the father.

2924. Had he bought manure from you?—Yes, but he made no bargain about it.

2925. He came on this day?—Yes.

2926. When he came to you did you transact this matter about the manure, did you arrange it?—He came on Saturday, and he told me that he had called sooner, but I was lying sick, for I was getting very bad health at the time.

2927. When he was with you on the Saturday, did he say anything to you except about the manure?—He asked me to show him the place where the manure was taken out, and he would see the depth of the pit. I told him it was quite inconvenient on Saturday, but there was time enough to settle for it. He asked me if he could speak privately to me, for there were country people about in the kitchen and the shop.

2928. Did you take him then anywhere out of the shop?—I studied for a minute, and asked him if it was anything particular. He said, "Yes, could I go upstairs; was there any person upstairs." I said, "No one is up yet," said I; so he went upstairs, and into my front room.

2929. When you got into the room was there any one there but you and Woods?—No, but a small little child, going into four years old.

2930. What did he say to you on going into the room?—His first words were, "Mrs. Dunlevy, Frank is not at home." "No," I said, "he is not." He asked where he was; I said "in Tipperary." He asked, "What is he doing there?" I said, "I understood it was the repairs of a building," and then he laid his two hands on my two shoulders, and he said, "Mrs. Dunlevy, what would you think of having Frank left away till the election is all over?" "I do not know," I said, "I would sooner he came home, for I am very delicate, and I wish he would come home."

2931. Did he say anything about a reward?—He began and said a good deal about the interest he took in my husband, about the plastering in the Town Hall. He was talking about money, how he was sending it to me, and the like of that; and he said, "You will be handsomely rewarded if you leave him away, for the town is greatly excited." I studied for a minute, and I asked him what would the reward be; he said, "I do not like mentioning it." I said, "I will not leave my way till I know what my reward will be." "You will be handsomely rewarded," said he. He told me then he would give me his handwriting for 50 £, if I would let Frank be away. He asked me if I would take his word till after the election; I told him I wanted ready cash. He said he knew that Francis would take his advice, that he could use that influence on him.

2932. Did you give him his address?—I refused at that time to give him his address; but I said if he called afterwards I might give it to him.

85.

2933. At this time did you owe a man named Galbraith any money?—Something like 10 £. 10s. or some odd.

2934. There was a decree against you?—Yes, the decree is over us.

2935. Against your husband?—It is for my husband.

2936. Galbraith is your landlord?—No, but he is security for the rent of the house.

2937. Did any person come and give you a message?—On that evening Mr. Galbraith's boy came for me.

2938. Did he give you any message?—Yes.

2939. In consequence of the message he gave you, did you go anywhere that evening?—I went up to Mr. Galbraith's house.

2940. Where is that?—In Market-street, Sligo.

2941. When you came to the house, what did Mr. Galbraith say to you?—He bade me good-night. He asked me was I not getting good health. I said I was not, that I was not well; he asked me if Woods was with me; he asked me why it was I would not comply with his wishes.

2942. Did you say anything to that?—I said I would not till I knew what it was I was to get.

2943. Did anyone come in?—Mr. Joseph Woods.

2944. Is that the son of Mr. Woods who was with you?—Yes, young Mr. Woods.

2945. When he came in, what did he say?—He also bade me good night, and he said to Mr. Galbraith, "This place is too much exposed; it is a place where I generally buy little fancy things."

2946. Did you go upstairs?—Yes.

2947. What did Mr. Galbraith say or do then?—I think Mr. Galbraith said, "Will you be kind enough to come up this way?" So I went up a flight higher, to a little fancy wareroom with a lot of little fancy goods in it.

2948. Were you, Galbraith, and Woods in this wareroom by yourselves?—Quite.

2949. Was the door open?—No; Mr. Galbraith closed the door.

2950. When you got in, what did Mr. Galbraith say to you?—He gave me a chair and made me sit pretty close to the fire. Some cheering occurred up the street; he said, "Now, Mrs. Dunlevy, you had better consent to leave your husband away than to have him mixing along with such annoyances going on in the street." I did not say to it or from it. He said, "I did not consider you would have a vote; you would have been blankly refused your house but for me. Leave Francis with me, me and Mr. Woods are kind friends; we are not likely to do him any injury; leave him with me till after the election is over, and you will be rewarded." I said, "I heard that before, but what will the beauty of the reward be?" He said, "You know Major Knox is a kind gentleman; he acted kindly to you before. If he says anything, you may depend he will perform it. Leave him away and you will get 50 £." I said, "Will I get it in my hand?" "It is impossible," said he, "to get it in your hand, but wait till the election is over." I said, "I will have to go in the country with my children; I would not like to stay amongst my neighbours, acting so mean."

2951. Tell us, as far as you recollect, those words he said to you; you said you would require money to go to the country?—Yes.

2952. What did he tell you then?—He said I would

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M. Dunlevy. would get 20*l.* at once, at all events. "Would that supply you?" he said. "Oh yes," I said.
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2953. Did he take money out of his pocket?—He did.

2954. How much?—I do not know; I never counted it.

2955. What was it?—A roll of notes, but he did not give them to me; he left them on the table to show that he would give me money out of it.

2956. What did he say about writing the letter?—If I would write a letter to his satisfaction; I told him I was so delicate I could not hold the pen well.

2957. Did you write a letter there yourself?—According to his statement, I wrote a letter.

2958. Who gave you the paper?—Mr. Galbraith furnished me with paper, pens, and ink.

2959. Is that the letter (*handing one to Witness*)?—That is the letter.

2960. That is written by yourself?—That is the letter I wrote according to Mr. Galbraith's directions to me in the presence of Mr. Joseph Woods; but it was not I that directed it.

[*The letter was put in, and is as follows:—*]

"No. the 12 (1868.

Francis, i have eranged Matters with with friends in Sligo i am quite satisfied with you to go when you get the letor with the partey ho bring it to you dear Francis you May be quite Satisfied i have all things made rite to your Satisfaceton.

So dont com home.

No more re your Mary Donoley."

2961. I forgot to ask you where your husband was at this time?—At Roscrea, county Tipperary, in the employment of Mr. Morris.

2962. Did you tell Mr. Galbraith that?—Oh yes, he asked me that.

2963. Did you get an envelope besides this?—No.

2964. What happened when you wrote this letter?—When I wrote the letter I was to get 20*l.* from Mr. Galbraith to clear myself and children away out of the town till the place was quiet. He still kept the money moving in his hands. Young Mr. Woods was opposite to him; he took the letter to dry it at the fire, and I never got it afterwards.

2965. Did you see the letter put into the envelope?—Yes; it was directed by Mr. Joseph Woods; it was Mr. Joseph Woods' own hands that wrote the directions to Francis Dunlevy.

2966. Did you see it after Mr. Woods wrote the direction?—No, he would not allow me to go out of the room till he went away with it.

2967. Did you observe, I ask you, after Mr. Woods wrote the directions on the envelope, did you see it again; had you it in your hands again?—Not to my knowledge.

2968. You are not able then to say what Mr. Woods wrote?—I do not know the young man's handwriting, but I saw him write the directions on the envelope, and he took it away and posted it himself.

2969. After he took the letter in that way, just tell his Lordship what occurred?—Mr. Joseph Woods took the letter, dried it at the fire, enclosed it in an envelope, and wrote the direc-

tions, "Roscrea, Rock Forest, county Tipperary, for Francis Dunlevy."

2970. Did you tell him the directions to write?—Yes, he asked me the directions.

2971. And he wrote from what you told him?—Yes.

2972. After that, what became of the notes?—Mr. Galbraith put them in his pocket, and said he would see me all right.

2973. What did you say to him about the letter?—I asked Mr. Galbraith was he going to treat me in that way? He said he would make me all right; he asked me how much I was getting a week. He said as I was getting 16*s.* from my husband I could not be much pressed after what I got from the Major. I saw Mr. Galbraith taking up the money; I asked Mr. Woods to be kind enough to give me the letter and let me say a word or two to my own husband. Mr. Galbraith reached me over a sheet of paper and said I could write anything I chose in a letter privately to him myself; that Mr. Woods had written to a friend in Dublin that would have my husband taken from Roscrea. I asked him where he would be; he said he would be secured in Dublin; he would be brought to Dublin.

2974. He did not give you back the letter?—No, the letter was taken away.

2975. You remained a short time?—I talked to Mr. Galbraith; he said he had it in his power, and that we should have been blankly refused the house but for him.

2976. Did anything else occur after that?—No.

Cross-examined by Mr. *Macdonogh*.

2977. Where is your husband now?—He is in court.

2978. As I understand you, the first time you saw Major Knox he was in company with Mr. Pettitt?—With Mr. Pollock and Mr. Pettitt, both. The three came in together.

2979. Pollock, Pettitt, and Major Knox?—Yes.

2980. Was Mr. Pollock within hearing when Pettitt asked you about your husband taking a situation in Dublin?—Mr. Phibbs came forward to the door, and the two gentlemen were just right at the step of the door, talking something privately amongst themselves.

2981. Do you mean to say that Mr. Harloe Phibbs was there?—Yes, because I always took him for Mr. Merton before that day.

2982. I will ask you to tell his Lordship how many were there?—Mr. Pollock, Mr. Pettitt, the four gentlemen; but they were a while in before Mr. Phibbs came in, because he remained asking me a little while afterwards who lived in the cooper's house, and what was his name.

2983. Did these gentlemen hear Pettitt asking you whether your husband would take a situation in Dublin?—I cannot say.

2984. Were they within hearing or near enough to hear?—They were just in conversation at the door amongst themselves; I cannot say whether they heard or not.

2985. What size is your shop?—A middling size; as fair a shop as there is in the street.

2986. And Pettitt spoke just as you are doing now?—No, he spoke quite low.

2987. You saw Major Knox afterwards at Mr. Pollock's?—No.

2988. I beg your pardon, I think I was mistaken;

taken; you went to the Mall where Major Knox is staying?—Yes.

2989. After some conversation you have described, when he asked you what you wanted, and you said about 10*l.*, you say that Mr. Pollock came in and heard that; is that the gentleman (*pointing to a gentleman in court*)?—Mr. James Pollock came in, he saw me; I showed him what I wanted the money for, pawn-office tickets. Mr. Pollock put his hands to his two eyes, and said, “Mary, do not show me anything, for the matter will be arranged.”

2990. That is the gentleman who put up his hands to his eyes and said the matter would be arranged?—Yes.

2991. Why did you not think of telling us that when you were examined by that gentleman about Mr. Pollock putting his hands to his eyes?—As far as my conscience will allow me to go I will go, and go no further.

2992. You are quite sure Mr. Pollock was there, and said the matter would be arranged?—He was sitting in the parlour.

2993. And Major Knox said it would be arranged?—Yes.

2994. Then the next time you saw him was when he said he was going to Dublin, with the exception of his saying that he had then left 10*l.* for you?—Yes.

2995. With whom?—Mr. Pollock.

2996. You did call at Mr. Pollock’s?—Yes.

2997. You said a young man was present when the Major said that?—Yes, a young man was present.

2998. What young man?—One Dowd.

2999. Is he here?—I cannot say.

3000. What is he?—A labouring man; he came to ask my husband, if he was at home, about some work he had left undone for Mr. Campbell.

3001. He was present?—Yes, standing at the door, and he never left till the Major went out.

3002. He must have heard the Major; he did not whisper?—Indeed he did not.

3003. Was Dowd near enough to hear the Major?—Dowd was at the door; I thought it a very ignorant part for Dowd not to withdraw when he saw the gentleman come in.

3004. However, the Major spoke out and said that he had left the 10*l.* for you with Mr. Pollock?—He did.

3005. When you went to Mr. Pollock you were greatly disappointed that you did not get it?—I never got a halfpenny from Mr. Pollock on election matters.

3006. I know; but you went there for the purpose of getting it?—Yes.

3007. And you asked for it?—I asked to see Mr. Pollock.

3008. Did you see him?—No, not on that occasion.

3009. Did you see him at all on the subject?—I have not seen him.

3010. Did he give you the 10*l.*?—He did not.

3011. Did he not tell you to be off out of that?—Quite the contrary, his son, Mr. Reddy, brought me the last message.

3012. The next time you saw the Major was it at your own shop?—Yes.

3013. There was a window, of course, looking into the street?—There are two.

3014. And the Major stood between the two windows, a little in the shop?—There are two shop windows, two counters; it is a large wide shop.

3015. It was on that occasion he handed you the 10*l.*?—I do not know what occasion it was he was coming upon.

3016. Was there anyone present with the Major?—None on that day but myself.

3017. Where was he standing in relation to those two windows when he handed you the 10*l.*?—He was standing sideways up at the counter; this way (*illustrating*).

3018. Were you behind the counter?—I was not; but just stood in front of the gentlemen.

3019. In what part of the shop was your husband?—He was not far away.

3020. Was he behind the counter?—He was not.

3021. Could anybody, looking through either of the windows, see the Major handing the money?—In the street?

3022. Yes, supposing anybody in this court was there on that occasion?—If they wished; there were no screens.

3023. It could be seen?—If they wished to look in.

3024. And there were 10 single notes?—There were. The gentleman himself is there, and he knows they were.

3025. Do you mean to tell me the notes were opened, not tied up together or fastened?—He loosened his pocket-book, and I think it was not a lady’s place to stand and look at a gentleman’s pocket-book; he opened his pocket-book and gave me the money.

3026. But he took the money out of his pocket-book, and did you see him count it?—He gave me 10*l.*

3027. Did he count it?—It is likely he counted it before he gave it to me, and he said, “Here is 10*l.*, Mrs. Dunlevy, and provided your husband be a supporter of mine for the borough of Sligo.”

3028. Is it likely your husband heard it?—It is likely he heard it, because he could not be deaf.

3029. On that occasion he also told you not to say a word about it or your husband would get two years?—Yes, and that he himself would be punished according to the law too; and I never did intend to speak about it. I am on my oath. Suspicion was in the minds of my neighbours that I did get it, and I denied it to one and the other.

3030. How many times?—Many a time I denied it to my neighbours.

3031. Look at Mr. Gilmore, the Mayor of Sligo?—I see him.

3032. Did you not go to that gentleman and complain bitterly that Major Knox never gave you a farthing?—At first.

3033. Did you at any time?—On my oath I never made a complaint of a gentleman that I never saw between my two eyes at the time.

3034. On your oath, I ask you again, did not you go to that gentleman and bitterly complain of Major Knox’s conduct, because he refused to give you any money?—On my solemn oath, I never complained of Major Knox, a gentleman I had never seen; how could I make a complaint of a gentleman I had never seen?

3035. Long after. What time did you get the 10*l.*?—The week of the revision, whatever week that was.

3036. The week the revision was going on?—Yes.

3037. After the revision, a long time after, did you not go to Mr. Gilmore and say, “You are a friend

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M. Dunlevy. friend of Major Knox's," and complain bitterly of the bad treatment you received?—On my solemn oath I never brought my foot inside Mr. Gilmore's door to complain of Major Knox. Before, long, long before, I told him to write a letter to Dublin to Major Knox for me, that I was embarrassed, and would be a supporter of his at the borough if he would do so; but that was long, long before the revision, and long, long before I had seen his face.

3038. You deny it now?—I am on my oath, and I will not be coming here —

3039. I cannot listen to those speeches?—I am on my oath —

3040. Will you now positively swear that you did not go to Mr. Gilmore after the revision and complain bitterly that you could get no money from Major Knox?—On my oath I never did.

3041. On your oath did you complain to Thomas Brennan that Major Knox gave you nothing?—On my oath I never did complain to Thomas Brennan in my life, telling him that Major Knox gave me no money.

3042. On your oath were you not persecuting Major Knox for money constantly?—No.

3043. Did you not go 20 times after him?—After him? I would not go after a better gentleman than him. I never went after him, Mr. McDonogh.

3044. I mean for money; did you not repeatedly go?—Upon my solemn oath I never went the length of that long (*illustrating*), only he asked me to go up to his house.

3045. Did he not refuse to have anything to say to you?—No; but fornenst the whole public he received me, took off his hat, and shook hands with me. If he offered me one insult, he would never offer it again.

3046. I ask you, did you not attack him and abuse him because he would not give you money?—I never did; I deny that charge, and there is not a neighbour in all Sligo but knows that Major Knox always paid me the highest respect, so far as passing.

3047. When was it he promised to give your husband so many acres of land?—That very time in my presence in the shop.

3048. When he gave you the 10*l.*?—Ten acres of land at a reasonable rent. He asked me, as my husband was from home, would I be able to manage it myself. I said I was better accustomed to land than my husband was.

3049. Did you ever apply to Mr. Harloe Phibbs for money?—For the cost of the revision; and the answer Mr. Phibbs gave was, that the Major did very well, and would do better for me when all was over.

3050. What was the answer he gave you?—The answer Mr. Phibbs gave me as to the cost of the revision week; I told him the cost to my husband was 30*s.* for the week —

3051. What was the answer he gave you?—That Major Knox had done very well for me, but that he could not pay any money under any circumstances for awhile.

3052. What else did he say?—I don't recollect of anything else that he said.

3053. Mark! there is the gentleman?—I see the gentleman well.

3054. You say that he said Major Knox had done very well for you; was that about the 10*l.*?—Whatever he meant, he said he had an interview with the Major the evening before, and the Major had done very well, and would do better.

3055. How often did you call on Mr. Phibbs?—Either once or twice.

3056. Were you not frequently, repeatedly, with Mr. Phibbs?—No, I could not be, unknown to my own self.

3057. But we are ascertaining now the fact? did you ever complain to John Farrell after the revision that you had got no money from Major Knox?—If I have seen the gentleman.

3058. I am told he is a rate collector?—No, on my oath, I never did; I never did make the slightest complaint since I was born to that man about any election matters.

3059. I ask you on your oath; as I shall not repeat the question again, just hear it before you answer it: did Major Knox tell you on one of the occasions when you applied to him he would have nothing to say to you, and did you then become offensive and abusive to Major Knox?—Upon my solemn oath, in the presence of God, I never did offer Major Knox, since I was born, the slightest insult.

3060. Did you apply to Mr. Utrid Knox for money?—Never for money.

3061. You are sure of that?—Oh, quite certain; I could make no applications unknown to myself.

3062. Did you go up to Dublin shortly before the election?—Yes.

3063. What brought you to Dublin?—To bring my husband home.

3064. When?—I went through Dublin to Roscrea Rock Forest part of the way, and I met him on his journey.

3065. How soon before the election?—The Tuesday night before the poll.

3066. Did you get money in the train from anybody?—No.

3067. Did you get any money from any person?—I got a few pounds.

3068. How many?—I got 4*l.*

3069. For what purpose?—To pay my expenses up.

3070. Who gave it to you?—Mr. Morris; he is stopping it now from my husband's weekly earnings, and he told me at the same time that it was as an advance on account he was giving it; I was getting 16*s.* a-week since my husband has been at the job, and I have never since received more than 8*s.* or 10*s.*; he is stopping it weekly.

3071. Do you not know that your husband's vote was objected to most strongly by the agent of Major Knox at the revision?—He will be able to answer that himself. I think he retained his vote without the slightest hesitation; according as I heard.

3072. Was that Mr. Woods the elder that you have been speaking of?—Both Mr. Woods.

3073. Where does he live; is it in Castle-street, near Mr. Leech's?—Yes.

3074. Is he in this court; have you seen him?—I have seen him to-day.

3075. Will you tell me when it was that gentleman said you should have 50*l.*?—The Saturday before the election.

3076. What day will you fix, if you please, when young Woods came in?—On Monday morning; the Monday before the poll.

3077. Will you fix the day when Mr. Galbraith took out the roll of notes and placed them on the table?—On the Saturday night before the poll.

3078. Did you ever see the letter you stated you

you wrote; who dictated this letter for you?—Mr. Galbraith directed me to the words I wrote.

3079. May I ask you when you told this story first about Major Knox and the 10*l.*, and the neighbours, and the Galbraith transaction?—The neighbours were constantly tormenting me, and saying I had got the Major's money; I used to deny it until the week before the county election.

3080. And you always denied that you got any money out of Major Knox up to that time?—I denied it to my neighbours.

3081. Who did you tell it to the week before

the county election?—I cannot say how it was circulated, but I was sent for.

3082. By whom?—I told it to Mr. Molony.

3083. He is the attorney on the other side?—Yes; I suppose he is an attorney; I am not sure.

3084. How much money have you got since then?—From whom.

3085. How much have you got from Captain Flanagan's party?—I have got no money, on my solemn oath, to the value of a bottle of pop, from Captain Flanagan's party.

[The Witness withdrew.

FRANCIS DUNLEVY, sworn; Examined by Mr. *Palles*.

3086. I BELIEVE you are a Stucco Plasterer?—Yes.

3087. And you are a voter for the borough of Sligo?—Yes.

3088. Was the last election the first election at which you had a vote?—It was.

3089. Do you remember at one time before the revision seeing Major Knox?—I do.

3090. About when was that?—About June or July; my wife wrote me, and said he wanted me.

3091. Before you saw Major Knox, had you heard that he had been at your house?—Yes, I got a letter from my wife.

3092. I do not ask you what was in it; in consequence of something that you heard from your wife, you went to Major Knox?—Yes.

3093. Did you see him?—No; he was upstairs dressing, and he was going to dinner, and he told the servant that if it was to cost him 120 guineas he could not see me.

3094. Did you see him on that first occasion?—I did not.

3095. Did you afterwards call on him?—On the Monday following.

3096. Did you see him on that occasion?—I did.

3097. Where was it?—At Major Knox's house, on the Mall.

3098. Tell me, when you saw Major Knox on that Monday, what passed between you?—I told him I was the man; that my wife wrote for me that he wanted to see me, to have an interview with me. He said, "Oh, you are very welcome."

3099. Did you tell him your name?—He asked me my name. I said it was Francis Dunlevy. He said, "I expected you would be a supporter of mine at the borough election." I said I had no objection. He asked me what was my living. I said I lived by my trade. He said, "With regard to how you would like to live for the time to come." I told him I could live pretty well if I had a bit of land or a little living; that I could make a home for my family. He listened and he said, "Have you any one you would like a situation for?" I said, "No, but my father lives in Dublin, he is an old man now, and I do wish that he could get into a constant and easy employment"; for the man was getting advanced in years. He said, "I will get him that. I expect I can do it, at least."

3100. Get what?—He expected he could get him employment that was easy enough. He said, "Have you any idea what he could be got into?"

85.

I said, "I dare say Mr. Guinness, who keeps the brewery, keeps men in his way perfectly." He said, "I know Mr. Arthur Guinness perfectly well, and I really think he will do that much for me, and I will get him in there."

3101. Was there any other conversation?—He said he would get me 10 acres of land undoubtedly, and leave me a comfortable man.

3102. Did he say what rent you were to get the 10 acres of land at?—A moderate rent; that I was to live comfortably.

3103. Did he say what land he intended you to have?—He said he was buying Mr. Tennyson's property.

3104. Do you remember what he said about the Town Hall?—Yes; he said he thought it was a job that would suit me; that he was intimate with Mr. Crow and those connected with the Town Hall, and he believed he could get the job of plastering for me. I said I would take that. He said, "I believe I can get that for you. I am almost sure of it."

3105. Did he tell you anything about funds being provided?—Yes, he said they were going to get a grant from Government to finish it.

3106. Do you remember anything else that he said then?—He asked me, would I like to live in Dublin, or get into business? I said not; that I would much rather live at home.

3107. Do you know a man of the name of Jenkins?—I do.

3108. What is he?—A summons server, or a decree or process server.

3109. Do you remember meeting him after that on the day you went to Mr. Galbraith?—I met him in Oxford-street.

3110. Was that after the conversation you had with Major Knox?—After that.

3111. About how long?—In a very short time after.

3112. In consequence of what Mr. Jenkins told you, did you go to Mr. Galbraith?—Yes, I was afraid; I had to go.

3113. At the time, had Mr. Galbraith a decree against you?—Yes, and has still.

3114. For how much?—£. 10 and odd.

3115. When you went to Mr. Galbraith, it was to his own house?—Yes, his own shop, upstairs.

3116. Where did you first see him?—Behind the counter upstairs.

3117. Did you afterwards leave that and go to some other room, or was the conversation you had with him in that room?—It was there.

3118. Tell us what passed?—He said, "I suppose

I

pose

M. Dunlevy.

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1869.

F. Dunlevy.

F. Dunlevy. pose you have a whole lot of money for me." I said, "I have not, for I am idle presently, but I expect after that things will be made all right." He said then, "How are matters doing about the election?" "I dare say," I said, "they are doing pretty well. Major Knox was talking to me not long since." "In that case, I suppose," he said, "you will make things all right shortly." "I dare say I will," I said, in that kind of a way. "Well," said he, "don't be deceived; anything the Major promises he will pay it undoubtedly, whatever it may be, for he is a real gentleman."

3119. Was that the substance of the conversation you had with Mr. Galbraith?—Yes.

3120. Were you absent from Sligo, off and on, up to the week of the revision?—Yes.

3121. Were you in Sligo the week of the revision?—I was.

3122. Do you remember, in the week of the revision, upon one occasion Major Knox calling at your house?—Yes, he came across the street diagonal from the other side.

3123. Where were you when he came in?—I was in the shop with my wife. She was outside, and I was inside, quite near.

3124. In a kitchen behind the shop?—It is much like a little parlour; like as if it was a shop that they had run a single partition between.

3125. Is part of the partition glass?—Yes, the principal part of it.

3126. And the rest is a door?—Yes, a glass door in the half of it.

3127. Is there an uninterrupted view from the parlour or the kitchen to the shop?—No, you can see right through it.

3128. What came of this interview with Major Knox?—I believe my wife was quite disappointed with his promises.

3129. Did you hear that?—Yes; she said the commands left for her with Mr. Pollock she did not get. He said he would make matters all right. I withdrew immediately.

3130. Where did you withdraw?—I just went back into the shop.

3131. When you went into the shop, were you able to hear what they were saying?—No, but I could see anything that passed.

3132. What did you see?—The Major gave my wife some money in my presence.

3133. In what way was it given, in gold or in notes?—It was in notes.

3134. When the Major went away, did your wife show you what he had given?—When I saw the money I was annoyed at her taking it, for though I was poor I did not like it. I held my hand up and threatened her, but bedad she held the money; my wife ran in and said, "Look at what the Major has given me."

3135. Did you count the money on that occasion?—I did.

3136. How much was it?—Ten 1 l.-notes.

3137. Had you any other conversations with Major Knox, except these you have mentioned to me; just remember?—I am just thinking.

3138. Upon either of those occasions you have mentioned, or the last time you saw him in his own house in the Mall, did he say anything to you about your vote?—He said he hoped I would be a supporter of his; I was afraid I would be sent to jail, that is why I was forced to say I would, but I never had any intention of it.

3139. Did you remain in Sligo after the revision week?—No, for I cut away immediately after that.

3140. Where did you go to?—Lanfarnen.

3141. Where is Lanfarnen?—Away in county Leitrim.

3142. How long did you stay there?—About a fortnight.

3143. Did you come back to town?—I came back to town, and worked for about nine days, a mile from the town; I got uneasy, and I cut away to Tipperary, to work for Mr. Morris, a builder.

3144. About how long after the election was it that you went to Tipperary?—About five or six weeks, as far as I can guess the time.

3145. Do you remember while you were there getting that letter (*handing a letter to the Witness*)?—Yes, I got this letter.

3146. Look at that envelope (*handing an envelope to the Witness*); is that the envelope you got it in?—I could not identify the envelope, but I can the letter.

3147. Was it in an envelope you got it?—Yes, I got it of course in an envelope; I got several letters, but I threw them away, tore them up.

3148. Of course you know your wife's writing?—Oh, I am certain of that.

3149. Do you know the writing on the envelope; just look at it?—I could not say.

3150. Are you able to say whether it is your wife's?—That is not my wife's, certainly.

3151. Do you know whose it is?—I never saw it before to know it, except the once that I received it.

Cross-examined by Mr. Robinson.

3152. About this last matter first; I understood you to say you got several letters?—Yes.

3153. From your wife?—Yes.

3154. Have you got them?—Yes.

3155. Are they all here?—Oh, no; there was nothing in them but family affairs, nothing concerning this, or anything like it.

3156. Did you get them about the same time you got this?—The same time?

3157. Yes?—I got them both before and after.

3158. How many did you get in the same week that you got that?—I suppose I got two or three.

3159. Do you swear that that is the only one that had reference to this matter?—Yes, I do, that week.

3160. You cannot recognise that envelope?—No, I could not to be clear of it.

3161. Are the other letters in existence still?—Well, I could not say.

3162. But do say?—Well, they are not, I suppose.

3163. Are they in existence; I am asking you a simple question?—They are not.

3164. Then, you destroyed the other letters?—Yes, because they were family matters, and I tore them up on that occasion.

3165. You destroyed them when you got them?—Immediately after I read them.

3166. You kept that?—I lost some of them, and I put this in my working trousers pocket, and that is how it came that I had it.

3167. You kept that, at all events?—I put it in when I read it, in this kind of way, into my pocket, and it remained.

3168. And you kept it?—Yes.

3169. When

3169. When you got that letter, you came to Sligo?—This letter?

3170. Yes?—I did not.

3171. Where did you go when you got that letter?—I remained there.

3172. You came to Sligo after you got this letter?—Yes, but it was not on that letter I came.

3173. I did not ask you whether it was on that letter you came, but you came to Sligo after you got the letter?—Yes.

3174. And you say on the Monday following you saw Major Knox?—That is not the letter I came on.

3175. What was the letter you came on?—It was a letter sent to Lanfarnen, and that was sent to Tipperary.

3176. Where is that letter that brought you to Sligo?—Oh, I have not that.

3177. This is not the letter that brought you to Sligo?—No.

3178. The other was?—Yes.

3179. And you have not that?—No.

3180. When you came to Sligo, you say you saw Major Knox in Mr. Knox's house in the Mall?—Yes.

3181. How often did you see Major Knox in that house?—Once or twice.

3182. Upon your oath, did you ever see him in that house but once?—I did.

3183. You will swear that?—Yes.

3184. Did you go beyond the hall?—Yes, I did.

3185. Where to?—To a room upstairs; I think it is the drawing-room.

3186. You will swear that?—Yes.

3187. Do you know Major Knox's servant?—Yes, I do.

3188. Is it not a fact that, when you came there to the house, Major Knox desired his servant to put you out?—No, but he told me that any time I came, I was to be let in.

3189. I ask you, as a matter of fact, did not Major Knox, when you did go to the hall of his house, desire his servant to put you out?—No, I never could hear the like.

3190. Did anything of the kind occur?—Nothing of the kind.

3191. Who did you see when you went to Major Knox's house?—I saw his maid or house-keeper.

3192. What did you say to her?—I said I was the man the Major ordered my wife to write for.

3193. And you were at once shown up?—No, she called to the Major.

3194. What did she say to him?—"Dunlevy is here"; he was dressing for dinner, and could not see me on that evening; I was to call again.

3195. And you called again?—Yes.

3196. Where did you see him that day?—That evening?

3197. Yes?—I saw him in the hall, and he took me upstairs.

3198. Who saw you when you came that evening to the hall, besides the Major?—Of course he had seen me going in.

3199. Did any one else, besides the maid and the Major, see you that evening?—I could not account.

3200. He told you about the Town Hall and all those matters?—He did, of course.

3201. Did you get the contract for plastering

the Town Hall?—No, but I would be glad I would. *F. Dunlevy.*

3202. Was it before the revision, or after it, or when it was going on, that this sum of 10 l. was given?—When the revision was going on. 20 February 1869.

3203. You went out of the shop when you saw the Major about to speak with your wife?—When I saw that he was going to have something to do with money matters, I withdrew back; still I was near at hand enough to see it.

3204. You did not wish your wife to take money?—I did not.

3205. Did you tell her so in the Major's presence?—I did not; I only shook my hand at her.

3206. You shook your hand at your wife?—Yes.

3207. Why did not you wish your wife to get the money?—Because I never intended to vote for him; I did not want to do it for fear my vote would be broken.

3208. Did you ever ask any one to get money from the Major for you?—Did I ever ask?

3209. Yes; on your oath did you: answer this, did you ever ask the Major to give you some money?—No.

3210. You will swear you never did?—Yes.

3211. You were not in want of money?—Well, I was in want of money, undoubtedly.

3212. And you did not wish your wife to get the money?—No, I was afraid of the law, and I understood it.

3213. How did you know the Major was going to give her the 10 l.?—I saw him put his hand in his pocket; he said he would make matters all right, as she was disappointed in Attorney Pollock.

3214. When she was disappointed you were disappointed?—I do not know about that.

3215. Did you say to the Major, "I will not allow my wife to get this money"?—No such thing.

3216. You shook your hand and went away?—Yes.

3217. Was any one in the shop but the Major and your wife; and you were looking out of the glass door?—I was looking out of the door that was opened.

3218. And you saw everything that passed?—Yes.

3219. The Major took out his pocket-book?—Yes.

3220. Was there much money in it?—I could not account for how much.

3221. Were you near enough to see it?—I was near enough to see it, but I would not stand on my tip-toes to look at it.

3222. Were you anxious to see what passed?—I could see it without being anxious.

3223. You did see it?—Yes.

3224. Were there many notes in his pocket-book?—I could not account for what money is in a man's pocket-book, but I saw the money coming out.

3225. A roll of notes?—Something that way.

3226. Was it a long roll of notes?—Not a very long roll.

3227. Something in that way (*illustrating*)?—Something in that way.

3228. The Major could not have counted his money?—I could not count it; in this sort of way it might be (*illustrating*).

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3229. As

F. Dunlevy. 3229. As far as you can judge?—Yes.
 — 3230. As far as you can trust to memory, you
 20 February 1869. saw him do like this (*illustrating*), and when he
 had done he gave the money to your wife?—
 Yes.
 3231. He said, “Here is 10 *l.*”?—Yes.
 3232. You could not be mistaken in that?—
 No.
 3233. He did this openly in the height of day,
 and in the middle of the shop?—Yes; his back
 was to the door.
 3234. What street do you live in?—On the
 Mall.
 3235. Was any one else in the shop at the
 time?—Not one.
 3236. What time in the day was it?—Between
 one and two o’clock, as far as I can understand.
 3237. And at Galbraith’s house, who did you
 see but Galbraith?—His boys were there, but I
 did not know them.
 3238. Who was in the place?—There were
 some.
 3239. Give me the name of any living man?
 —I could not, for I do not know.
 3240. You are a native of Sligo all your life,
 and you do not know the name of any one who
 was in the shop then?—No, not one; several par-
 ties were in the shop that I did not know.
 3241. Did you ask Mr. Gillmor, the mayor,
 (*look at this gentleman*) to get money for you
 from Major Knox?—Never.
 3242. You will swear that?—I will.
 3243. Is it not a fact that the attorney em-
 ployed on Major Knox’s behalf objected to your
 vote at the revision as strongly as he could?—I
 could not account for that.
 3244. Did he not?—They only started one or
 two questions.
 3245. But was it not by Major Knox’s agents
 that the questions were started?—Of course it
 was.
 3246. Were you not opposed by the agents of
 Major Knox?—Yes.

MICHAEL JAMES KEIGHRON, sworn; Examined by Mr. O’Loghlin.

M. J. Keighron. 3258. You are a son of Mr. Patrick Keighron,
 a Magistrate?—Yes.
 3259. Has your father a place of business in
 Sligo?—He has.
 3260. You know Dunlevy?—Yes.
 3261. You know the house in which Dun-
 levy lives?—Yes.
 3262. Is your father’s place of business at the
 other side of the street?—On the same side, im-
 mediately below it.
 3263. Do you know Mr. William Woods?—
 I do.
 3264. Do you know Mr. Joseph L. Woods?—
 Yes.
 3265. Dunlevy is a plasterer, I believe?—
 He is.
 3266. Do you recollect, a few days before the
 election, seeing Mr. William Woods go into
 Dunlevy’s house?—I do.

JOHN WARD, sworn; Examined by Mr. Waters.

J. Ward. 3273. Do you live in Dublin?—I do.
 — 3274. Do you know Mr. William Hughes?—
 I do.
 3275. Do you know how he is occupied?—He
 is standing on the landing-stage course, taking
 postings for the “Irish Times.”

3247. Did they not do as much as they
 could to break down the vote?—I do not know.
 3248. You say you could not account for it?
 —There were several questions which might
 have been asked me, which were not.
 3249. Tell me one of them?—They asked cer-
 tain parties, did not my wife give up my house
 when I was in Dublin, and they did not bring it
 forward.
 3250. Who was the gentleman who asked the
 questions at the revision?—Mr. Sibley.
 3251. He was employed by Major Knox?—
 Yes.
 3252. He started the questions?—Yes; and
 another thing, I could have got money from
 Mr. — and would not take it.

Re-examined by Mr. *Palles*.

3253. From whom could you have got that
 money?—I could have got it from Mr. Stokes;
 he called me in passing; he said he would do the
 same with me as with Brian MacMorrow. He
 said, “I have offered to bribe him with 15 *l.* not
 to register his vote, and I will do the same with
 you.”

Further cross-examined by Mr. *Robinson*.

3254. Where was it Mr. Stokes made that
 offer you spoke of?—At his own house.
 3255. What month was that in?—It was in the
 week of the revision.
 3256. Before the revision?—While the revision
 was going on.
 3257. Who was present when he made you
 the offer?—There was none. He brought me in
 a bit just.

[The Witness withdrew.]

(A short adjournment took place.)

3267. About how many days before the elec-
 tion was that, as well as you can recollect?—
 About four or five days before the election.
 3268. Was that Mr. William Woods, the
 father?—The father.
 3269. About what time of the day did you see
 him going in?—It was early in the day, I
 think.
 3270. You say you know Mr. Joseph L.
 Woods?—Yes.
 3271. Did you, before the election, see Mr.
 Joseph L. Woods go into Dunlevy’s house?—
 I did.
 3272. How many days about, before the elec-
 tion?—I think one or two days before the
 election.

[The Witness withdrew.]

3276. Advertisements for the “Irish Times”?
 —Yes.
 3277. Is he a canvasser for the “Irish Times”?
 —He is.
 3278. Mr. Justice *Keogh*.] For advertise-
 ments?—For advertisements.

3279. Mr.

3279. Mr. *Waters.*] Do you know his handwriting?—Yes.

3280. Is that his handwriting to those bills (*handing some bills to Witness*)?—Yes, to the best of my belief that is his handwriting.—(*The bills were handed in.*)

Cross-examined by Dr. *Kaye.*

3281. Do you know this Mr. Hughes?—I

know him well; I saw him in court, at least coming up to the court. *J. Ward.*

3282. You know as a matter of fact that he is a notary's clerk to some of the banks in Dublin?—He may be that after his time for what I know; I believe he is from what I know myself. *20 February 1869.*

[The Witness withdrew.]

MICHAEL O'HARD, sworn; Examined by Mr. *O'Loughlin.*

3283. ARE you a voter for the Borough of Sligo?—I am.

3284. Do you recollect the time of the revision?—I do.

3285. Were you then upon the list of claimants?—I was not.

3286. Upon what list were you?—I was on the list of claimants, but my vote was not passed.

3287. Do you know Mr. Stokes?—I do.

3288. Had you any conversation with Mr. Stokes about registering your vote?—No.

3289. Had you with anybody?—Nobody but one.

3290. Who was that one?—That was Mr. Petrie.

3291. Is that Mr. William Petrie?—Yes.

3292. Is that the gentleman there?—It is.

3293. What conversation had you with William Petrie about the registration?—I had no conversation at all with him, only a week or fortnight before the time; he told me if I would not register my vote he would befriend me, and he was a good friend to me long, with all.

3294. Did he tell you how he would befriend you?—Well, he told me he would get me 25 *l.* after the revision would be over.

3295. Who told you that?—Mr. Petrie.

3296. Did you abstain from registering your vote; did you go away?—I did not go away; I went to the court-house for two days and waited

the two days, Wednesday and Thursday I waited, and I got so much excited that I said I would never go back again to be registered.

3297. I believe you did not go back?—I did not.

3298. Did you happen to leave Sligo?—I did, on my own business.

3299. Where did you go?—I went first and foremost to the quay at Sligo to ship sheep, and I went, secondly, up before my sheep to Ballymora, no farther.

3300. How long did you stay away?—From 11 o'clock till half-past 9 or 10 o'clock.

3301. Until the court was closed?—No, until the train came back.

Cross-examined by Mr. *Robinson.*

3302. Who was present when Petrie spoke to you?—No one.

3303. Where was it?—In my own house.

3304. And no one was present?—No.

3305. This was when the revision was going on?—It was not; it was before, and they had no occasion to bring me here at all; right or wrong, it has hindered me 20 *l.* in money.

3306. You voted for Captain Flanagan?—I did.

[The Witness withdrew.]

MICHAEL MULLAGAN, sworn; Examined by Mr. *O'Loughlin.*

3307. ARE you an elector of the Borough of Sligo?—Yes.

3308. Do you know Mr. Stephen M. Cherry?—Well, I did know him when I had sight.

3309. Do you know his voice?—I think I would.

3310. Had you any conversation with Mr. Cherry prior to the election?—I had a little; I had some conversation.

3311. Will you tell his Lordship what the conversation was that you had with him, the first conversation; do you know where he lives in Castle-street?—I do.

3312. Do you recollect being in Castle-street?—I was.

3313. Do you recollect standing on Mr. Cherry's door?—I do; I was one night going over street in Castle-street, and I was talking to a boy of his at the door; he is a boy grown grey that was reared in my own neighbourhood.

3314. Did Mr. Cherry come to you at the door?—He did.

3315. Did he talk to you there?—I do not know whether it was out of the house, or across the street.

85.

3316. Had you a conversation with him?—He bade me good-night, and asked how I was.

3317. Will you tell his Lordship what conversation passed between you?—He asked me into the shop; he asked me, had I not a vote. I said yes, I believed so; we then went into the shop; he asked me if I wanted a hat, or a handkerchief, or something like that, to buy it; I said I did not mind.

3318. You said what?—That I did not at present.

3319. What else did he say to you?—He began to talk then, and we had some talk; he told me he would like to befriend me.

3320. Now you are on your oath?—I will tell the truth. He asked me if I would be inclined to—

3321. To what?—To leave the road.

3322. When?—A few days, that he would do something for me.

3323. What would he do for you?—He did not mention it at that time.

3324. Did anything else pass between you?—I told him I would make up my mind in a few days.

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3325. How

M. Mullagan.

M.
Mullagan.
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1869.

3325. How long before the election was that? —I think a week or something more; something about a week.

3326. Did you tell him on that occasion that you had promised Mr. Flanagan to vote for him? —Not at that time.

3327. Did you on any occasion?—Then I went home, and I promised to come in a few days again and make up my mind.

3328. Promised whom?—Promised Mr. Cherry, and in the day I promised I did not come that night.

3329. You did not come back to Mr. Cherry the day you promised?—I did not come back the night I promised.

3330. Do you know Mr. Cherry's shopman, the man who is in the shop?—I do not know.

3331. Did any one come to your house with a message to you?—There did, the night after I promised to go.

3332. Who was that?—I do not know.

3333. In consequence of that message did you go back to Mr. Cherry?—I did that night.

3334. What passed between you and Mr. Cherry on that second occasion?—We went upstairs, I think, to the ware-room.

3335. Upstairs in Mr. Cherry's house?—Yes.

3336. Was there any one in the room with you and Mr. Cherry?—I do not suppose there was.

3337. But at all events you heard no one there, to your knowledge?—Not to my knowledge.

3338. Tell me what passed between you and Mr. Cherry?—Well, he told me that if I would go he would serve me.

3339. If you would go?—Yes, if I would leave the town until the election would be over; of course, I must tell the truth.

3340. Was it on that occasion that he told you that if you would leave the town till the election would be over he would serve you?—Well, I understood it was.

3341. Did you then upon that occasion say to Mr. Cherry that you had promised to vote for Captain Flanagan?—Not until the conversation went on a little farther.

3342. Was that the whole conversation that occurred?—We talked over some difficulty in getting money. Major Knox passed my door several times and never asked for my vote; I am a poor person; I never like to break my word if I make a promise, and Major Knox never asked

me for my vote, "Well, then," said he, "you will get thirty thanks." That is all.

3343. If you did what?—If I left the town till such time as the election was over.

3344. Did anything else occur between you and Mr. Cherry on that occasion?—Well, he appointed Longford.

3345. Where were you to go?—To Longford.

3346. Did he tell you where to in Longford you were to go?—He did not; he did not remark any particular place, but there would be some person there to meet me.

3347. Did anything pass between you and him as to your expenses?—Yes; he told me I would get some money to bear my expenses.

3348. Did he say who would bear your expenses?—He told me if I would send my little boy to him with a bit of a note——

3349. To whom?—To himself.

3350. Mr. Cherry?—Yes.

3351. What would he do?—That he would give me some money to bear my expenses.

3352. What day was this before the election? —I think it was two, three, or four days.

3353. Mr. Justice *Keogh*.] How many days before the election?—I am not very sure; I think it was three or four days or more; a few days before the election; I did not think it would have come to this or I would have kept it in mind.

3354. Did you ever tell it to anybody?—No, not to my recollection.

3355. Not until to-day?—No; I did not think it would come to this.

Cross-examined by Dr. *Kaye*.

3356. You voted for Flanagan?—I did.

3357. You did not agree to accept thirty thanks or whatever it was?—No, I did not; I told him I would not agree to go. He asked me this, would he put down my name to go.

3358. You did not accept his offer?—I told him then I would consult with the wife, and I went home then.

3359. Do not tell us what passed between you and your wife?—I did not return from that forth.

3360. You did not send the boy the next morning?—No, I did not; I would not take it because I made a promise to Captain Flanagan, and I would not break my word.

[The Witness withdrew.]

DOMINICK KILCULLEN, sworn; Examined by Mr. *Coffey*.

D.
Kilcullen.

3361. ARE you a voter for the Borough of Sligo?—I am.

3362. I may as well come short at it; have you a letter in your pocket?—I have.

3363. Out with it?—

[The Witness produced the following Letter, addressed to Dominick Kilcullen, Esq., Sligo:—]

"53, Fitzwilliam-square, Dublin,
"January 25th, 1868.

"Dear Sir,

"WOULD you kindly let me know what appointment your son would wish to have, as I will do my best to obtain it for him, and it will afford me pleasure to further your wishes regarding him.

"I remain, dear Sir,

"Yours faithfully,

"Lawrence E. Knox."

"Dominick Kilcullen, Esq."

3364. You voted at the last election, I suppose?—I did.

3365. Who did you vote for?—Captain Flanagan.

3366. Do you know a man of the name of Thomas Brennan?—I do.

3367. Had you any conversation with Thomas Brennan about Major Knox?—In 1867, I think.

3368. It began in 1867?—Yes, he sent for me one night to my own house; my own son and I came across the fields to him, and I met him in the Mail Coach-road, and he brought me up Carne, and we came down in Carne, and he said he had to call at Paddy Mahon's; he had been to Mahon's and employed Mahon's cars; he had given him 5 l., five 1 l. notes to Patrick Mahon, and he wanted me to take one of them, and he said it was as an agent of Major Knox.

3369. What did he give the 5 l. for?—For retaining the cars as Major Knox's agent. He was thinking

thinking of getting Colonel Tennyson's property at the time. That is what he told me himself.

3370. Did you see Brennan after that?—I did.

3371. Did you see any money with him?—In January 1868 he wrote to Major Knox and got money.

3372. Did you see any money with him?—I saw him pay money in Martin Mulligan's house.

3373. How much did you see him pay in Mulligan's house?—He paid 17 men a half-sovereign a man; that was 8 l. 10 s.

3374. Was there a man of the name of Flynn among them?—Flynn was not in.

3375. Will you mention to his Lordship the name of any voter you know?—Ne'er a one but myself and Mulligan in the whole of the house.

3376. You said something about Brennan having told you he had written to Major Knox?—He told me he had written for money.

3377. And did he say he had got any reply from Major Knox to that letter?—Only that he had got money and paid it in in January 1868.

3378. I suppose you are in the habit of seeing Brennan constantly?—Sometimes I used to get tobacco every day when I came from the market.

3379. On any other occasion did anything pass between you and Brennan about money besides what you have told us?—He said he would get me a good share of money to go away to befriend Major Knox as well as I could, and that he would like to help me, being a man that he knew.

3380. Did he say anything to you, or you to him, about a situation for your son?—Not a word ever till he proposed it first himself, and said Major Knox would get it for me.

3381. What was the proposal he made about your son?—He went to Dublin about that time, and he came down and told me that Major Knox would get a situation for my son.

3382. What were you to do for his getting a situation for your son?—Not a ha'porth that I know of in all the world.

3383. What were you to get for going away?—There was no talk of going away at that time—long before the election.

3384. When was it that you had the conversation about going away?—The whole summer round we had the conversation about it.

3385. It began early?—Yes.

3386. Major Knox was a long while canvassing in the field before the vacancy?—He was not; I never saw the gentleman canvassing, only one evening.

3387. Did you get that letter (*handing a letter to Witness*)?—I am no scholar; but I got that letter, and held it in my possession since till I gave it to Mr. Muloney.

3388. Mr. McDonogh.] Can you read and write?—No.

Major Knox admitted the handwriting.

The letter was put in.

3389. Mr. Coffey.] Did Brennan tell you he had been in Dublin speaking to Major Knox about your son?—He told me he was in Dublin, and that Major Knox would get a situation for my son.

3390. Had you received at that time any money from Brennan?—No.

3391. Then the letter was the first transaction?—No; I got money before the letter.

3392. How soon before you got the letter did you get any money?—In the same month, 85.

I think, I got half-a-sovereign, and my son another.

3393. From Brennan?—From Brennan.

3394. Who did Brennan tell you that money belonged to?—He did not tell me it was Major Knox's.

3395. What did he give you the money for?—To assist him as well as we could.

3396. In what?—In the election that was coming.

3397. In whose election that was coming?—In Major Knox's.

3398. Why do you not say so like a man?—So I have.

3399. You got half-a-sovereign yourself, and your son half-a-sovereign?—Yes.

3400. After that Brennan went up to Dublin?—After he came down; I got this money down by letter.

3401. Did you not tell me a minute ago that before you got that letter, you got money from Brennan?—I did, in January; the letter came in the same month.

3402. You got money before?—I got half-a-sovereign, and my son got another half-a-sovereign.

3403. After that Brennan went to Dublin?—No, it was before that; at the time he paid Mahon the car-hire he came to Dublin.

3404. But were you at that time a voter on the roll?—After several remonstrations like, I got on.

3405. Did Brennan tell you what inducement he gave to Major Knox for him to get a situation for your son?—He did not say a word, but that Major Knox would get it.

3406. For your son?—Yes.

3407. How soon after that letter was gone did you get the money?—I got it before I got that letter.

3408. Do you recollect the regatta having occurred?—Yes, I do.

3409. Did you get any letter from Brennan?—Yes, I did.

3410. To whom was the letter addressed?—To Major Knox.

3411. And did you know what was in the letter?—No, I did not.

3412. What conversation had you with Brennan about giving the letter to Major Knox?—He said he would send me over myself to see him.

3413. For what purpose?—To thank him for getting a situation for my son.

3414. And he gave you a letter?—He did.

3415. And did you bring it to Major Knox?—I did.

3416. Did Major Knox read it?—He did, I suppose.

3417. Did you not hand it to him?—I did not; it was his girl that brought it into the room to him.

3418. And came out again?—Mr. Hunt was in the room before that.

3419. She brought it in?—She brought it in after Mr. Hunt left the room.

3420. What Hunt is that?—Mr. Michael Hunt, of Market-street, or High-street.

3421. What did he say to you when she brought it in?—He asked me if I was a friend of Brennan's, as he had spoken well of me. I was not a drop of blood akin to him. Major Knox asked me what he could do for me. I said, I did not want his Honour to do anything for me.

3422. That is what brought you there?—I told him I did not want his Honour; but I thanked

D. Kilcullen.

20 February 1869.

D. Kilcullen. thanked him for his kindness; he is here himself.
 20 February 1869. 3423. What did he say to that?—We had many words; I thanked him.

3424. Did you, upon your oath, get any more money from Brennan?—I did, of course.

3425. What did you get; cannot you tell me?—I went back again; Brennan came for me then.

3426. I am speaking after the regatta?—This is after the regatta, and when I got the letter was after the regatta.

3427. Go on, and tell us?—Brennan came for me, and brought me from my own house across the river, and we went out to the Mall Fields and into Mr. Knox's. I did not go in at all, but stopped outside. He stopped a considerable time in Mr. Knox's house in the Mall, and when he came out he said he had got no money, and would come away home. The next night he called for me again, and we went over again, and he was a good while with Major Knox inside. I was at the Model School gate. He came to me, and said he had got money; he did not say what sum, or what anything. After that, he went to my house, and threw me 25 l. on my own plat, my own field, and paid 17 men a 1 l. a man.

3428. Tell me the 17 men he paid?—There were only two voters, myself and Mulligan also; he threw 2 l. to Pat; he threw 25 l. to me.

3429. Did Brennan say what he got that money for?—I asked him the question.

3430. What did he say?—He said for my loss of time, not one word about my vote.

Mr. Brennan called:

Witness. That is the man; he said it was for my son's loss of time, and for my own, that Major Knox sent me that.

Cross-examined by Mr. Macdonogh.

3431. For whom did you vote?—I voted for Flanagan.

3432. You had always intended to vote for Flanagan, I suppose?—I do not say, but I surely intended to vote for him; I am on my oath.

3433. You had all along determined?—Yes; but at the same time when the election started with Major Knox, there was no talk of Captain Flanagan; it was Captain Armstrong.

3434. When did you get on the register?—After Serjeant Armstrong's election.

3435. Then you were placed on the register for the first time?—Just so.

3436. These men that Brennan gave the money to, a half-a-sovereign a man, were they for the purpose of protecting in the revision, shouting in the streets, and cheering?—I believe they were non-electors, except myself and Mulligan.

3437. And I believe that was the employment of those men; they were employed to go about at the revision to cheer and assist the people, and make themselves useful?—I believe so.

3438. A sort of little mob; a very small mob of 17. Was not the 25 l. to be distributed also for the loss of time of those people?—No; it was given to myself by Brennan for my own loss of time, and my son's.

3439. And you really had lost time?—I often lost more, but I lost a good deal of time with him; he is here in court.

3440. You had done service?—I did not do any if I did not vote.

3441. I was not speaking of a vote; did Major Knox never ask you for your vote?—Never in his life.

3442. But you applied to him as a generous, kind-hearted man, to get a situation for your son?—No, never in my life; Brennan did it.

3443. And he wrote you that courteous letter which has just been read?—Yes.

3444. And it was to thank him for that?—Yes.

3445. And you never dreamed to sell your vote for money?—I never did, though Brennan told me I would get another 100 l., and the other 50 l. At the same time, I had a notion of voting for Major Knox, when Serjeant Armstrong was in the field; a fellow might take a queer turn in 24 hours.

[The Witness withdrew.]

MARTIN MULLIGAN, sworn; Examined by *Mr. Falles.*

M. Mulligan. 3446. ARE you an elector of the Borough of Sligo?—Yes.

3447. Do you know a man of the name of Thomas Brennan?—Yes.

3448. Did you get any money from him prior to the last election?—Yes.

3449. On more occasions than one?—I did.

3450. When first did you get money from him?—In January 1868.

3451. How much did you get?—Half-a-sovereign.

3452. Were other people present at the time that you got it, and did they get half-a-sovereign also?—Yes.

3453. Do you remember the names of any of these people?—I do.

3454. Was Kilcullen one?—Yes.

3455. Was Flynn another?—No.

3456. You got 10 s. on that occasion?—I did.

3457. Did Brennan tell you what you got that for?—For to assist the election.

3458. You knew at that time that Major Knox was going to stand at that election?—I did.

3459. When was the next time you got money?—I think it was in July; the latter end of July.

3460. You remember the regatta?—Yes.

3461. Was it before or after the regatta?—It was before.

3462. How much did you get then?—A pound.

3463. Were any others present when you got it, and did they get the pound also?—They did.

3464. How many?—It was 17.

3465. Can you tell me the names of any of them?—Kilcullen was one; he was the only one voter.

3466. He and you were the only two voters?—Yes.

3467. Was that the time that Kilcullen got the 25 l.?—No.

3468. How was that 1 l. given to you; was it given into your hand?—No.

3469. How was it?—He took it out of his pocket-book and threw it on the plat where he stood;

stood; he told me he could not give it into my hand, as he was an agent of Major Knox.

3470. And you took up the 1*l*.?—Yes.

3471. Did you see him throw down another 1*l*., or Kilcullen pick it up?—No, I did not see Kilcullen's 1*l*.

3472. Did you see the other men get their 1*l*. a piece?—I did.

3473. Did you get any other money from Brennan after that?—I did.

3474. When?—I could not say in what month.

3475. Was it before or after the revision?—It was after.

3476. Was any person present when you got it?—James Gray.

3477. How much did you get?—I got 3*l*. from James Gray.

3478. Was Brennan by you when you got it?—No, he was not.

3479. What did you get that 3*l*. for?—Of course it was for voting.

3480. Before you got that 3*l*., had Brennan told you he would send you money, or give you money?—He told me he would give me money.

3481. When did he tell you that?—After the election would be over.

3482. When was it he told you he would give it to you?—I think it was in August.

3483. What was it he said to you, and how much did he say he would give you?—£.40.

3484. After the election was over?—Yes.

3485. For your vote?—Yes.

3486. Was anyone present when he told you that?—There was.

3487. Who was?—Gray and Kilcullen were present.

3488. Did you get any money on any other occasion from anyone?—I did.

3489. When?—Well, I cannot say in what month.

3490. Was it after the 3*l*.; you see you have already told me of 10*s*., 1*l*., and 3*l*.?—I got 9*s*. another time.

3491. Who did you get it from?—From Brennan.

3492. For what?—I do not know for what purpose.

3493. Did any other person get it?—Gray got 10*s*.

3494. You only got 9*s*.?—Yes.

3495. That makes 5*l*.; did you get money on any other occasion?—I disremember; I am sure I got more money, but I disremember at what time.

3496. I do not mind the time; did you get any other money from Brennan?—Yes; I never got any money but what I got from him.

3497. How much money did you get from him?—I think I got 6*l*. just.

3498. Do you know a man of the name of Doherty?—I do.

3499. Did you not get money from him?—No, no money.

3500. Nor a promise of money?—No.

3501. Had you any conversation with Doherty

about getting money from him?—I was by at the time Doherty paid money.

3502. To whom?—Gray.

3503. How much money did Doherty pay Gray?—£.3.

3504. Did you hear Doherty tell Gray what that 3*l*. was for?—He told him it was for the men.

3505. Did you get any part of that 3*l*. from Gray?—I did.

3506. How much?—Five shillings; three at one time and two at another time.

3507. Was that long before the election?—I think it was in June.

Cross-examined by Mr. Robinson.

3508. You were part of Knox's mob at the time you got these moneys?—I was with Mr. Knox.

3509. Were you not one of the 17 or 19 men that were Knox's mob at that time in June?—Yes.

3510. Were not you one of Knox's mob up to the time of the revision?—No, I was not.

3511. Will you swear you were not?—I will; I never met Mr. Knox.

3512. Did I say a word about meeting him. What did you get these sums of money for; what services were you rendering when you got this 10*s*. and the 1*l*.?—Of course it was for my vote.

3513. Who told you it was for your vote?—Brennan.

3514. What did he tell you?—He told me I would get 40*l*. if I would go to Dublin and not vote at all.

3515. The 19 men; some of them were non-electors; all of them but two?—Yes.

3516. And you and they all got some sums of money?—I do not know that.

3517. Do you not know that the money was equally divided among them all?—The 17*l*.?

3518. Yes?—Well, it was. I do not think it was. I disremember.

3519. Will you swear it was not?—No.

3520. Who was it divided the money?—Brennan.

3521. Were the whole of you by when the money was divided?—We were.

3522. Who did you vote for?—I voted for Captain Flanagan.

3523. Did you ever ask for this 40*l*. from Brennan?—Never.

3524. Although he said he would give it to you?—Never.

3525. You did not agree to take the money from Brennan at any time?—I never told him I would take it.

3526. You never wished to take it?—But it is a great temptation.

3527. You did not agree to take it?—I never said I would not take it.

3528. You never asked him for it afterwards?—Never.

[The Witness withdrew.]

DANIEL BUCKLEY, sworn; Examined by Mr. Waters.

3529. WERE you in the employment of Major Knox, of the "Irish Times"?—Yes.

3530. What position did you hold there?—Assistant editor.

85.

3531. When did you leave it; from what date to what date were you there?—From the 7th of September to the 5th of December.

3532. Was that 1868?—1868.

K

3533. During

M.
Mulligan.

20 February
1869.

D. Buckley.

D. Buckley.
20 February
1869.

3533. During that time were you daily at the office?—Yes.

3534. Did you know Thomas Brennan, of Sligo?—Yes.

3535. Is he here?—Yes, I have seen him here.

3536. Did you see him frequently at the “Irish Times” office coming to Major Knox?—Yes.

3537. On the occasions that he came to the “Times” office, where did he usually see Major Knox?—In his private office. He did not always see him when he came. He sometimes did not succeed in seeing him.

3538. But he came there frequently?—He came frequently, and saw him frequently.

3539. Did you know any other Sligo man in the “Irish Times” office?—Yes, I knew a Mr. McGoldrick there.

3540. What is his name?—James McGoldrick.

3541. When did he come to the “Irish Times” office?—I do not know; he was there before I went there.

3542. What was his occupation there when you came?—I could not tell you; I do not think he was doing any duties; any tangible duties.

3543. Did you see him?—I saw him there copying lists.

3544. Do you know who he was paid by?—No.

3545. Did you ever see anybody else there. Do you know young Pettitt?—Yes.

3546. Was he in the “Irish Times” office?—He was.

3547. What was he doing there?—I could not tell you.

3548. Had he any position that you can name?—I think he was collecting printers’ accounts, or something of that kind.

3549. How long was he there?—He was there before I went there.

3550. Do you know Mr. Hartford?—Yes.

3551. Was he in the “Irish Times” office?—Yes.

3552. Is he also a Sligo man?—Yes.

3553. What was his occupation?—Something like McGoldrick’s; he was keeping some accounts.

3554. Are you able to say what salaries they were paid?—No, I cannot say.

3555. Do you know a man of the name of Feeny?—No.

3556. Do you know of any money being paid to any of those men?—Oh, yes; I knew Mr. McGoldrick’s to be paid on Saturdays.

3557. That is his regular wage?—Yes.

3558. Do you know if young Pettitt was engaged in any other way than in the work of the office while he was there?—No, I do not.

3559. Do you know of his going away from his office to any place?—McGoldrick went away.

3560. Why was that?—He went to get lessons from a teacher to prepare for the Civil Service.

3561. Do you know who was that teacher?—His name was Coates.

3562. Was he preparing for an examination?—He was.

3563. Do you know who paid Mr. Coates for his teaching?—He told me Major Knox paid him; I saw him paid money by Major Knox.

3564. In the office?—In the office.

3565. Do you know John Pettitt?—Yes.

3566. That is the father of young Pettitt?—Yes.

3567. Do you recollect seeing him a few days before the election?—I do.

3568. Where?—In the “Irish Times” office.

3569. What was he doing there?—He came there several days inquiring whether any instructions had come from Major Knox to him from Sligo.

3570. Anything about a telegram?—He was disappointed that no instructions had come; he sent a telegram to Major Knox; he wrote a telegram. I suggested to him to telegraph, as he said there was not sufficient time to reply to a letter; I suggested that he would telegraph, and he wrote out a telegram, but it was very long, and I wrote a short one for him, and he approved of the one that I wrote, and he said he would send that.

3571. To whom was that telegram sent?—To Major Knox; I could tell you the words I wrote.

3572. After the election, did you see Thomas Brennan in the office?—I did.

3573. When?—I think about a week after the election or some days after the election.

3574. How frequently did you see him in the office after the election was over?—Oh, I suppose five or six times.

3575. During what intervals, as well as you can recollect, from the first time to the last time, have you seen Brennan at the office after the election was over?—They were always in the same week; I should say within one week.

3576. Had he interviews with Major Knox during that time?—No; I could not say he had.

Cross-examined by *Dr. Kaye*.

3577. You say that Brennan saw Major Knox in his private office?—Yes.

3578. Is not that the office where he usually receives visitors that come?—Yes, those that come on private business; he sees the others in the outer office.

3579. Any gentleman that comes?—No, not every gentleman; he would see several in the outer office.

3580. Were not you dismissed from the “Irish Times” office?—I was; they told me they did not want me.

[The Witness withdrew.]

JOHN PETTITT, sworn; Examined by *Mr. Palles*.

J. Pettitt.

3581. You are an Elector of the Borough of Sligo?—I am.

3582. You voted at the last election?—I did.

3583. And you voted for Major Knox?—I did.

3584. You have been living in Dublin before that?—Yes.

3585. Before you went down to the election, did you call at the “Irish Times” office?—No.

3586. Never?—No.

3587. You saw that last witness?—Oh, I beg your pardon; I often called at the “Irish Times” office.

3588. Did you call at the “Irish Times” office

office a few days before the election and see Buckley, the last witness?—No.

3589. Never?—Never.

3590. Had you ever any conversation with him about a telegram?—No.

3591. Did you ever write a telegram, and show it to Mr. Buckley to see whether it would do or not; did you ever write out a draft of a telegram, and show it to Buckley that Buckley might approve of it?—Yes.

3592. Did Buckley approve of it?—I do not know, indeed.

3593. Did he alter it?—I do not know, indeed.

3594. Under what circumstances did you bring that telegram to Buckley?—I really don't recollect anything about it; I recollect writing a telegram, but I do not recollect the circumstances.

3595. Whom was that telegram to?—It was to Major Knox.

3596. How long before the election was that?—I think it was about four days.

3597. Did you write that in the "Irish Times" office?—I did.

3598. Why did you go to the "Irish Times" office?—Why did I go there?

3599. Yes?—Why, I go there mostly every day.

3600. Why did you go to the "Irish Times" office on that occasion?—Indeed I do not recollect why I went there.

3601. Did you expect a message from Major Knox?—I did.

3602. Were you disappointed at not getting that message?—I was.

3603. What message did you expect?—To say whether I was to go down or not.

3604. And you were disappointed at not getting the message from Major Knox, saying whether you were to go down or not?—Yes.

3605. Did you write to Major Knox to know whether you were to go down or not?—No.

3606. Why not, when you had four days before the election?—Why did not I?

3607. Yes?—I did not write to him.

3608. Why did not you, if you had four days before the election, and were disappointed at not getting the message?—I did not write to him.

3609. I ask you why you did not?—I could not say.

3610. Did you send a telegram to him?—I did.

3611. What was in that telegram?

Mr. *Macdonogh* objected to the question.

3612. Did you send a telegram to Major Knox himself?—I did.

3613. Did you get an answer to it?—I did.

3614. Where is that answer?—Indeed, I do not know; I have not it.

3615. What have you done with it?—I could not tell you; I suppose I destroyed it.

3616. You could not say whether you did or not?—I could not indeed.

3617. You destroyed it?—Yes.

3618. What was in the telegram that the Major sent to you?—I could not tell you; I could tell you this much, that he asked me to come down at once.

3619. And you did go down at once?—I went down upon Sunday morning.

3620. Do you know a man of the name of Francis Quin?—I do well; he is a friend of my own.

3621. How much did it cost you to go down to Sligo?—My fare was 11s. 2d., and 11s. 2d. Quin's.

3622. Did you pay Quin's expenses?—I did.

3623. Is Quin a voter?—He is.

3624. Did you pay your own expenses back?—Yes.

3625. Did you pay Quin's back?—No.

3626. Who paid Quin's expenses back?—He paid himself, I believe.

3627. How long were you in the town of Sligo for the purpose of voting?—I left Sligo the day of the declaration.

3628. Were you under any expense at Sligo?—Not at all; my own house and family are there.

3629. Was Quin with you in the "Irish Times" office?—No.

3630. At any time?—No.

3631. Did you ever ask Major Knox to pay your expenses to go down to Sligo?—No.

3632. Do you ever expect to be paid?—Never.

3633. Why were you anxious to get the telegram from him?—I told you that already; to know whether I was to go down.

3634. Were you ever repaid that money you paid for Quin going down?—Never.

3635. Do you expect to be paid?—Indeed I do not.

3636. You paid it out of your own money; merely out of love for Major Knox?—Indeed it was not.

3637. For what did you pay it?—My principles; and I would do the same thing to-morrow, if you wish to know that.

3638. Did you get money from Mr. Ethelred Knox at any time?—Never.

Cross-examined by Mr. *Macdonogh*.

3639. Did you vote in accordance with your principles?—I did.

3640. Have you ever voted on the same side at all times?—I believe I need not tell Mr. *Macdonogh*, for I think you ought to know yourself that those are my principles.

[The Witness withdrew.]

THOMAS LEONARD, sworn; Examined by Mr. *O'Loghlin*.

3641. You live in Sligo, I believe?—Yes.

3642. Do you know a person of the name of Thomas Brennan?—Yes.

3643. That is the man who was here to-day?—Yes.

3644. Did you ever get any money from Thomas Brennan?—I did.

3645. When first did you get money from

85.

Thomas Brennan?—On a Saturday night; I got half-a-sovereign from him.

3646. When?—One Saturday night; I do not remember the month it was in—

Mr. Justice *Keogh*.] This man is not a voter?

Mr. *O'Loghlin*.] No.

K 2

3647. About

J. Pettitt.
20 February
1869.

T. Leonard.

T. Leonard.
20 February
1869.

3647. About how long ago was it?—I think about July.

3648. Do you know a man of the name of Henry?—I do; he is a brother-in-law of mine, John Henry.

3649. And he is a voter?—He is.

3650. And he lives in Pound-street?—He does.

3651. Did you at any time get any other money from Brennan?—I did.

3652. When?—I got a sovereign from him in Boheen-lane; something like the 2nd of October, I think.

3653. Did you get any more money from him?—I did.

3654. What?—I got 3s. one time in Mr. Taylor's lane.

3655. Do you know Clevera?—Yes.

3656. Do you recollect being in Clevera?—I do.

3657. Was anyone with you in Clevera?—There was.

3658. Who was with you in Clevera?—Dominick Kilcullen, James Gray, Patrick Scanlan, and Patrick McGoldrick.

3659. What did you do there?—I was sent down to Mr. Knox's house by Thomas Brennan to have some money to pay the men that night.

3660. Did you see Thomas Brennan?—Yes.

3661. Did you see him pay money?—Not that night.

3662. When next did you see him paying money?—The day after.

3663. To whom did you see him paying it?—I saw him paying it to Gray, Hurly, Cone, and myself.

3664. Did you ever meet Major Knox at Clevera?—Never.

3665. Do you recollect a short time before the election seeing Major Knox?—I have seen him several times before the election.

3666. Do you know Mr. Leech's?—Yes.

3667. Were you at Leech's house?—Frequently.

3668. Was Major Knox there at the time?—I never went there but when he was there.

3669. Do you recollect the Saturday before the election?—Yes.

3670. Did Major Knox give you any money?—He did.

3671. How much did he give you on that day?—£. 7.

3672. That was on Saturday?—Yes; no, not on Saturday. I beg your pardon; he gave me 2 l., not on Saturday.

3673. Mr. Justice *Keogh*.] Who did?—Major Knox.

3674. Mr. *O'Loughlin*.] Where did he give you that money?—In Leech's parlour, or drawing-room.

3675. Mr. Justice *Keogh*.] On what Saturday?—I do not recollect the day of the month.

3676. Mr. *O'Loughlin*.] Was it the Saturday before the election?—No, Saturday, the week before that.

3677. The Saturday before that?—Yes.

3678. Do you recollect the day of the nomination?—I do, well.

3679. Do you recollect the evening before the election?—I do, very well.

3680. Was your brother-in-law Henry engaged at any place that day?—He was, at Mrs. Hall's.

3681. What was your brother-in-law doing at

Mrs. Hall's?—I do not rightly know what he was doing, but he was there at all events.

3682. Did you on that day see Major Knox?—I did on the evening of that day.

3683. This is the Monday evening?—Yes.

3684. Had you any conversation with Major Knox?—Yes, I had.

3685. Was it respecting your brother-in-law, Henry?—Yes.

3686. What conversation had you with him?—He asked me was John Henry housed, and I told him he was, and that his wife came from Mrs. Hall's and brought him from it.

3687. From Mrs. Hall's?—Yes; and "She is a very cross woman, I am told," said Major Knox; "She is," said I. "Well, what is the best way to come about her, to get them housed again?" "I don't know, your honour," said I, "what we will do with them; but I think some money is best given." With that he gave me 2 l. for my own trouble, and gave me 5 l. to give John Henry, to give his wife, and that that would be nothing out of what he was to give him for his vote.

3688. Was that a single note?—It was.

3689. A 5 l. note?—Yes.

3690. Had you any other conversation with him on that evening?—I had. He told me that was nothing out of what he promised him; he sent him two letters from Dublin; he wrote off to get him a pension which he knew himself he would do his work for him.

3691. What did he tell you do with that 5 l. note?—He told me to give it to John Henry to give to his wife.

3692. For John Henry?—Yes.

3693. I believe you did not do it?—I did not.

3694. Did you get drunk that night?—Well, not too drunk; I drank something.

3695. Do you know Mr. Donovan, the pawnbroker?—I do, well.

3696. Has he a pawn office, or a branch pawn office in Old Market-street?—He has.

3697. Did you take that 5 l. note to that pawn office?—Yes.

3698. Did you give that 5 l. note to a person in the pawn office?—I gave it to Mr. Donovan's clerk, Martin Kelly.

3699. Had you at that time anything in pawn?—I had.

3700. On the evening before the election, did Mr. Donovan's clerk give you any money?—He gave me 7 s. 6 d.

3701. Did you leave that 5 l. note with him?—Yes.

3702. On the following day; the day of the nomination?—I got 3s. 19s. and something, I think.

3703. Did you release the things that were in pawn?—Yes, a watch, a coat, and a vest.

3704. Did you release these things out of the money you got from Major Knox, and that you were to have given to Henry?—I did.

3705. Did you happen to know what bank-note that was; do you know whether it was an Ulster or a Bank of Ireland note?—To the best of my opinion it was an Ulster bank note, I think.

3706. Was there any writing on the back of that note?—There was.

3707. What was written on the back?—I showed it to a party on the way, and he told me.

3708. Mr. *Macdonogh*.] You cannot read?—I cannot.

3709. Mr. *O'Loughlin*.] I just want to know whether

whether there was any writing on the back?—There was.

3710. Did you go to Henry?—I did.

3711. Did you tell him that you were sent to him by Major Knox?—I did.

3712. Do you know Mr. Morrison?—I do, well; I have seen him; he is there.

3713. What did you say to Henry with reference to what Major Knox had said to you?—He told him to vote for him, and that he wrote off to the War Office or Chelsea Hospital to get him a pension. I asked him if he got a letter from Major Knox the day before that; he said not. “Did you get any letter from him?” He said, “I got two, and it was nothing concerning the pension.”

3714. Mr. *Robinson*.] When did you tell this story first?—After the election; a couple of days after.

3715. Mr. *O’Loghlin*.] Do you know a man of the name of Feeny?—Canteen?

3716. Yes?—I do.

3717. Do you know a man of the name of Price?—Yes, I do, well. He was a man of Brennan’s.

3718. Did you on any occasion hear Mr. Brennan tell Price to go to Feeny?—I did.

3719. Did you see Price, when he got that message, going to Feeny?—I saw him going and coming back?

3720. Can you say what day that was?—I cannot.

3721. During the time that you were in and out of the house in Castle-street, did you see the people which were there?—Which house was that?

3722. Leech’s house?—I saw several parties there.

3723. Did you see Mr. Cherry there?—I saw him once.

3724. Did you see Mr. Gilmore?—Yes.

3725. Did you see Mr. Woods?—I did.

Mr. Justice *Keogh*.] In whose house?—

Mr. *O’Loghlin*.] In Major Knox’s house.

3726. Did you see Mr. Gilmore there more than once?—I saw him several times.

3727. Did you see Mr. Woods there more than once?—I saw him a couple of times, I think.

3728. Do you know Mr. Stokes?—Indeed I do, well.

3729. Did you see Mr. Stokes in and out of that house?—Not very often that house; I have seen him once in that house; I have seen him in Mr. O’Farrell’s house several times.

3730. Do you know where Mr. O’Farrell lives?—I do, well.

3731. Was there a vacant house, at the time of the election, next to O’Farrell’s house?—Haggerty’s house.

3732. Whose house is it?—I believe it belongs to Major Knox.

3733. Is that house divided from O’Farrell’s house by a garden or a wall?—There was a wall, but there was a door made between the two places.

3734. When was that door made?—Two or three days before the voters were got into it.

3735. There was a communication then between O’Farrell’s and Haggerty’s?—Yes.

3736. During a few days before the election was there any voters in Haggerty’s house?—There were.

3737. Who were the voters there?—Tom Brennan, McMurragh, John Armstrong, Tom 85.

Burrows, and a few others. I do not mind their names. *T. Leonard.*

3738. Had they beds there?—They had, and Walter Henderson. 20 February 1869.

3739. Do you know who supplied those beds?—I know, well.

3740. Who supplied them?—Mr. Hignell and Mr. O’Farrell.

3741. Mr. O’Farrell is a poor-rate collector?—He is.

3742. Was Mr. Hignell with Major Knox in Sligo?—He was.

3743. Do you know who Mr. Hignell is?—I do, well.

3744. Who is he?—If I saw him I should know him; there he is; I see him there (*pointing*).

3745. Who were the voters that were in O’Farrell’s house?—Tom Brennan and Tom McMurragh.

3746. And Henderson, you say?—No; Henderson slept in Haggerty’s house.

3747. Who supplied the eating and drinking in that house?—Mr. O’Farrell got beef from Mr. O’Hara’s; Mr. O’Farrell supplied them with everything.

3748. Do you know Mr. Hignell?—I do, well.

3749. Do you know Mr. John McGrath?—I do.

3750. Is he a publican?—He is.

3751. Did you see Mr. Hignell make any purchases?—Once only in my life.

3752. Where was that?—In Michael Hunt’s.

3753. What did he buy?—A barrel of beer.

3754. Where was it sent?—Down to O’Farrell’s.

3755. Did you see it afterwards in O’Farrell’s house?—I did, and drank of it.

3756. Did you see in O’Farrell’s house, during the week of the election, Mr. Henry Lyons?—Yes.

3757. Did you see Mr. Williams?—I did.

3758. Did you see Mr. Wilson?—I did.

3759. Did you see Mr. Cherry?—I did.

3760. Did you see Mr. Joseph Woods?—I did.

3761. Did you see Mr. Petrie?—I did.

3762. Did you see Mr. Gilmore?—I did.

3763. And Mr. Stokes?—Oh, he was frequently there.

3764. At O’Farrell’s?—At Haggerty’s house, the committee-rooms.

3765. That is the empty house that belongs to Major Knox?—I saw them in the place they called the committee-room.

3766. What kind of committee-room?—Mr. Stokes and Mr. O’Farrell were there together.

3767. Did you see them together?—I did.

3768. How often did you see Mr. Stokes in that house?—Very often.

3769. Every day?—Every day; and twice, three times, and four times a day.

3770. In Haggerty’s house were they in the habit of having meetings?—Every night, every evening.

3771. Was there any furniture in the room?—Some chairs.

3772. Was there a table?—A table, and candlesticks left on the table.

3773. Did they sit round the table?—They did; the chairs were arranged all round the table.

3774. Had they paper and pens there?—They had.

T. Leonard. 3775. Was there a sentry at the door?—There was.
 20 February 1869. 3776. Who was the sentry?—Myself often.
 3777. Anybody else?—There was.
 3778. Who?—Two Currys; James and Edward Curry.
 3779. Do you know the McMullens?—I have known them a long time.
 3780. Did you see them in Sligo a few days before the election?—I did not; I have seen them before the election.
 3781. Have you seen them since?—Never.
 3782. Were they both voters?—They were, I believe.
 3783. Have you been at their house lately; have you been in the streets lately?—Several times.
 3784. Is the house shut up?—It is.
 3785. Do you know Mrs. McMullen, the wife?—I do not.
 3786. Is she in Sligo, do you know?—I believe not; she is in a place called Labrockins, down from Sligo, a little above a mile.
 3787. Do you know a person of the name of James Devany?—I did know him.
 3788. Did you see him in Sligo the night before the election?—The night before the poll.
 3789. Have you seen him since?—I have not.
 3790. Have you had any conversation with James Devany?—Several times.
 3791. Had you any conversation with him the night before the polling?—I had not.
 3792. Do you know Mr. Joseph L. Woods?—I forget whether I do or not.
 3793. Do you see him here?—I do.
 3794. Was he in Haggerty's house?—He was.
 3795. Did he attend the meetings?—Yes.
 3796. Do you know anyone of the name of Galbraith?—I do.
 3797. Did you see Galbraith in Haggerty's house?—Not to my knowledge.
 3798. Do you know Mr. Lawder?—I do, well.
 3799. Did you see him?—I did.
 3800. Was he in and out of Haggerty's house?—He was.
 3801. Did you see him attend these meetings?—I did.
 3802. Did you see Major Knox there?—Oh, several times.
 3803. Did you see Major Knox there at the time that the gentlemen you have named were in the room?—I did, indeed.
 3804. Did they sit round the table?—They did.
 3805. And were Major Knox and Mr. Lawder sitting round the table also?—Certainly; the one as well as the other.
 3806. You said you were on guard?—I was.
 3807. Who were you to guard?—The few voters they had in the house, for fear anyone might take them away, or that they might make off.
 3808. Had you any instructions about letting people in and out?—I was to let no one in, except those I knew.
 3809. Were you to let anyone out?—No.
 3810. From whom did you get these instructions?—From Mr. Brennan, O'Farrell, Mr. Grubb, and Mr. Hignell; four of them.
 3811. Was Brennan in and out of that house?—He stopped there; he ate and drank in it.
 3812. Had you instructions to allow no strangers, except those you have mentioned, into the committee-rooms?—Nobody at all was

to go in and out, except those that were in it; except a voter to come and stop there; no spectators whatever were to be allowed in there.
 3813. No strangers?—No.

Cross-examined by Mr. Robinson.

3814. This money you spoke of having got from Major Knox originally, you got some money from him?—I did, indeed.
 3815. You were not a voter?—I was not.
 3816. And you were one of the mob?—I was a messenger.
 3817. I know you did his work, and you were paid for it?—I did.
 3818. And that is what you got the money for?—Some of it.
 3819. All you got besides this 5*l.* you got for your own services?—I did.
 3820. Where was the Major standing?—He was sitting.
 3821. Where was he sitting?—In Mr. Leech's parlour.
 3822. What time of the day was it?—About six or seven o'clock.
 3823. Who was by?—Well, there was nobody but myself; he and I.
 3824. He was sitting?—He was.
 3825. Who showed you into the room?—His servant.
 3826. Has he a name?—Well, I know him if I see him; I do not know his name.
 3827. Is he in court now?—I see him now; there he is (*pointing to O'Neil*).
 3828. Is that the man who showed you in?—Yes.
 3829. The Major was sitting?—Yes; when he was paying the money he was sitting.
 3830. When O'Neil showed you in, you and the Major were left alone in the room?—I went in before the Major; the Major followed me into the room.
 3831. He gave you 2*l.* yourself, and told you to give 5*l.* to Henry's wife?—To Henry himself.
 3832. With respect to this barrel of beer that you saw, that Hignell sent to O'Farrell's house, were you present when it was ordered?—I was in Mr. Hunt's when it was ordered.
 3833. Who ordered it?—Mr. Hignell and O'Farrell.
 3834. Which was it, O'Farrell or Hignell, ordered it?—Hignell.
 3835. Did he pay for it?—He pulled out money; I do not know whether he paid for it or not.
 3836. Did he pay for it?—I am not sure whether he paid for it; he pulled out the money.
 3837. With respect to this Haggerty's house, do you mean to say that there was a committee there?—They called it the committee-room.
 3838. Who called it so?—Mr. O'Farrell, Mr. Hignell, Mr. Grubb, and the whole of the party, called it the committee-room.
 3839. Did you ever see committee-men there in your life?—I have seen the parties go into it, and sitting there.
 3840. Those you have told already?—Yes.
 3841. Had you any conversation with Hignell?—I had.
 3842. On the 19th January?—I do not know the day of the month.
 3843. Had you a talk to him?—I had.
 3844. About what you could swear here?—I will tell you on the spot the truth.

3845. Did

3845. Did you tell him the very reverse of what you have sworn here; what did you tell him?—He axed me if I was going to swear that Major Knox gave me a 5 l. note for Henry; I said, "Och, never heed what you hear."

3846. Was that all that passed?—Listen and I'll tell you. He said, "I was told by a friend of yours in Dublin that you were going to swear that I said there may be truth and lies going; don't believe what you hear."

3847. Anything else?—I told him I was in a notion of leaving the country. He said, "Where are you going?" "To Scotland," said I. "Well," he said, "when are you ready to go?" "The first time the boat is going out," said I. "When," said he, "will that be?" "On Tuesday, I expect," said I; "and only that I have a bit of law on hand, I would have been away last Tuesday."

3848. "What is that," said he?—I pulled out a summons from my pocket and showed it to him; it was a bit of a row with a man named Gilligan that I had in Sligo. "Never mind that," he said; "I am here and I will quash that; and when the law is all over, and you have got dismissed out of the case, come down to me, and I will give you what will bear you out of the country."

3849. Did you tell all that to the gentlemen

on the other side?—Never; I never intended to speak of it; you pulled it out of me.

3850. You never told it to the attorney on the other side?—I did not; never.

3851. Who was by in the conversation?—Gillmor, I, and his son; his son was standing behind the counter.

3852. You were going out of town?—Yes, to look for employment; I was disemployed in Sligo.

3853. You told Mr. Gillmor not to believe all he heard?—I did.

3854. Had you a talk with Mr. Williams about this matter; about Henry's 5 l. note?—Which Mr. Williams?

3855. You know very well which I mean?—I never spoke to a man in my life except Mr. Samuel Williams; he called me in; he and I were friends, and we always spoke together.

3856. Did you say to Mr. Williams that you would swear the Major out of his shoes?—Never, on my oath; I never spoke a bad word to Major Knox or behind his back in my life.

3857. Were you in the mob at the last election?—I was not.

3858. You were not in the streets at all?—I might be in the streets, but never in the mob.

[The Witness withdrew.]

MARTIN KELLY, sworn; Examined by Mr. Coffey.

3859. ARE you an Assistant of Mr. O'Donovan who keeps a pawnbroker's office in Sligo?—I am.

3860. Do you know the last witness, Thomas Leonard?—I do.

3861. Do you recollect his coming to your master's office in November?—I do.

3862. What day was it he came?—The Monday evening before the election.

3863. Had he any articles in pawn in your master's office at that time?—He had.

3864. Were you the person who spoke to him when he went into the office or shop?—I was.

3865. What did he do; did he produce any money?—He gave me a 5 l. note, and asked me if I had the change of it; I looked into the till and I had not; then I gave him a 1 l. note, and he asked me if I had the change of that, and I said not; I counted the silver; all I gave him was 7 s. 6 d. "Then," said he, "keep the 1 l. note till morning, and give me the 7 s. 6 d."

3866. What did you do with the 5 l. note you got from him?—I brought it down with the other money and gave it to the master.

3867. Do you keep entries in your books of the transactions of the shop?—I do.

3868. Did you make an entry of the receipt of that 5 l. note in your book?—I took an entry of the things he took out that evening.

3869. Just look at the entry, is it the 16th or 17th?—It was the 17th he released them.

3870. Could you tell me from any other book what description of note it was that he gave you, what bank it was issued from?—I cannot say what bank it was.

3871. But you gave it up to your master, whatever it was?—I did.

3872. Mr. Justice Keogh.] You know it was a 5 l. note?—It was, my Lord.

3873. Mr. Coffey.] He took some articles out?—He did.

[The Witness withdrew.]

THOMAS O'DONOVAN, sworn; Examined by Mr. Palles.

3874. ARE you the master of the last witness, Martin Kelly?—I am.

3875. Do you remember the 16th November debiting him with a 5 l. note?—On the evening of the 16th November he brought me a 5 l. note.

3876. That was the only one he brought you?—The only one.

3877. Are you able to say what it was?—An Ulster note.

[The Witness withdrew.]

JOHN HENRY, sworn; Examined by Mr. Waters.

3878. Do you recollect Major Knox calling upon you in Sligo?—I do.

3879. Who was with him?—Thomas Brennan and this gentleman here.

3880. Mr. Pibbs?—Yes.

3881. Were you introduced to Major Knox by anybody?—Thomas Brennan.

3882. Did he say anything to you after he introduced you to Major Knox; tell me shortly what he said?—Yes.

3883. Tell me shortly what he said?—I was behind my counter and he said, "Here is Major Knox."

3884. But after that?—"I introduce Major Knox to you, John." He said I was a very poor man. Said he "That is no matter; never mind that," said the Major.

3885. Did

T. Leonard.

20 February 1869.

M. Kelly.

T. O'Donovan.

J. Henry.

J. Henry.

20 February
1869.

3885. Did he say anything about voting?—Yes, he axed me if I would give him the interest I had in the coming election.

3886. To whom?—To Major Knox.

3887. What did you say to that?—I said my mind was not made up. Major Knox said that he got all the votes there were in the street promised to him. I said if every one in the street votes for you, I will not be any worse than any other.

3888. Some short time before the election, do you recollect coming out of chapel and seeing any one?—I do.

3889. Who was it?—Thomas Brennan.

3890. What did he say to you?—He said he wanted me round at McGrath's.

3891. Did you go to McGrath's?—Yes, I walked up Market-street, down the Jail-street, passed the Barracks, to McGrath's.

3892. What did he say to you at McGrath's?—He said he was going to Dublin, and would write a letter to tell me the place to take the train, as I was to vote for Major Knox.

3893. Where did you intend to take the train?—At Ballysodare.

3894. For what purpose?—To quit the place. Moreover, he told me it was better for me to go away and not to stand my ground. He said there will be military here; if you stop in your own house, and they resist and take you out of it, the military will not allow it, and there will be only bloodshed at the door.

3895. What would the mob do?—They would try to pull me out of my place.

3896. And then that the military would oppose that, and there would be bloodshed?—There would be bloodshed at my door, and it would be better for me, he said, not to have any person injured at any door.

3897. Did you agree to go away with him, or what did you say upon it?—No; I said my mind was not made up.

3898. About what time did that occur before the election?—Something like a fortnight or three weeks, to the best of my opinion.

3899. A short time, between that and the election, did any one else come to you?—There did.

3900. Who was it?—Mr. Petrie.

3901. What occurred with him?—He axed me if I had a vote. I said, "Yes." "Who are you going to give it to?" he said. "I do not know yet," I said. "Now or never," he said, "as you are a poor man, is the time; now or never is the time for to make your shop full." I made answer and said, if I had only 4½, I was able to earn my living without filling my shop.

3902. Did he ask you if there were any men going away from Sligo?—He did. I said I knew no man's mind no more than he knew mine.

3903. Did he mention a sum of money?—£. 30.

3904. What did he say about 30£.?—He mentioned 30£.; he said he would give it. "I will get it for you," he said.

3905. Did any one else call for you or send for you?—Yes.

3906. Who was that?—The night before the poll he sent for Thomas Leonard.

3907. Mr. *Macdonogh*.] Who did?—Petrie sent for Thomas Leonard to know if I was all right.

3908. Mr. *Waters*.] Did you know this?—The man sent for me.

3909. What was it he said?—He axed me if I would go to the tally-room; to O'Farrell's or Mrs. Hall's. I said, "No."

3910. Was Thomas Leonard your brother-in-law, who was examined last?—Yes.

3911. He asked you to go?—He asked me to go to either O'Farrell's or Mrs. Hall's. I said, "No." At the same time he pulled a revolver from his breast, and he said if I did not it would be a sereful job for me.

3912. Mr. *Macdonogh*.] Who said that?—Thomas Leonard, a paid man of Major Knox's.

3913. Mr. *Waters*.] Were you in Mrs. Hall's?—Yes, frequently in there.

3914. Who did you see there?—I have seen Mr. Cherry there.

3915. When was that?—The day before the poll.

3916. What time of the day?—Well, to the best of my opinion, about three o'clock, or between two and three o'clock.

3917. What occurred between you and Cherry at Mrs. Hall's?—When I went in to Mrs. Hall's, the first words said was, that she had two creatures; that is the way she brought it out; that she had two creatures upstairs. "Have you, ma'am?" said I. "Yes," she said; "and I expect to have you too."

3918. Were you employed there?—I was always employed in the Grand Jury pantry.

3919. She said she would expect to have you too?—Yes; and that I was to render every assistance I could during the election, and she would pay me.

3920. What occurred between you and Mr. Cherry?—Mr. Cherry asked me if I was going to vote for Major Knox; and I said, "Yes."

3921. Did he say anything to you about staying at Mrs. Hall's, or going out?—He did; he said, if I went out on the street, I would get my head broke. I made reply that I had never done anything in Sligo to get my head broke. He said I would be locked up if I went out. I said I would not be locked up; in fact, if I was locked up, my tongue would not be locked.

3922. Did he say by whom you would be locked up?—The Liberal side.

3923. Did he say what would be done if you stayed in?—That I would be protected.

3924. Anything else?—That I would be well rewarded.

3925. Did he say how you would be rewarded?—He did not make mention of any money whatsoever, but that I would be well rewarded.

3926. Have you got any letters from Major Knox?—I have.

3927. Where are they?—In my pocket.

3928. Will you show them to me?—Moreover, when I was in Mrs. Hall's, word went up to my wife.

3929. Did your wife come to Mrs. Hall's?—Yes.

3930. Did you hear her asking for you?—I was away in the pantry, but when she came I was denied to her.

3931. Do you know that yourself?—I do for a fact.

3932. Did she finally insist on seeing you?—She did.

3933. Did you see them saying or doing anything to her?—Mrs. Hall admitted her in, and she said, "Mrs. Henry, you will be well paid, and your husband will be minded."

3934. Were

3934. Were you present?—I was present in the bottom room, down-stairs.

Mr. *Macdonogh* stated that Mrs. Hall was not a person charged; that she was not asked respecting the subject of the present examination.

Mr. Justice *Keogh* said he considered there was an ample description in the bill of particulars, and if the parties applied to him for permission to insert Mrs. Hall's name, he would grant it.

Witness.] My wife came in, and she got into the room. I was standing up by the table. Said Mrs. Hall, "Mrs. Henry, your husband will not go out the night; he will stop here with me, and your husband will get well paid for it." Mr. Cherry then came in, and he said, "Mrs. Henry, your husband will be better in nor out."

3935. Who said that?—Mr. Cherry. Wait till I see. There he is, in the corner (*pointing him out*).

3936. Was Mr. Cherry present at this conversation?—He was.

3937. Mr. *Waters.*] What did your wife say to you?—The word she said was, that if she got all the money in England, Ireland, and Scotland, and to fill the room she stood in with gold, her husband she would have home with her.

3938. After she said that, did Mr. Cherry say anything to you about waiting anywhere, or running anywhere?—Yes; as I came out of the hall he met me in the face, and said, "Bolt up-stairs, and we will deny you." "No," said I; "wherever my wife is, I will be. I am a man of my word." That is all I made mention of.

Cross-examined by Mr. *Macdonogh*.

3939. Are you the brother-in-law of that Leonard?—I am.

3940. Did you know that he betrayed you; got 5*l.*, and did not give it to you?—No, nor I never received a halfpenny of any kind of money in this world from any man, neither Liberals nor the other side.

CHARLES TIERNEN, sworn; Examined by Mr. *O'Loghlin*.

3957. Do you recollect being canvassed for your vote by Major Knox?—I do.

3958. When were you first canvassed by Major Knox?—I think it was in February last.

3959. February 1868?—February 1868.

3960. Who accompanied him on the occasion when he canvassed you?—Mr. Harloe Phibbs, the solicitor.

3961. Was there any one else with him?—None.

3962. Did you, upon that occasion, promise Major Knox to vote for him?—I did.

3963. I believe, at that time, Captain Flanagan was not a candidate, in the field?—I was not aware of it.

3964. After that, do you recollect having any conversation with Major Knox?—Yes.

3965. When did you next see Major Knox?—A few days afterwards he called on me, secondly, unaccompanied with Mr. Harloe Phibbs, the solicitor, but he had the clerk of the peace with him.

3966. The first time he called it was with Mr. Harloe Phibbs?—Yes.

85.

3941. He was the fellow that took out the revolver to you?—Yes.

3942. Are you married to his sister?—No. I will tell you how it is; we are married to two sisters; that is the kindred I am to him.

3943. Was any person present when he took out the revolver?—There were about 20 lodgers in my own house.

3944. You tell me you had been employed in the pantry?—Yes, very often in the pantry.

3945. And Mrs. Hall knew you for a long time?—She did, and I am sure she never knew anything bad of me.

3946. She was a friend of yours?—She was a friend, by my doing my work.

3947. A very good way to earn friendship?—It is a very good way; and, another thing, I am under no compliment to her or any one.

3948. You may be the most independent man in Sligo, if you like?—I am just about the independentest poor man in Sligo.

3949. Did Mrs. Hall really express anxiety about your personal safety?—She did.

3950. Was not the town in a dreadful condition?—I never saw anything.

3951. It was all in perfect serenity?—I have seen people cheering, through the street, and seen military there, but I never saw any rows in it.

3952. Do you positively swear that Mr. Petrie?—I do positively swear that Mr. Petrie, even; I owed him 16*s.* 8*d.*

3953. And he called upon you?—I owed him 16*s.* 8*d.*, and I went down to his office for to pay him 8*s.* 4*d.*, that is half the price of a barrel of herrings; I paid it to him. He pulled a chair for me alongside the grate; he tapped me on the shoulder, and he said, "Come here; a word with you?"

3954. I want to get a distinct affirmative or negative from you; do you swear that Mr. Petrie ever called upon you?—I will, on my oath.

3955. Do you swear positively, on your oath, Mrs. Hall said, "You will be well rewarded"?—On my oath.

3956. Rewarded for what?—For stepping in, and passing my vote for Major Knox.

3967. The next time he was with Mr. Utrid Knox?—Yes, the clerk of the peace.

3968. Do you know whether he is his cousin?—I am not aware of it.

3969. What occurred between Major Knox and you, on this occasion?—Just a few minutes, and I will not detain your Lordship much. I told him I was labouring with a little difficulties, pecuniary difficulties, and that I suffered on former elections by my voting. "Oh," he said to me, "I will make amends for all this, Tiernen, on conditions that you will vote for me;" and he told me, my Lord, "Call on the clerk of the peace, at 11 o'clock, on such a day, and he will make recompense to you for what losses you have sustained in former elections."

3970. Did you tell Major Knox, on that occasion, what your difficulties were?—I did.

3971. The amount of them?—My rent and taxes; I was labouring under difficulties of rent and taxes.

3972. Do you know Mr. Thomas H. Wilson?—I do.

3973. Bookseller and stationer?—Yes.

L

3974. Do

J. Henry.

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3974. Do you recollect the day on which you were to call on the clerk of the peace?—As to the day, I cannot recollect.

3975. Had you any conversation afterwards with Major Knox. If you do not recollect it, do not say anything about it?—I do not recollect it.

3976. Did you go to Mr. Utrid Knox's?—According to the Major's direction, at 11 o'clock on the following day.

3977. Did you call on Mr. Utrid Knox?—I did.

3978. Did you see him?—I did, in his own office.

3979. In his own office?—In the clerk of the peace's office.

3980. In the court-house?—Yes.

3981. About what time was this?—I think it was February.

3982. February last?—I think so, to the best of my opinion.

3983. Did you get any money from Mr. Utrid Knox?—He handed me a 5*l.* note, five sovereigns; I beg your pardon, three sovereigns, and two in half-sovereigns, making 10*l.*; and in the Provincial Bank of Ireland I changed the 5*l.* note.

3984. Did you pass any I O U, or receipt, or any document, for that 10*l.*?—I did, which he can produce in court. I think he is in court.

3985. Was it an I O U?—It was drawn up by his own hands.

3986. Were you ever asked for payment of that I O U before the election?—No.

3987. Had you ever any other money transactions with Mr. Utrid Knox?—Never.

3988. I believe your house is in Ratcliff-street?—Yes.

3989. Who paid your taxes for you?—Mr. Thomas Wilson, of Ratcliff-street, the stationer.

3990. How much did he pay for you?—To the best of my opinion, I think it was 3*l.* and some few odd shillings; he gave it to the rate-collector to pay my rate.

3991. Was that Mr. O'Farrell?—Mr. O'Farrell.

3992. Is that the gentleman who lives in the house next to Mr. Haggerty's?—It is.

3993. When did Mr. Thomas Wilson pay that for you to Mr. O'Farrell?—I am not aware.

3994. Some months ago?—Some months ago; before the election.

3995. Mr. *Macdonogh*.] Were you present at the payment?—I was present myself.

3996. Mr. *O'Loughlin*.] Where was the money paid?—In Mr. Wilson's office.

3997. Before the election?—Before last November, for the revision, in order to qualify me for my vote.

3998. Did you get a receipt for the taxes?—I did, from Mr. O'Farrell, the rate-collector.

3999. Was any of the money for which you got that receipt your own money, or was it Mr. Wilson's?—Mr. Wilson's.

4000. How did it come that Mr. Wilson paid that for you?—Well, to the best of my opinion—I am on my oath—it was for the purpose of voting for Major Knox.

4001. I mean, did O'Farrell come to you, or did he make any suggestion to you to go to Mr. Wilson?—Mr. Wilson called me himself.

4002. That is what I want to know; did you make any application to Mr. Wilson until Mr. Wilson called on you?—No, not the slightest.

4003. You never applied?—Never to Mr. Wilson.

4004. To pay the taxes for you?—Never.

4005. Did Mr. Wilson come to you and volunteer to pay your taxes?—I was passing by his door, he called me in, it was near the expiration of the time for paying the rate, near the last day; the rate-collector happened to be standing in his shop, and he called me in to pay the rates.

Cross-examined by Mr. *Robinson*.

4006. In this conversation you had with Major Knox, was there any talk at all about the election?—There was.

4007. What month was it in?—I think it was in February 1868.

4008. And you say there was a talk about the election?—There was; to the best of my opinion that was the time.

4009. Who was by except Mr. Utrid Knox?—Nobody, only Major Knox and myself.

4010. And when you went to Mr. Utrid Knox you gave him the I O U for the money?—I did.

4011. And he lent you the money?—He gave me 10*l.*

4012. As a mere matter of fact, did you not often apply to Major Knox for money?—Only on one occasion.

4013. When was that?—It was previous to the election.

4014. What month was it in?—Well, I believe that it was about the same time that I got it.

4015. Did you ever send him a begging memorial?—I did.

4016. What month was that in?—It was in the same month.

4017. That was in February?—My Lord, I was in difficulties at the time, and I got a requisition drawn up, signed by a few of the electors of Sligo, and they attached their names to it, which I presented to him, and he said he would see me, and he did call and paid me the money.

4018. Did he ever pay you anything after you sent that memorial in to him?—It was after I sent the memorial that I got the money.

4019. You did send in a begging memorial to Major Knox; do you remember in what month?—Well, he was on his canvass previous to his election.

4020. Can you tell me the month?—I think it was February, to the best of my opinion; I am not positive.

4021. Did you send him in a memorial more than once?—Never, to my recollection; it was signed by a few electors of Sligo.

4022. Did you ever intend voting for Major Knox?—I never did intend voting for him, that is a positive fact, upon my oath I never did; but I sustained losses at former elections by voting for the Conservative party.

4023. Do you know Mr. Arr, of Arrnamore?—Perfectly well.

4024. Did you ever ask him to interfere to get your rates paid?—Not to my knowledge.

4025. You must know if it is true?—I never did.

4026. You swear that?—To my recollection.

4027. You know him perfectly well?—Perfectly well.

4028. When you and Mr. Wilson were together who was present?—No one but the rate-collector himself.

4029. What is his name?—O'Farrell.

4030. That

4030. That was prior to the revision?—A few days previous to the revision.

4031. So I understood?—He is in court himself.

Re-examined by Mr. O'Loghlin.

4032. You were asked, "Did you ever intend to vote for Major Knox?" Had your answer reference to after the period that Captain Flanagan came into the field. Before Captain Flanagan came into the field, did you intend to vote for Major Knox?—I did not.

[The Witness withdrew.

Mr. Waters stated that he omitted to obtain from the last Witness some letters, which he would now read. The learned Counsel read the letters, as follow:

"53, Fitzwilliam-square, Dublin,
"9 October 1868.

"My dear Sir,

"I WILL by this post forward your memorial, with a strong recommendation from myself to the Governor and to the Secretary of the Royal Hospital; and I will ask Lord Strathnairn to give it his support, and will use all the additional influence

I can. I have every hope that it will be successful.

"Yours very faithfully,
"Lawrence E. Knox."

"John Henry, Esq."

"53, Fitzwilliam-street, Dublin,
"31 October 1868.

"My dear Sir,

"I WRITE a line to say that I have received a letter from the Commissioners of the Royal Hospital, Chelsea, saying that the memorial I have forwarded for you shall receive immediate attention.

"I am sure a good deal will depend on its being influentially pressed, and you may rely on my doing everything possible to ensure its succeeding.

"I know similar cases to have succeeded, so I have every hope that your application will be successful. Several non-commissioners and men who served with me in the Crimea were, on the return of our regiment home, granted temporary pensions; but I know that in different instances these pensions were extended and made permanent.

"Faithfully yours,

"Lawrence E. Knox,

"Mr. John Henry, "Major."

"35, Pound-street, Sligo."

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EDWARD KELLY, sworn; Examined by Mr. Coffey.

4033. ARE you a voter of the Borough of Sligo?—Yes.

4034. Do you recollect in November last being at Mr. Woods' shop?—I do.

4035. Did a conversation pass between you and Mr. Woods with reference to your vote?—I was working for him some few days before that. I was doing some carpentering work for him.

4036. When you were in the shop with Mr. Woods in November, what passed between you and him about your vote; what did he say to you, and you to him, about your vote?—He sent for me to go out of town to work some 9 or 10 miles, and I came to him under the impression that I was going to work, and he brought me down to the rear of the shop, and out on the back door; he brought me into the stable, and asked me what I was determined to do at the coming election; I said I had not made up my mind yet, but I did not promise my vote to any person.

4037. What did he say to that?—I then said that at the revision I was told by a person in the street that I would get 15 l. for my vote if I would not register. I told him I was offered 15 l. or 20 l. for my vote, not to go to the revision, to go on the panel.

4038. Did he make any reply to that, when you said you had been offered money not to go to the revision?—He asked me I think who did I intend to vote for; I said I did not promise to any party yet.

4039. Did he say anything about mahogany?—After I spoke of the offer that was made at the time of the revision, he said, "Understand me," said he, "would 20 feet of mahogany repair this partition?"

4040. Did he point to any partition?—It was a partition between the horses; it was a three-horse stable.

4041. What did you say to that?—I asked him was it superficial feet or cubic feet he meant.

4042. What did Mr. Woods say?—We then spoke on cubical measure after that.

4043. What was the result of it; did he make an offer?—I said that it would take more than the 20 feet to repair the partition.

4044. How much did you say you thought it would take?—He asked me if 25 would repair it; I said no; he asked me if 30 would repair it; I said no; he went on to 35 and to 40.

4045. And did you stop there?—I did. Then we retired from the place out into the shop.

4046. And you came to the conclusion that 40 cubic feet would be about the thing?—No.

4047. Mr. Justice Keogh.] Are you a carpenter?—Yes, my Lord.

4048. Mr. Coffey.] Was there any conversation between you about the rising market?—Yes, there was; I said I thought the market was rising.

4049. And did you think 40 the top price at that time?—No; I said it would take 50 to manage the affair.

4050. I believe that was the general idea; that about 50 was the ticket?—Just so.

4051. Did he send for you again?—Yes.

4052. Did you say anything?—We went into the shop then.

4053. Did anybody join you in the shop; did any gentleman come in then to the shop?—Yes; Mr. Joseph Woods, his son, was present in the shop.

4054. Was there anybody else came in?—None there at that time. He then told me that he did not mind much how the election would go; but he would like to help me and my family, and he said he was not instructed to give any more than 40 cubic feet; "but," said he, "if you will wait for about half-an-hour, I will have an account whether you can get more or not."

4055. Did you wait the half-hour?—Just immediately after Mr. Woods said these words, Mr. Phibbs, the solicitor, came.

4056. Do you see him here?—Here he is (pointing);

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(pointing); he canvassed me along with Major Knox for my vote before the revision.

4057. You say Mr. Phibbs came in?—Mr. Phibbs just came in on the moment, walking very quickly; he turned into the office. “Oh,” said Mr. Woods, “now I will have a word for you in a moment.

4058. Did Woods and Phibbs retire?—From the outside.

4059. They left you outside?—Yes; and in a very few minutes, when he came in, he told me the 50 was all right.

4060. The 50 cubic feet?—I am not aware whether it was 50 cubic feet.

4061. On the 19th, did you get a message by one of Mr. Woods’ boys?—No, on the 9th I think it was.

4062. Did you get a message by one of Mr. Woods’ boys?—The thing was finally arranged then, or prematurely arranged, that I was to go home and consult the mistress.

4063. Had you been sent for a distance of 10 miles to come in to him?—No.

4064. Upon Monday the 9th, did you see him again?—I went home then.

4065. And did you consult the mistress?—I told the mistress there were offers made to me, and she did not appear to think well of it.

4066. You cannot tell us anything about that, but did you see Mr. Woods after that; did you see him a second time?—I did.

4067. Where did you see him?—I saw him at his own door.

4068. Had he sent you a message to come in to him?—Yes.

4069. Did he send you the message by one of his own boys?—Yes.

4070. When you saw him the second time, tell his lordship exactly what conversation occurred between you and him?—I met him at the door, and I had a bit of a note written which I thought I would drop into the letter-box. Meeting him at the door, I handed to him the note and told him to read it.

4071. You handed him this note?—Yes; I told him to read it. He took me by the shoulder and brought me upstairs.

Mr. Coffey. Give me that note, Mr. Woods.
Mr. Woods.] I never got such a note.

4072. Mr. Coffey.] Which Mr. Woods did you give it to?—To Mr. Abbott Woods, the man who spoke last.

4073. Had you written that note at home?—Yes.

4074. Had you written that note to him after consultation with your wife?—Yes.

4075. Did your wife see you write the note?—Well, she knew I wrote it; I went upstairs to write it.

4076. Upon your solemn oath, did you take the note that you say you wrote again, and bring it for the purpose of delivering it in the letter-box of Mr. Woods?—I did.

4077. And did you hand it into his hands?—Into his hands.

4078. Did he read it?—He read it in the drawing-room, or in the ante-room before the parlour.

4079. Did he take it with him into that room?—He did.

4080. Inside?—Inside.

4081. Then what passed between you and him on that occasion?—I refused to go in; my feet,

I expect, were not too well prepared for walking on carpets at the time.

4082. You were walking in the road, and did not like to go into his private parlour?—Yes; he forced me in.

4083. You went in?—I went in.

4084. Was there anybody there along with Mr. Woods?—Joseph Woods, his eldest son.

4085. Was he present?—He was.

4086. Will you tell his Lordship what occurred between you and Mr. Woods, the father and the son being present?—My own son, a boy of 11 years of age, was along with me, and he stood in the grand hall while I was upstairs.

4087. Your little boy went in with you?—Yes; he saw me hand in the note; my little boy, my eldest son of 11 years of age, was with me in the grand hall, while I went into the drawing-room; he was standing along with me when I gave the note to Mr. Woods.

4088. Is the little boy here?—He is not.

4089. Is he at home?—He is.

4090. When you went upstairs, your little boy being left in the hall, tell his Lordship what passed between you and Mr. Woods?—He brought me in, and told me that the stuff was ready for me.

4091. Which of them said that?—Mr. Woods.

4092. The elder one; the father?—Yes.

4093. What did you say to that?—That the principal member of my family was unwell, and I could not go till they were better in a few days; that was on the 9th of November.

4094. What else did he say?—He said I should go; he appeared very much determined in sending me off.

4095. Did he tell you where you were to go, or by what route you were to go?—He said I was to go to Dublin. I was to go to Ballysedare; that there were parties watching the like of me in the streets, and that I should go a little out of town.

4096. As far as Ballysedare, and then by train?—Then by train.

4097. When he insisted on your going, what did you say to him?—I said I could not go under existing circumstances.

4098. Did you leave him then, or did anything else happen between you?—He told me then I should go; for the full intent and meaning of sending me away at that time was in order that Flanagan and his party would hear I was gone, and it would prevent them from going to the poll at all.

4099. Did you go away then and leave them?—Yes.

4100. After that interview did you see him again, or his son?—I promised to call back in a night or two after.

4101. Did you call back?—I did not call back afterwards. Two days afterwards I was in at Mr. Green’s, getting two panes of glass; and as I was passing by Woods’ door, his eldest son, who was inside, called me in.

4102. What did he say to you?—He brought me into the office, and asked was I prepared to go.

4103. What did you say?—I said I did not like going, for I did not like taking words in electioneering transactions; that I should get the hard cash if I would go.

4104. What did he say to that?—He said I should not doubt his father’s word.

4105. What

4105. What did you say to that?—I said nothing would do but the money.

4106. Did you ever see Mr. Woods after that occasion; I mean until after the election was over?—I had no conversation with Mr. Woods himself afterwards.

4107. Had you any conversation with anybody else, on the day before the polling or on the night before the polling?—There was a groom, a servant in his house, that came to me; but I had no further conversation.

4108. What I want to know is, had you any conversation with Mr. Woods himself or with his son after what you spoke of last?—Not to my recollection.

4109. What you were now going to tell me was something that took place between you and the servant boy?—Yes.

4110. Who was it offered you money at the revision, not to claim your right to vote?—He only told me that there was this money to be got if I would not vote.

4111. Who was it?—He is a man named James Tondra, a voter.

Cross-examined by Dr. Kaye.

4112. You spoke of having been in Mr. Woods' shop when Mr. Phibbs came there?—Yes.

4113. I want you to fix exactly the date when that took place?—I think it was about the Thursday or Friday before the 9th; I am not exactly sure.

4114. But it was the Thursday or Friday before?—It was a few days I think before, to the best of my recollection.

4115. And you saw Mr. Phibbs passing through the shop?—Oh, I did; I know him well.

4116. Was young Mr. Woods, the commissioner, there?—The commissioner?

4117. Yes, the commissioner for taking affidavits?—I do not know that he is that.

4118. Was Mr. Joseph Woods there?—He was in the shop at the time Mr. Phibbs came in.

4119. Did he accompany Mr. Phibbs into the office?—Who?

4120. Did Mr. Joseph Woods?—I did not see him going in at that time.

4121. Did he go in at all during the time you were there?—Mr. William Abbott Woods went in after him very quickly.

4122. After Mr. Phibbs?—Yes.

4123. Did he leave Mr. Joseph Woods out in the shop?—He did; he was with me at the time.

4124. And Mr. Joseph Woods did not go into the office at all during the time that you were there?—Not as well as I recollect. I think not.

4125. Will you swear he did not?—I am not quite sure; but, to the best of my belief, he was there along with me.

4126. You voted for Captain Flanagan?—I did.

4127. I suppose you had never any intention of doing anything else?—Well, I had not my mind made up until Captain Flanagan canvassed me in a day or two after the 9th.

4128. And at the interview that you had with Mr. Woods, you did not agree to do anything; either to vote for Major Knox or otherwise, until you had first consulted your wife?—Well, I told her about it.

[The Witness withdrew.]

TERENCE FITZPATRICK, sworn; Examined by Mr. Palles.

4129. WERE you a voter for Sligo at the last election?—I was.

4130. You know Mr. Stokes, the saddler?—I do.

4131. Do you remember meeting him one evening during the revision?—I do.

4132. Where was it you met him?—On the Dublin road; the new road we call it.

4133. Was it by appointment you met him?—Not at all.

4134. State what he said to you?—I met him on the new line.

4135. Mr. Justice Keogh.] What day?—On one of the evenings of the revision. We walked up the new line, and he said to me, "Fitzpatrick, have not you a family?" "I have," said I. "You would like to see that family very comfortable," said he. "Of course," said I, "I would." "Well," said he, "you have not revised yet." "I have not," said I. "What would you take not to go forward and get yourself revised at all?" said he; "no one would be the wiser for it." I thought it a very queer question to ask me, for I had never heard the like at all. I told him, "I would take 50*l*." "Oh," said he, "that is too high a figure; I am not allowed to give so much as that; I will tell you what I will do: I will give you 15*l*." "No," I said, "I will not; I will not." Well, we talked down the road again; he told me to consider of it, and we parted. The morning following he sent a man of the name of Shaw, a watchmaker, who told me that Stokes sent him to me, and to tell me he would give me 20*l*. if I would go down and sign a document which he had below.

85.

4136. Did he tell you what the document was which you were to sign?—Mr. Stokes himself told me after that.

4137. Did you go down to Mr. Stokes?—I never went to Mr. Stokes. I told Shaw I would not go to him. In fact, I did not want to have anything to do with the affair, for if he gave me the 50*l*. I would pass my vote and vote against Major Knox. I walked down. I saw Mr. Stokes waiting opposite the court-house; he came across to me; he said, "Fitzpatrick, did you see a messenger I sent to you to-day?" I said, "I saw Shaw." "What do you think of that?" he said to me; "Well, I do not want to think anything about it," said I. "You are going on to get revised," said he; "I do not know whether you will be revised or not." "Why should I not be revised," said I, "when my taxes are paid, and I am rated." "Do not go in, and I will give you 25*l*." said he. "I will do no such thing," said I. "Go down and sign the document," said he. "Nobody would be the wiser; the substance of the document, if they insist upon bringing it up and it is produced, is a request to the revising barrister that you do not want to have yourself inserted on the burges-roll." I said, "I will have nothing at all to do with it." "Well, you are going in?" "I am going in;" "I do not know whether you will be revised or not;" "Well, I will run the chance." I went into the court-house for about 10 minutes, when Shaw came in and beckoned me out again. I went out to him; no, I beg your pardon; after he had offered me the 25*l*., "Oh," said I, "I would

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would not take one of your words at all for money." "Well," he said, "if you sign the document I will go across and lodge the money in one of the banks, and the money and the receipt may remain in the manager's hands until it is passed by; you can draw the money as you think proper." I said, "That has nothing at all to do with it." I went into the court. Shaw followed me in. In about 15 minutes afterwards I was in the side box; he beckoned to me to

come down; I came down, and went out into the street from the court-house. "Mr. Stokes has sent to you," he said, "and he will not mind a few pounds if you will come and sign the document—30*l.*" "I will not take it; tell Mr. Stokes I will not have anything at all to do with it." I went in and I got revised.

[The Witness withdrew.]

JOHN JENNINGS, sworn; Examined by Mr. *Waters.*

J. Jennings.

4138. Do you remember the evening of Sunday, the 8th of November last?—I do.

4139. Did a man of the name of Gray come to you?—He did so.

4140. Did he give you any message from any one?—I was in bed on the Sabbath-day, the 8th of the month, after being up at night, and a boy of the name of Pat Gray came to me. It was about one o'clock in the day; he told me Mr. Brennan wanted me.

4141. You are a night watchman in Sligo?—I am.

4142. Are you a voter?—I am.

4143. Where did you go?—I went up to the Colonel's fort.

4144. Where is that?—Near my own land.

4145. Who did you meet there?—Mr. Brennan.

4146. When you went there, what did he say to you?—He asked me to vote for Major Knox.

4147. Did he say that anything would be done if you did?—He told me there were about 30 people that were to go away; and that there were 15 of them to vote for Major Knox, and the rest to go away, and if I would do the same he would give me 50*l.*

4148. Which did he ask you to do?—He asked me first to vote for Mr. Knox.

4149. Of the 30, you say that 15 were to vote, and 15 to go away?—Yes.

4150. Which did he ask you to do?—He asked me first of all to promise to vote for Major Knox. I told him I would do no such thing.

4151. When you refused, what did he ask you to do?—He said he would get me a week's leave to go from Sligo.

4152. In what employment are you?—In the Commissioners'.

4153. What did you say?—I told him I would leave it to the day of the nomination to consider it.

4154. Did he say you would get anything for going away?—A free ticket, and expenses paid; and he would get me 50*l.* when all would be over.

4155. Did you agree to do that?—I told him I would see him between that and the day of the nomination.

4156. Did you see him again?—Yes.

4157. When?—On the 10th.

4158. What occurred on the 10th?—I saw him on the boat-house at Cleverd.

4159. Whose boat-house was that?—Mr. Martin's.

4160. What occurred then?—He gave me the same preference there.

4161. Did anything further occur than what you told us before?—There did not.

4162. Did you see him after that again before the election?—I saw him several times before the election.

4163. Did any conversation occur between you again with reference to your going away?—Several times a conversation passed between us.

4164. Have you anything to say beyond that; you have told his Lordship as to what occurred between you and Brennan?—Yes; only that he asked me several times had I any land on Mr. Tennyson's property. I said I had not, only under Colonel Barrett. He said he was the agent for Colonel Knox, for his house property in Sligo.

4165. Did he say anything then with regard to this place?—He said that Mr. Knox purchased Mr. Tennyson's land, and that he could do me a good turn; and I told him I had no land in that place; all I had was under Colonel Barrett.

4166. Did any other person say anything to you about going away besides Brennan?—No.

4167. Do you know a man of the name of Doherty?—I do, well.

4168. Did he say anything to you about it?—Never.

4169. Do you know Mr. Chisholm?—I do.

4170. Did he speak to you about it?—He might have spoken to me; he told me simply that I was at present in a public situation, and it would be best for me not to vote at all.

4171. I ask you, did he ask you anything about going away?—He did.

4172. Tell his Lordship what he said to you about it?—He said that as I was at present in a public situation, it would answer me best not to vote.

4173. Just say what he said about your going?—He asked me if I would go away.

4174. Did he tell you what you would get?—He never said anything about money.

4175. He only asked you to go away?—Yes.

[The Witness withdrew.]

PATRICK MACNEITH, sworn; Examined by Mr. *O'Loghlin.*

P. Macneith. 4176. You are a Solicitor, practising in Sligo?—Yes.

4177. Do you practise at Quarter Sessions?—Yes.

4178. Do you recollect the June Sessions, last year?—I do.

4179. Do you know a man of the name of Thomas Brennan?—I do.

4180. Do

4180. Do you know a man of the name of Patrick Flynn?—I do.

4181. Do you recollect an ejectment pending in which Mr. Pollock was the solicitor, and Patrick Flynn the defendant?—It was the suit, I think, of either the Rev. Mr. Sullivan, or Lady Palmerston.

4182. I mean, do you recollect that case distinctly; was that case called?—It was.

4183. When the case was called on, did you see Mr. Harloe Phibbs?—I did.

4184. Was he in court at the time?—He was.

4185. Did you see Mr. Harloe Phibbs and Mr. Thomas Brennan speaking to Mr. Pollock when the case was called on?—I did.

4186. What was the result of their conversation?—Whatever the conversation was I was at the off-side of the court; I could not hear just what passed, but I had a sharp eye to business, being anxious for my own friend, Serjeant Armstrong, on the other side; the result of the con-

versation was that the case was withdrawn; and I said at the same time, "You are dealing very tenderly with this gentleman; he is likely to be a voter for Major Knox."

4187. Who did you say that to?—Openly in the court.

4188. To Mr. Pollock?—To the parties engaged in the negotiation.

4189. Do you recollect another ejectment immediately after?—I do, distinctly; Thomas Gullovan, at the suit of the same party; next door, indeed, I might say, to Patrick Flynn.

4190. Was that ejectment immediately after moved?—Instantly.

4191. Did you make any observation then to Mr. Pollock about that?—I said, in the same jocular spirit, "You ought to extend your charitable intentions to this poor fellow as well as the other man, but I suppose you will not, as he is not likely to go with you."

[The Witness withdrew.]

MICHAEL CLANCY, sworn; Examined by Mr. O'Loghlin.

4192. Do you know a voter in Sligo of the name of Mahan?—I do.

4193. Do you know the house?—I do.

4194. Do you recollect being in his house upon any occasion upon which Major Knox came there?—I do.

4195. When was that?—In July.

4196. Who accompanied Major Knox there?—Thomas Brennan.

4197. Was any one else with him?—There were people outside, but I did not take any heed of them.

4198. Was Mr. Phibbs with them?—He was not that far at my time.

4199. What did you happen to be doing at Sligo?—Getting a pair of wheels shod at a blacksmith's.

4200. When Major Knox and Brennan came in, was Mahan in the house?—No.

4201. Was Mrs. Mahan there?—She was.

4202. Did you hear Major Knox say anything to Mrs. Mahan?—He asked if her husband was in; she said not; he left her a little ticket, and he put his hand out and handed, apparently, a sovereign to Thomas Brennan to hand to Mrs. Mahan, and said he would be there in the evening.

4203. Did you see Thomas Brennan give that money to Mrs. Mahan?—I did.

4204. And was it on that occasion you heard Major Knox ask Mrs. Mahan to use her influence with her husband for his vote?—He said he hoped she would make the master stand to him.

Cross-examined by Mr. Macdonogh.

M. Clancy.

4205. You are not a voter?—No.

4206. Do you remember there being a large mob of women outside the door on that day?—There were large crowds of women following.

4207. Were not they surrounding the door?—They were outside of the door.

4208. Did not they say they would not let the major out unless he gave them something?—They said no such thing.

4209. Did you hear them say that to the major?—I did not.

4210. Where did you hear them say it to the major?—When he went into John Wallond's house; John Wallond let him out.

4211. To escape that mob?—A lot of women.

4212. How many hundreds of them were there?—Well, indeed, I did not count them.

4213. You saw the sovereign?—I did.

4214. On your oath, was not the sovereign given to distribute amongst the women, in order to get out of the house?—On my oath, it was not given to distribute among women, nor among any people; only to hand to Mrs. Mahan, and I saw no distributing of it; I left the house.

4215. Tell me what was said when the sovereign was given?—He said he would come there in the evening, and that he hoped she would make the master stand.

[The Witness withdrew.]

THOMAS BRENNAN (Ex-Constable), sworn; Examined by Mr. Coffey,

4216. Do you know your namesake, Thomas Brennan, very well?—I do.

4217. Do you recollect the time the election took place, when Major Knox was elected?—I do.

4218. Did you see letters with Thomas Brennan?—I did.

4219. Did Thomas Brennan show you those letters?—He did.

4220. Did he read them for you?—He did; some of them.

4221. I am not going to ask you the contents of them; but did he tell you who the letters were

from?—He did so; I saw Major Knox's name on them.

4222. Were they about election matters, those that you read?—Well, I could not answer that question.

4223. How many of those letters did you see?—Well, I saw three or four.

4224. Do you recollect what they were about?—

Thomas Brennan was called, and declined to produce the letters, as he had received no notice.

FELIX FARRELL, sworn; Examined by Mr. *Palles*.

F. Farrell.
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4225. WERE you at any time offered by any person any money in connection with either the election or the revision?—I was at the election, but not at the revision.

4226. Who was it that offered you the money?—John Derrig.

4227. What was it Derrig said to you?—He asked me had I a vote. I told him I had; and he asked me would I have a mind to vote for him; I told him I was promised to the Liberal party, and he told me that if I would take his advice he could give me something that would serve me. I asked him what it was, and he told me. He asked me what I would take a day for 10 days; I paused when he started the question, and he said to me then, “Will you take 3*l*. a day for 10 days when the election is over?”

4228. What did you say to that?—I told him I would not.

4229. Was there any other conversation between you on that occasion, when you refused the 3*l*?—None.

4230. Did you ever see him again?—I did.

4231. When was that?—The Saturday night before the election.

4232. What did he then tell you?—He came in and he axed me was I ready to go where he was speaking to me about: I told him, no.

4233. Did he tell you to do anything?—He told me then to go down to his house on Sunday, that he wanted to see me.

4234. Did you go on the Sunday?—No, I did not.

4235. Do you remember the Friday before the election seeing a man of the name of David Frizell?—I do.

4236. Did you get a message to go to him?—I did.

4237. Where did you go to?—To the “North” Hotel.

4238. “Buchanan’s” Hotel?—Yes.

4239. Was any one present besides yourself and Mr. Frizell?—There was.

4240. Do you know his name?—Pat Connor.

4241. What did he say to you?—He asked me what I would take; I told him I would take half a glass of spirits.

4242. Did he ask you anything about the vote?—After we had drunk the spirits he asked me who I was going to vote for.

4243. Was it with Brennan you had the conversation?—No, with Frizell.

4244. Was West present?—Connor was present and Frizell.

4245. When did you give this information to Mr. Moloney?—Not till after I was served with a summons.

4246. Yesterday, or the day before?—On Thursday evening.

[The Witness withdrew.

BRIDGET MAHAN, sworn; Examined by Mr. *Waters*.

B. Mahan.
—

4247. ARE you the wife of John Mahan?—I am not; I am the wife of Pat Mahan.

4248. Is your husband a voter in the town of Sligo?—He is.

4249. I believe you keep a public-house?—Yes.

4250. Do you recollect Major Knox coming to canvass at your house?—Yes.

4251. Who was with him?—Thomas Brennan.

4252. Anybody else?—No one that I saw.

4253. When Major Knox came into the house, did he ask for your husband?—He asked was he in.

4254. What did you tell him?—I told him he was not.

4255. Did any conversation take place between you then?—Not a word; he handed me the card.

4256. Did he say anything about a vote, or about your husband voting?—He did not.

4257. Did he say one thing about calling back again?—He said he would call in the evening in passing.

4258. What did he do then?—He handed me a pound.

4259. What did he say when he gave you the 1*l*?—Nothing, but he turned out of the house back again.

4260. Did he say nothing to you at all?—Not a word.

4261. What did he say about your husband?—Nothing about my husband; but he asked if he was in; I told him he was not. Then he handed me his card, and a sovereign after.

4262. And did he say nothing when he handed you the sovereign?—Not a sentence.

4263. Did he come in again?—No; I did not see him from then.

4264. Did you ever get any money from Thomas Brennan?—No, never.

4265. Did your husband get it from Thomas Brennan?—My husband did.

4266. In your presence?—Not in my presence.

4267. Did Major Knox say what he wanted your husband for?—No, he did not.

Cross-examined by Mr. *Macdonogh*.

4268. Did you ask the major to leave money for a drink for the women?—Yes; that is what he gave me the sovereign for.

4269. There was a crowd about the door?—A few persons came in, and I gave them drink for it on the spot.

4270. There was a great crowd of women?—Crowding about the door.

4271. Were they crowding about your house?—They were, until I gave them the value of a sovereign to drink.

4272. They would not let the major come out?—Indeed he was not far away before they got the drink for it.

4273. Did you hear them asking for money?—No, I did not hear them ask; the major handed me a sovereign, and I gave them drink for it.

4274. Do you know what it was intended for?—I suspected nothing else.

4275. Did you hear of Mr. Harloe Phibbs being there at the time?—I did not.

[The Witness withdrew.

PATRICK MAHAN, sworn; Examined by Mr. Coffey.

4276. You are the husband of the last witness?—I am.

4277. Do you know Thomas Brennan?—I do, well.

4278. Did you get any money from Thomas Brennan?—I did; 5*l*.

4279. Who was present?—Dominick Kilcullen, one of the witnesses examined here.

4280. What did he say when he gave you the 5*l*?—He said he wanted to retain my cars for Major Knox.

4281. Was that all that passed?—That was all that passed.

4282. And you put the 5*l*. in your pocket; had Major Knox the use of your cars for the election?—No, he did not call upon me.

4283. You are a voter for the borough?—Yes.

Cross-examined by Mr. Robinson.

4284. You voted for Captain Flanagan?—Yes.

4285. What year was it that this matter occurred about the cars?—1867.

4286. What time in 1867?—About January.

Re-examined by Mr. Coffey.

4287. January 1867 or January 1868?—No; 1867.

4288. Are you sure what year it was?—I am sure it was in 1867.

4289. Mr. Justice Keogh.] How long ago was it?—Nearly two years ago.

Numerous telegrams were admitted, and handed in for inspection.

[Adjourned to Monday, at Ten o'clock.

P. Mahan.

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Monday, 22nd February 1869.

PATRICK KELLY, sworn; Examined by Mr. O'Loghlin.

- P. Kelly.* 4290. ARE you a son of Edward Kelly?—
Yes.
22 February 1869. 4291. Do you recollect the election for Sligo?—
—Yes.
4292. Do you know Mr. William A. Woods, or Mr. William Woods, of Castle-street?—I do.
4293. Do you recollect, before the election, going with your father to any place?—Yes.
4294. Where did you go to?—Over to Mr. Woods'.
4295. To Castle-street?—Yes.
4296. About what hour was it?—About 10.
4297. Do you mean 10 o'clock at night?—
Yes.
4298. Did you go to Mr. Woods' house?—
I did.
4299. Did you see Mr. Woods?—I did.
4300. Where did you see Mr. Woods?—I saw him standing at the door.
4301. Did you go into the house?—Yes; I went into the hall.
4302. Was there anyone with you?—Yes; my father was.
4303. When you went into the house where did your father go?—He stood in the hall.
4304. And where did you go?—I stood in the hall too.
4305. Did you see anyone in the hall?—I did.
4306. Who?—Mr. Woods was in it.
4307. Is that Mr. William Woods, the old gentleman?—Yes.
4308. Did your father go to any place; did he leave you in the hall?—Yes.
4309. Where did you see him go?—Up-stairs.
4310. Who went with him?—Mr. Woods.
4311. When your father went up-stairs with Mr. Woods, what did you do?—I sat in the hall.
4312. Was there anyone in the hall when you were there?—No.
4313. Did you wait until your father came down?—I did.
4314. Did you see your father give anything to Mr. Woods?—Yes.
4315. What did he give him?—A letter.
4316. Did you see Mr. Woods do anything with the letter?—Yes; he opened it.
4317. Was that before he went up-stairs?—
Yes.
4318. Can you tell his Lordship, as well as you recollect, about how many days that was previous to the election?—Ten.
4319. Mr. Justice *Keogh*.] How old are you?—
—About 12 years of age.
- Cross-examined by Mr. *Macdonogh*.
4320. Do you go to school?—Yes.
4321. Were you at school on Saturday last?—
—No.
4322. Where were you on Saturday?—I was in the country.
4323. In what part of the country?—At Farley.
4324. How far is that away from Sligo?—
About 20 English miles.
4325. What were you doing there?—I went to my grandmother's.
4326. You were on a little vacation, I suppose?—
—Yes.
4327. How long had you been at your grandmother's?—Six weeks.
4328. Had you been sick, or what brought you there?—No; I had not been sick.
4329. And you were there six weeks?—I was.
4330. Did you know your father was coming here to be examined on Saturday last?—I did not.
4331. Did you see your father on Saturday night?—Yes; I have seen him on Saturday night.
4332. Was it at your grandmother's?—No.
4333. Where?—In the house.
4334. At home in Sligo?—Yes.
4335. When did you leave your grandmother's to go to Sligo?—I left about seven weeks.
4336. That is, seven weeks ago you left Sligo to go to your grandmother's?—Yes.
4337. But I ask when did you leave your grandmother's to come back to Sligo?—On Friday night last.
4338. Friday night last?—Yes.
4339. About what hour?—At 11 o'clock.
4340. Eleven o'clock at night?—In the day.
4341. When did your father come over to Carrick, do you know?—To-day.
4342. Did you know whether he was coming here on Saturday?—I heard it.
4343. Did you see your father on Saturday night?—I did.
4344. After he came home from this place?—
No; my father was not here.
4345. Then was your father in Sligo on Saturday?—He was.
4346. And you did not know he had been here?—No.
4347. Did your father ask you, did you remember having been at Mr. Woods'?—No.
4348. Did your father speak to you about having been there?—No; he did not.
4349. Did he speak to you at all on Saturday night?—No; he did not speak to me.
4350. You did not speak to him at all?—He did speak to me.
4351. Did he ask you if you remembered anything about Woods?—No; he did not.
4352. What did he say to you?—He said nothing in that way at all.
4353. Did he speak to you on Sunday?—He did.
4354. Did he ask you then whether you remembered being at Woods'?—He did not.
4355. Did

4355. Did he speak to you at all about it?—No; he did not.

4356. Did he tell you you were to come to Carrick?—Yes.

4357. When?—When he came home on Saturday night.

4358. Then he told you you were to come to Carrick to-day?—Yes.

4359. Did you ask him for what?—I did.

4360. What did you ask him?—He said I was to come as a witness.

4361. Did he tell you what you were to prove?—No; he did not.

4362. Did he tell you what you were to be a witness about?—Yes.

4363. What did he say?—He said about Mr. Woods.

4364. What did he say about Mr. Woods?—He said nothing at all more than to tell all that I had seen whilst I was in it, and heard.

4365. That is at Woods' house?—Yes.

4366. Did he ask you did you remember seeing that a letter was given to Mr. Woods?—He did.

4367. And that it was given by your father?—I knew that myself.

4368. And he asked you did you remember it, and you did remember it?—I did remember it, of course.

4369. Did he bring you to Mr. Moloney, the attorney, that gentleman there?—Yes.

4370. When?—To-day.

4371. This morning?—Yes.

4372. And did he speak to you again to-day about it?—No, he did not speak, he took down on a paper.

4373. Do you know the nature of an oath?—I know that it will be perjury to break it.

4374. Perjury to swear falsely?—Yes.

4375. And you know what punishment you will receive?—I do.

4376. What is it?—Purchase damnation for myself.

4377. Let me ask you, will you swear you saw your father in the hall of Mr. Woods' house that night?—I will.

4378. And you will swear you saw Woods at the hall door?—Yes.

4379. And it would not be true if it were said

that he was upstairs the whole time, and that your father would have to go up to him?—No, he was standing at the door.

4380. And you saw the letter given to him in the hall?—Yes.

4381. Mr. Justice *Keogh*.] What time of the evening was it?—It was about 10 o'clock.

4382. Do you recollect what month it was in?—In November.

4383. How far does your father live from Mr. Woods?—He lives in Holborn-street, and Mr. Woods lives in Castle-street.

4384. How far is Holborn-street from Mr. Woods?—Castle-street is the main street of the town?—Yes.

4385. Where does your father live?—In Holborn-street, the other side of the town.

4386. Are you sure you went out with your father that night?—Yes.

4387. Mr. *Macdonogh*.] Ten o'clock at night?—Yes.

4388. Mr. Justice *Keogh*.] How long were you from home altogether?—In Farley?

4389. No; how long was it from the time you left your house before you got back again?—About three-quarters of an hour.

4390. And your father came back with you?—Yes.

4391. And you went to bed when you came back?—No.

4392. Why not?—We sat at the fire awhile.

4393. How long?—About a quarter of an hour, or half an hour.

4394. A quarter of an hour?—Yes.

4395. Had you anything to eat or drink when you came back?—I had.

4396. What had you?—My supper.

4397. What had you for supper?—Tea and bread.

4398. Was your mother up then?—Yes.

4399. Did she remain up till you came back?—She did.

4400. You are sure you did not have your supper before you went out?—I did not.

4401. You had it after you came back?—Yes.

[The Witness withdrew.]

MARY HENRY, sworn; Examined by Mr. *Coffey*.

4402. Do you recollect the evening before the last election?—I do.

4403. Did you go in search of your husband in some place?—I went to the court-house, to Mrs. Hall's, in search of him.

4404. Did you see him there?—I knocked at the door first, and the girl came to the door, and she said that he was not there.

4405. He was denied to you at first?—The servant came to the door and said he was not there; then I stayed a few minutes longer, and I knocked again. When she next came to the door, I told her to let Mrs. Hall know that Mrs. Henry was there, and that I wanted to see my husband; and then Mrs. Hall desired her to let me in, I think.

4406. Did you see your husband ultimately?—No, I did not see him at that time at Mrs. Hall's when I went in. When I went in that time, I asked was my husband there; she said yes, but that he was not to go out of that place until after the election would be over.

4407. Who told you that?—Mrs. Hall did.

4408. Did you see your husband at last?—I did.

4409. I want to know was there any gentleman there when your husband was there?—There was.

4410. Who was that gentleman?—I asked my husband who he was, and he told me it was Mr. Stokes and Mr. Cherry.

4411. Was Mr. Cherry there standing by?—He was.

Cross-examined by Mr. *Macdonogh*.

4412. Mrs. Mary Henry is your name, I think?—Yes.

4413. Did Mrs. Hall say to you that the state of the town was very dangerous?—She did; Mr. Cherry too said it, and that he would be safer to be there inside than he would be out; that he

P. Kelly.

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M. Henry.

M. Henry. might get a blow of a stone, and be injured in another way, may be.
 22 February 1869. 4414. May I ask you, did your husband go home with you that night?—He did, indeed.

4415. Mr. Justice *Keogh*.] Was there anything said about rewarding; what was that?—He said—

4416. Mr. *Macdonogh*.] Who said?—Mr. Cherry said if my husband would stop in there he would be highly rewarded, and that it would be better for him to leave him there.

4417. Did Mrs. Hall say anything of that kind?—That it would be better for him to leave him there until after the election would be over.

4418. Mr. Justice *Keogh*.] Did Mrs. Hall say so?—Mrs. Hall told me it would be safer for him to be there until after the election would be over.

4419. But she did not say anything about reward?—No, she did not, I cannot say it; but she was present at its saying.

[The Witness withdrew.]

A number of telegrams were handed in, and read by the Judge.

Mr. *Macdonogh* was heard to address the Court in behalf of the Respondent.

Dr. MACNAMARA, sworn; Examined by Mr. *Robinson*.

Dr. *Macnamara*. 4420. You are Vice-President of the College of Surgeons, in Dublin?—I am.

4421. Are you connected with Meath Hospital in any way?—I am surgeon to it.

4422. Do you know a man of the name of Thomas Brennan?—I know a man of the name of Brennan; I do not know his Christian name.

4423. Do you remember seeing him at your hospital?—Mr. Brennan called on me at night, at my own house, where I first saw him, with a letter from Major Knox, requesting me to prescribe for him.

4424. Do you remember what month it was, or what time it was?—No, but I think it was early in December.

4425. Of last year?—Last year.

4426. When you got that letter from Major Knox, requesting you to prescribe for Brennan, what did you do?—I examined the man very carefully, and found that he was labouring under considerable excitement.

4427. Just describe the state the person was in?—It was in some respect resembling *delirium tremens*, but it was distinct *delirium tremens*. This induced me to make a further examination, and I found that he had extensive erysipelas of the left leg; one leg certainly, I think it was of the left leg, with two or three wounds upon the ankle, which were the cause of the erysipelas. These wounds, he informed me, he had received at the Sligo election; he had an impression that he had killed a great number of men during the period of the Sligo election. I prescribed some remedies, which I considered suited his case, and communicated with Major Knox next day, that a due regard to his life would require his being introduced into a hospital, or some place where he could be kept under proper control. Major Knox coincided in this view, and I had him admitted into Meath Hospital, giving strict injunctions that nothing of an exciting nature whatsoever should be allowed to approach him. He was exceedingly violent at first, and presented all the symptoms of high delirium, so much so that the gentlemen on duty at the hospital, my resident pupils, informed me that they thought it would be necessary to have him removed out of the hospital. He showed an inclination to get out of the ward, and began to run in his shirt along the corridor, where the females were, and gave such evidence of delirium as that I represented to the man the dangerous condition that he was in, and I made a moral impression on him, which I think resulted in his being more quiet; and with the administration

of medicines which tended to reduce the delirium, he gradually progressed, and in the morning, to my astonishment, on my going to the hospital, I found that he had left the hospital without my permission or sanction, or, I believe, without the permission or sanction of any person connected with the institution.

4428. During the time that he was there did you prevent anyone seeing him?—I did, most decidedly.

4429. Who did you prevent; do you remember?—I prevented a man, a gentleman, I believe, whom I am aware was connected with Major Knox, who represented himself as coming from Major Knox; I distinctly declared that I could not let this gentleman see him, inasmuch as, in my honest professional opinion, I considered that to talk to him on any subject connected with the election, in which he fancied he had killed or slain so many men, would be highly injurious to his health.

4430. Did you consider it necessary to prevent anyone from seeing him; externals, if we may use the word?—Yes; a gentleman called, and asked permission to see him; I also refused that gentleman, in the conscientious discharge of my duty, and the gentleman will excuse me for stating that he had the cheek to give me a subpoena, and ask me to serve it; and I said I would not turn myself into a process-server for anybody.

Cross-examined by Mr. *Coffey*.

4431. How soon after the interview with this gentleman who had the cheek to serve you with a subpoena?—Excuse me, it was a subpoena to serve on another party.

4432. How long after was it that the patient disappeared?—Excuse me for one moment; all I mean to state is, that I cannot say how soon it was exactly, to a day or two; but I never saw the patient from that day till he went next to the hospital, and I attended him again.

4433. Was he labouring under the *delirium tremens*?—He was not labouring under *delirium tremens*.

4434. What resembled it?—It was traumatic delirium, an affection that you might have tonight if you fell down and broke your leg; it is not fair to the man's character to state that he had *delirium tremens* when it is a disease that he might have from accident.

4435. Did you consider that he had been drinking?

drinking?—I did think so, but I know the delirium was not the delirium of *delirium tremens*; it was traumatic.

4436. Did you form your opinion and judgment after seeing him in the hospital, that he had been drinking, and drinking freely?—Well, I was under the impression that the man had been taking more stimulants than had been good for him.

4437. Stimulants; we'll call them alcohol?—Yes, stimulants.

4438. Excuse me, I do not mean it invidiously or offensively, you are on intimate terms with Major Knox?—I have had the honour of knowing Major Knox for many years, and I entertain the very highest respect for him.

4439. I do not quarrel with that, and so do I; but did you give direction that nobody was to see this patient?—I have already stated that.

4440. Without a written order from you?—Really I cannot tax my memory whether the words were "without a written order;" but I know the fact to be that I refused to let anybody see him.

4441. And you gave instructions to your assistants to that effect?—I gave instructions to every person in the hospital who had connection with him, that no one should be permitted to see him.

4442. How long had you been visiting him yourself?—Seven or eight days.

4443. How soon before the interview you had with Mr. Maloney had you seen him?—Well, I may have seen him that morning or the morning before.

4444. You would see him every day, I suppose?—I cannot swear that I saw him every day. I might not have been one day at the hospital; every day that I was there I saw him.

4445. Who was the next man in command to yourself?—The resident pupils.

4446. Who was the resident pupil particularly interested in the treatment of this patient?—There was none of them interested in the treatment of the patient, neither the one nor the other. I give all the directions myself. The nurse carries them out. The only thing is, that if any sudden emergency arises the pupil would be sent for.

4447. Did you think it necessary to communicate to Major Knox, Mr. Maloney requiring you, if necessary, to serve the man with a subpoena?—Allow me to think.

4448. I do not imagine for a moment that you

will not tell me what passed?—I believe I did communicate the fact to Major Knox.

4449. When did you communicate it to Major Knox?—I could not tax my memory with that at all.

4450. Try now; did you the same day?—I could not swear.

4451. This is a curious incident in your profession?—Not at all. On more than one occasion this thing has occurred. I have found it necessary to interfere with people visiting patients in the hospital.

4452. Did you communicate with him in writing or verbally?—I cannot answer that question.

4453. Perhaps you have the voucher or the letter that Major Knox entrusted this man to give to you?—Decidedly I have not. I took the fee out of the letter, and threw it into the waste basket.

4454. You did not throw the fee into the waste basket?—No, certainly not; I put that into my pocket.

4455. Can you tell me whether it was in writing or verbally that you communicated with Major Knox?—I cannot tax my memory whether it was in writing or not. I am in the habit of seeing Major Knox very frequently. Major Knox will tell you at once. If he tells me which it was, I will tell you.

4456. What did you do with the notice that Mr. Moloney brought?—The subpoena for the man?

4457. The notice, or whatever document it was?—That was given to me by Mr. Moloney?

4458. Yes?—I either sent it to Major Knox, or I gave it to him, I think.

4459. Had you any communication with Mr. Lawder, verbally or by letter, on the subject?—The first time I had the pleasure of speaking to Mr. Lawder was about 20 minutes ago.

4460. Mr. Justice *Keogh*.] You did not see the man after you had that conversation with Mr. Moloney?—No, my Lord, when I went up to the hospital the next day; I think it was on the Friday that Mr. Moloney was with me; I did not go on Saturday or Sunday. When I went up, on Monday I think it was, I heard that the bird had flown, and no more about it.

4461. Mr. *Coffey*.] I suppose all the pupils had access to this man?—Of course they had; every pupil had access to him.

[The Witness withdrew.]

JOHN FAWCETT, sworn; Examined by Dr. *Kaye*.

4462. I BELIEVE you are Assistant Master in the Diocesan School at Sligo?—Yes.

4463. Do you know a man of the name of John Feeny?—I do not exactly know him; I met him on one occasion only.

4464. I believe he has a public-house in the town of Sligo?—Yes.

4465. Do you remember going there in the month of November with Mr. Waugh?—I do.

4466. I believe it was the evening of the 18th of November?—The eve of the election; I do not remember the date.

4467. Was Feeny at home when you went there?—He was not.

4468. Were you present in court when he was examined?—I was not.

85.

4469. Did you go upstairs with Mr. Waugh?—Yes.

4470. Had you some drink?—Yes, whilst we were waiting for Feeny I believe some drink was got up.

4471. Feeny after some time came in?—Yes.

4472. Will you tell us what occurred after Feeny came in?—Mr. Waugh handed Feeny Major Knox's card, and said he expected to see him that evening. Feeny said he was afraid to go, and Mr. Waugh asked him to come down at once. He said he could not come down immediately, but that he would come in the course of half an hour or an hour after. He said he was afraid he would be beaten on the way down.

M 3

4473. Mr.

Dr.
Macnamara.
22 February
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J. Fawcett.

J. Fawcett. 4473. Mr. Justice *Keogh*.] Was that the night before the polling?—Yes.
 22 February 1869. 4474. Dr. *Kaye*.] Was there anything said about a sum of 50*l.* on that occasion?—Not a word.

4475. If he said that you or Mr. Waugh offered him 50*l.* on that occasion, would it be true?—Decidedly not.

4476. Was there anything said about a sum of 20*l.*?—Not a syllable about any money whatever. There was nothing said but what I mention.

4477. Was there any money laid down?—None whatever.

4478. There was nothing said, either by you or Waugh, upon that occasion to this effect, "Here is 20*l.* for you if you come"?—No.

4479. Is that true?—Yes.

4480. Have you told us all that occurred?—My conversation with the man consisted of five words. When I was leaving the room, I told him not to come. I would not know the man now if I saw him. I have never seen him since. Nothing was said about it. I heard the whole conversation between him and Mr. Waugh.

Cross-examined by Mr. *Palles*.

4481. You went, I suppose, to Feeny to induce him to vote for Major Knox?—Well, I did not go—

4482. Why was it you went?—Mr. Waugh asked me to go up to the barrack to see a person

there; I believe he is what is called canteen master of the barrack.

4483. Who is the canteen master?—This Mr. Feeny.

4484. They thought, I suppose, a little gentle pressure—?—I do not know anything at all about that; I did not ask any questions about it. I went up to the barrack; I knew nothing about the barrack; I thought the canteen master might be some other name for the officer in command. The town was in such a state, I thought it might be well to get down some soldiers; this canteen master lived out of the barracks, and a man brought us to his house.

4485. Were you accompanied down to the canteen master's by a serjeant?—Yes, he accompanied us to the house; we did not know it.

4486. You said there was some message from the barracks?—No.

4487. Did you go up on some other occasions with Mr. Waugh?—Never; I was never in the house before or since.

4488. Who did you speak to first when you went into the house?—Some woman; I don't know who she was.

4489. How long were you up-stairs before Feeny came in?—I should say ten minutes.

4490. What were you doing there?—Drinking a glass of beer.

4491. There was nothing in the world said about money at all?—Not a syllable.

4492. There was no money produced?—No.

[The Witness withdrew.

AARON WAUGH, sworn; Examined by Mr. *Macdonogh*.

A. Waugh. 4493. Do you know the last witness, Mr. Fawcett?—I do.

4494. Do you remember your going to Feeny's house?—I do.

4495. Accompanied by Fawcett?—It was.

4496. About what hour was that?—I think it was between eight and nine o'clock.

4497. Was Feeny at home when you went?—No.

4498. You went up-stairs?—We were sent up-stairs.

4499. And while you were there did he come in?—He did.

4500. Tell us the conversation that occurred between you?—I told him that Major Knox met me at the "Victoria Hotel," at least I was passing there, and Major Knox called me over and said, "I understand a man named Feeny wants to see me; tell him that I cannot go up there; it is a bad locality," or something of that sort, and "I will be disengaged at nine o'clock;" it was to apologise to him for not calling on him.

4501. Did you convey that message to Feeny?—I did.

4502. What did he say?—He said he would come down.

4503. What next happened, if anything else?—Well, there is nothing of interest or importance afterwards.

4504. Did you offer him any sum of money for his vote?—No.

4505. Did you offer him a sum of 50*l.*?—Never.

4506. Did you offer him a single shilling?—There was not a word about it.

4507. Was there anything said that he should receive money if he voted?—No.

4508. Were you present in court when you heard that man say that?—I was.

4509. Was there a word of truth in what he stated?—Indeed there was not.

Cross-examined by Mr. *Waters*.

4510. I believe you have been some time in Major Knox's employment?—I have.

4511. When did you come down to Sligo?—I was down very often; I was down at the revision.

4512. Who conducted the revision for Major Knox?—I really cannot tell you that.

4513. I will help you; did Mr. Phibbs?—I do not know.

4514. Was he engaged for Major Knox at the revision?—I heard so, but I cannot say.

4515. Were you in court every day?—Yes.

4516. And you are unable to tell his Lordship who conducted the revision for Major Knox; was it Mr. Pollock?—I saw him in court.

4517. Will you answer my question; was Mr. Pollock engaged for Major Knox?—I believe he was, but I do not know.

4518. You were there every day?—Yes.

4519. Did you see Mr. Wilson there every day?—I saw him there very often.

4520. Was he engaged for Major Knox?—I heard so.

4521. Will you have the goodness to tell me how

how much money you received from Major Knox, or from anyone on his behalf, directly or indirectly, in connection with the Sligo election?—The only sum I received was a sum of about 12*l.* 10*s.*

4522. What was that for?—Expenses in canvassing.

4523. Is that the money for which you gave the receipt?—It is.

4524. Did you get any other money, directly or indirectly, from anybody, but that?—None but that.

4525. Did you see Major Knox canvassing?—No.

4526. Did you never accompany him?—No, never.

4527. Did you know a house in Hulbert-street; I think it is called Haggerty's?—I do.

4528. You have been in the house?—Yes.

4529. Frequently?—No, once.

4530. Were you in that house about the time of the election?—I was.

4531. With whom?—Mr. O'Farrell asked me in, to have a liquor.

4532. I am speaking of Haggerty's house?—O'Farrell's house.

4533. Were you never in Haggerty's house?—Never.

4534. Do you know who owns Haggerty's house?—I understand it belongs to Major Knox.

4535. You were a canvassing agent?—Well, I did my best.

4536. Who canvassed with you?—No one that I know of. I did my utmost with my own friends.

4537. Who ever went with you canvassing?—Nobody.

4538. Do you mean to swear that you never were accompanied on any occasion by any men canvassing for Major Knox?—No.

4539. Whom did you canvass?—I canvassed my own personal friends.

4540. Will you give us the names of some of them?—I have a brother-in-law, and other friends.

4541. How many did you canvass?—Every one that I knew.

4542. Will you say how many; was it two or twenty?—I think it was three or four, or half-a-dozen.

4543. No more than that?—Well, every person I knew.

4544. Will you tell us how many?—I really could not name the number.

4545. Not more than three or four?—Perhaps there were more.

4546. Were there or were there not?—I could not really state the number exactly.

4547. Would you say that there were more than five?—Perhaps there were.

4548. Will you say whether there were or were not; sure, you know whom you called upon, and can you not tell his Lordship shortly?—A number of my own personal friends.

4549. You canvassed a number of electors for Major Knox?—I think about half a dozen.

Re-examined by Mr. *Macdonogh*.

4550. Did you repeatedly come up and down from Dublin?—I did.

4551. And you canvassed these people?—I did.

4552. Were you down as a reporter also?—I was.

4553. And the whole amount you received was 12*l.* 10*s.*?—It was.

4554. Was anything said when you went to Feeny's, as to Mrs. Hall's house?—No.

4555. Was there no mention of Mrs. Hall at all?—No.

4556. Were you at Mrs. Hall's that evening?—No.

[The Witness withdrew.]

ALEXANDER GILLMOR, sworn; Examined by Mr. *Robinson*.

4557. ARE you Mayor of Sligo?—I am.

4558. Have you been in court during the inquiry here?—I have.

4559. You remember what has been sworn as to Curragh's?—Yes.

4560. Were you in court on the morning he was arrested?—No, I never saw him till he was arrested. I was 20 yards from him at the time.

4561. You actually saw him arrested?—Yes.

4562. On the polling morning?—Yes.

4563. About what time did you see him arrested; was it soon after the poll was opened?—I rather think it was after 10.

4564. Where was he standing, or what was he doing, when he was arrested?—I saw him going to the court-house, going up the steps, when he was pounced upon by two men.

4565. He was going up the steps to vote?—So I understood or imagined.

4566. After he was arrested, what did you do?—I endeavoured to approach him, seeing him arrested by those two men, who I knew were not sheriff's bailiffs at all, and the minute I did so I was struck and nearly knocked down. I collected myself and made another effort to approach him. The mob surrounded me, and I

was altogether driven away from him; so he was carried off to gaol by those two men.

4567. What did you do after that?—I went to the prison in about an hour, I should think, afterwards. I saw the man. I said I thought he was very rudely treated, and that I came to him to say that, as a friend, I would lend him as much money as he had been arrested for.

4568. Did you, in point of fact, lend him the money?—I did.

4569. Was anyone present when you lent him the money?—Well, I think the governor of the prison was in the office at the time.

4570. We have the amount already; that amount was paid by you?—Yes.

4571. The man was liberated?—Yes; he had some portion of the amount in his pocket. It was 15*l.* I think I lent him.

4572. Do you know how much it was; what was the whole of it?—There was some silver.

4573. Some small amount beyond the 15*l.*?—Yes.

4574. And you lent the difference?—Yes.

4575. Did you ask him to vote for anyone?—No.

4576. Did you ever act as agent or canvasser for

A. Waugh.
—
22 February
1869.

A. Gillmor.
—

A. Gillmor. for Major Knox during the election?—Not at all.

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4577. Before you paid that money, had you any conversation about the payment of it with Major Knox or Mr. Lawder?—Not at all. I did not see them in the meantime at all.

4578. You were in court when Mrs. Dunleavy was examined?—Yes.

4579. Did she ever make any application to you?—Several.

4580. I mean in reference to Major Knox?—Several.

4581. What did she ask you to do?—To get a loan of money from Major Knox for her.

4582. Can you remember what month or months it was in?—I think it was about July and August; she came repeatedly.

4583. What did you say?—I said I could not do such a thing; I would not attempt to ask Major Knox for such a thing.

4584. In point of fact, did you ask Major Knox for money for her?—Not at all.

4585. You told her distinctly you would not?—Certainly.

4586. Do you remember seeing her after the revision?—I do.

4587. Did she make any complaint to you when she saw you after the revision?—She did.

4588. What was her complaint?—She complained, I thought rather bitterly, that she had been refused by Major Knox the loan of a few pounds, as she termed it, when she had got a vote, as she had not previously when she applied.

4589. She complained of that?—Yes.

4590. Do you know her husband?—I do.

4591. Did he ever speak to you about Major Knox?—He did; he came with the same purpose to me.

4592. Do I understand you by that to mean that he came to suggest the same interference on your part?—Exactly.

4593. That is, to get money from Major Knox for him?—Yes, protesting that he would vote for him, and he swore 50 oaths to that effect.

4594. Did you, when he had so represented or protested to you, offer him any money?—I did not; I would not ask Major Knox for such a thing.

4595. And you took no action on his request?—Never.

4596. Had Mrs. Dunleavy ever any communication with you after this, as to whether or not she had got money from Major Knox?—Not after the last occurrence I mentioned, after the revision, when she complained of not being successful in her application to Major Knox.

4597. That was after the revision?—Yes.

4598. Do you know a man of the name of Leonard?—Yes.

4599. Had you any communication with him in January 1869?—Yes.

4600. What was it?—I was told he was looking for me. I came down to my shop and saw him. He said he was very badly off, and could get no employment in the town. I asked him what he wanted. He said, on account of being one of Major Knox's men, he could not get employment.

4601. On account of what?—Being one of Major Knox's men, and that he intended to go to Scotland to look for employment. In fact, he

said he was almost starving, and begged a few shillings from me.

4602. Did anything pass in that conversation, or in any other conversation, about money?—I asked him when he was going to Scotland. He said he could not go till after the following Monday, inasmuch as there was a summons against him for an assault on some person. He came after the Monday, and said a second time he was going away, and asked me to give him a few shillings to assist him in paying his passage. I did so. I think it was 5s. I gave him. He then said he supposed I had heard the rumours as to his having made a statement to the effect of his getting money from Major Knox. I said, as he mentioned it, I did. "What did you hear, sir?" he said. "I heard," said I, "that you would represent that you got 5*l.* of Major Knox to bring to your brother-in-law, Henry; is that the case?" He said, "Most decidedly not; who told you that?" "I cannot exactly tell you," said I; nor could I, indeed, at the time; "but is it true or false?" "It is perfectly false," he said, "Major Knox never gave me such a thing." I asked him if he gave him any money for any other person. He said, "No, I never got anything for him, but a few pounds for my own services."

4603. But was anything said by you to him, that you would quash a summons; that you were mayor, and that you would quash a summons?—It is almost ridiculous to answer such a question. I never did. I should not do so either.

4604. At all events, it is untrue?—Perfectly untrue.

4605. With respect to Mrs. Hall's house, it was said, as I understand you, by one of the witnesses, that you were going in there every day, or the like of that?—I have been going in for years.

4606. Have you known Mrs. Hall for years?—I have.

4607. Have you known a gentleman of the name of Mossom for years?—I have.

4608. Have you known him intimately, and have you been in the habit of going to him for years?—He is a personal friend of mine.

4609. Did you ever see Major Knox, or Mr. Lawder, during the election week, in the house of Mrs. Hall?—Never.

4610. To your knowledge, was there any committee formed for Major Knox, or were you a member of any committee of his?—No committee whatever.

4611. You were not a member of any committee?—Certainly not.

4612. During those two or three days, we will say for a fortnight, from the time of the revision up to the time of the election, in what state was the town?—In a very disturbed state.

4613. A short time before the election, and during the election, in what state was the town?—In a perfectly frightful state. On the Sunday previous, I considered it was in a perfect state of siege; no man's life was worth anything, any supporter of Major Knox, who would venture to go round the town.

4614. How far back from the nomination day would you say that extended?—Well, I would say it was a fortnight it was bad, but for a week previous, especially the Sunday night previous, to the election, it was a terrible state of the town.

4615. What

4615. What day was the nomination?—The 17th; the polling was on the 19th.

4616. As a matter of fact, were not houses wrecked in the town?—Yes, 23 panes were smashed in my own house that night.

4617. I asked you about Curragh; what was done to Curragh's house?—I did not see it.

Cross-examined by Mr. Coffey.

4618. You were an active supporter of Major Knox?—Well, I was anxious for his return.

4619. Were you not an active supporter of his?—Yes, I should say so.

4620. Did you use your influence with your friends and fellow-townsmen to induce them to vote for him, as far as that influence extended?—Yes.

4621. You canvassed everybody that you came across?—No, I do not know that I did.

4622. Nearly every one?—I might have had casual conversations with them.

4623. Did you not do your best to secure the election of Major Knox?—I did everything in my power that I considered legal and proper to do.

4624. About a week or so previous to the election, was Mr. Knox with you at your house?—He was in my house several times.

4625. About how long was he in deliberation with you about the election, and the number of votes that you supposed you would be able to secure to him?—He never asked me such a question.

4626. I did not ask you that, but how long were you in deliberation about the election?—I cannot fix any particular occasion. He was in several times, as I was telling you.

4627. You said that about a week before the election Major Knox went to you after his arrival from Dublin; do you recollect the day he arrived from Dublin?—No, he did not come to me the day after he arrived.

4628. The day after?—Now, it occurs to me it was two days after he came that I saw him.

4629. Where did you retire; into the drawing room or the parlour, or where was it?—I could not tax my memory with it at present.

4630. Tell me where it was you went to; you and him together?—I dare say it was the front or back drawing-room.

4631. How long did you remain together on that occasion?—Really I could not tell you.

4632. I do not want to pin you to the exact time?—Sometimes he might have stopped an hour, sometimes not a minute.

4633. Was it an hour, to the best of your belief?—No, I do not believe he ever stopped at one time an hour.

4634. We will say half an hour?—He might have stopped that time.

4635. Upon your oath, did you not converse about the number of pledged voters there were, and about the prospects of the election. First, let me ask you, had you a list before you?—I had a list.

4636. A list marked off?—I had a list marked.

4637. Had you a list of the doubtful voters, the promised voters, the Catholics, and the Protestants?—No.

4638. How is it marked?—I made it into two

columns for my own private information, and kept it by me.

4639. What did the two columns consist of?—I am sorry I have not the list.

4640. Did you ever submit that list to Major Knox?—No.

4641. Do you mean to say you never showed your own private list to him?—No, I never showed him that list.

4642. Do you mean to say you never showed him any list?—Never.

4643. You will swear that?—Yes.

4644. Did you tell him the result of your calculation?—In casual conversation I might have mentioned to him how many would be likely to support one and how many the other.

4645. Upon your oath, did not you tell?—If you go so close as that I might have mentioned the number.

4646. I will not be satisfied with that, did you tell him?—It is possible I did.

4647. I do not want what is possible, I want the fact?—I will not swear distinctly.

4648. Will you swear indistinctly?—I might have mentioned the numbers to him.

4649. Do you not know you did?—I do not.

4650. Tell us what was the result of your calculation?—Indeed, I do not remember.

4651. But now I ask you, Mr. Gillmor, as a gentleman of position in the town of Sligo, what do you tell us is the result of your calculation?—I could not tell the numbers; but I put them down as exceedingly close.

4652. Did you tell him that?—Very likely, but I do not recollect now that I distinctly told him.

4653. Did you consult with Mr. Stokes upon the election?—I might have spoken to him, but I never had any actual consultation with him.

4654. I ask you as a gentleman, did you not consult and speak and discuss with Mr. Stokes about this election, the chances and the prospects of it, in the interest of Major Knox?—I think I might.

4655. Did you consult with Mr. Cherry upon this election, and the chances of it in the interest of Major Knox?—Well, as far as casual conversation might go, I might have done so.

4656. Did you not, as a matter of business, consult with Mr. Cherry, Major Knox's chances and prospects, and what each of you were doing?—It is likely I did.

4657. Did you not consult with Mr. Harloe Phibbs, as a matter of business, on the chances of the election and its prospects, and what each of you were doing, and the results of the inquiries?—Nothing beyond casual conversation.

4658. Was it not with a view to ascertain how the matter stood as to the result?—I think it probable that all his friends, when they casually met, would talk of it to one another.

4659. Did you not meet frequently together?—I recollect no meetings.

4660. Had you any letters from Major Knox a fortnight or three weeks previous to the election, or did any conversation pass between you and Major Knox?—I daresay there did.

4661. Have you any of the letters here?—No.

4662. What has become of them?—I never thought a word of them, I destroyed them. I do not keep letters.

4663. Mr. *Macdonogh*.] Have you been called upon to produce any letters?

N

4664. Mr.

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A. Gillmor. 4664. Mr. *Coffey*.] May I ask you when you destroyed Major Knox's letters?—Perhaps the very moment when I read some of them.

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4665. But when did you destroy the correspondence?—As a rule generally at the time.

4666. A fortnight or three weeks previous to the day of nomination, were there letters passing between you and Major Knox?—I do not think so close as that; I think he was a week or a fortnight in Sligo, or a month.

4667. When do you destroy the letter; at the time you receive it?—I might keep it two or three days in my pocket, and then destroy it.

4668. Were not these letters on the subject of the election, and upon the voters who were doubtful and those who were secure?—Yes, not all the letters; there might be allusions in the way you have mentioned in some of them.

4669. Were there not?—Yes, allusions in some of them.

4670. I will name one of the letters; was there not one letter received by you from Major Knox, in which he thanked you in warm terms for the exertions you were using in his behalf, in very warm terms; that will recall it to your recollection, "My dear Gillmor"?—He might have, thanked me for something that appeared in my newspaper in support of him.

4671. I am not asking you that?—I do not recollect him thanking me for any personal exertions.

4672. Will you swear he did not?—No, because he has been very kind in writing in a friendly way to me occasionally.

4673. Did Leonard take upon himself to communicate the result of his litigation?—I knew the result; I was presiding at the petty sessions when his case came on; I know the case myself, it is hanging over him at this moment.

4674. Not disposed of?—No.

4675. You gave him 5 s. to assist him to Scotland?—Yes, it was after the sessions.

4676. You knew how Curragh was going to vote, did not you, upon your oath?—He told me the night before, for the first time, how he was going to vote.

4677. Did you go to him and ask him?—No.

4678. He came to you?—I was standing in the public street; a man came up to me and said, Mr. Curragh wanted to see me.

4679. Was Curragh a friend of yours?—No.

4680. Did you ever see him write?—I do not think I did; oh, I saw him sign his name.

4681. What did he sign?—I think his name is Henry.

4682. What was the document he signed?—An I O U he gave me for 15 l.

4683. When did he give you the I O U?—Before I lent him the money.

4684. Was it in the gaol?—Yes.

4685. Have you got it with you?—Yes (*producing it*).

4686. Whose handwriting is that?—Mine, excepting his name.

4687. You got none of it since, I presume?—I applied to him for it, and he promised to pay it.

4688. Where is Curragh now?—I do not know indeed.

4689. When did you see him last?—I am not sure, it was a month or six weeks perhaps.

4690. Have you had any communication with him?—No, except writing and asking for payment of the money.

4691. Where did you write?—I wrote to his home.

4692. Where?—In Sligo.

4693. Did you not know he was not there?—I did not know, because I have an answer in my pocket.

4694. Mr. *Robinson*.] He is there at this moment?—I believe so.

4695. Mr. *Coffey*.] Do you know in whose handwriting that is?—I do not know.

4696. Did you ever see it before?—No; I never saw that before.

4697. Are you sure you can form no idea of whose handwriting that is?—No; I never saw it before.

Re-examined by Mr. *Robinson*.

4698. Did you do the printing work for Major Knox during the election?—Yes; a good deal of his work was done in my office.

4699. His address, and matters of that kind, were printed there?—Yes.

4700. Mr. Justice *Keogh*.] Do you know the house called Haggerty's house, said to belong to Major Knox?—I do.

4701. Did you attend there at any meetings?—I pledge you my oath, I never sat there as a committee-man, nor at any meeting whatever.

4702. Did you go there at all?—I was in it.

4703. During the election?—Yes.

4704. What time used you to go there?—I was in it on one occasion.

4705. What time of the day?—I think, as nearly as I can recollect, the Saturday previous to the election; I went in it at about two o'clock in the day.

4706. Who were there when you went in?—I think I saw Mr. Brennan in it.

4707. Who else?—I think Leonard was in it, and perhaps one or two other men who were not voters.

4708. Who else?—I think there were two other men named Curry in it.

4709. Who else were there?—There were very few in it on that occasion; I think perhaps I might have seen Mr. O'Farrell in his own house next to it.

4710. I am talking of that house, not the next house; did you go there on any future occasion?—Once or twice I might have passed into it.

4711. After that?—After that.

4712. What time would that be?—In the day-time; I never was there at night.

4713. Do you recollect whom you met when you went once or twice?—Well, I recollect Brennan being in it; I saw McMorrow in it afterwards; I saw a man named Knaggs in it, and those other managers of the mobs.

4714. What brought you there?—I went in to see these people.

4715. What people?—Knaggs or Brennan, or McMorrow.

4716. You expected to find them there?—Yes; I heard they were there.

4717. What brought you there; what was your object in going there?—I had no particular object; just to see they were there.

4718. You said you went two or three times, what was the object you had in view in going there?—I had no particular object, except to see these parties.

4719. What did you go to see them for?—Indeed I could not say particularly now, it was to see they were there, just to talk to them.

4720. When you went two or three times to see

see a particular person, one would suppose you had some particular object in going?—I assure you I had no particular object in going except just to pass into the house.

4721. You expected to see the same men there each time?—Yes, I dare say I did; I saw more on one occasion than on another.

4722. Did you ever see Mr. Stokes there?—No.

4723. Mr. Cherry?—Never.

4724. Did you ever see Mr. Wilson there?—Never.

4725. Mr. Williams?—No.

4726. Mr. Petrie?—No; I never saw Mr. Petrie.

4727. Mr. Lyons?—No.

4728. You never saw Mr. Lyons there?—No.

4729. At any time you were there?—No.

4730. Were you ever there in the evening?—Never.

[The Witness withdrew.

WILLIAM PETRIE, sworn; Examined by Dr. Kaye.

4731. ARE you engaged in business in Sligo?—Yes.

4732. Do you know a man of the name of Michael O'Hara?—I do.

4733. Did you ever on any occasion say to O'Hara that if he did not register his vote, you would get him 25*l.* after the revision?—Never.

4734. Did you hear him examined?—I did.

4735. Was that false that he swore in that box?—It was.

4736. Did you say anything to the like effect to him?—He buys a good deal of cattle for me; he has been doing so the last 10 years. I live two miles out in the country, and I pass his door every morning going down to my own place, to the fishing; he said several times to me that he did not know how to do about this election, that he had ruined himself before, and so had his brother James, and he did not wish to mix himself up in it at all, and he thought he would go away, and not register his vote at all. "Well," I said, "if that is the case, Michael, you had better not pursue politics any further."

4737. Is he an old man?—An old man.

4738. Did you make him any offer?—Never.

4739. Or hold out any inducement to him not to register?—Never.

4740. Or not to vote?—I never spoke to him after that.

4741. You never spoke to him after that?—Not upon that subject; this was at the time the register was going on. I never mentioned the election to him after that.

4742. Do you know a man named John Henry?—I do know him.

4743. Did you see or hear him give evidence in the box?—I did.

4744. Did you hear him swear that you called on him, and asked him who he was going to vote for?—Well, there was a portion of his evidence that I did not hear.

4745. Did you call on him?—I pass his door going up and down twice a day when I am at home. Last July I was coming down; he was due an account for herrings. I asked him if he was going to pay it; it was 18 months old. I said, "Henry, are you going to pay that?" He said, "I will, bye-and-bye." Major Knox had been in the town canvassing before that; the conversation turned upon it. He said to me at that time, he was going to vote for Major Knox. I said to him, "You scoundrel, is that the way you are going to use Serjeant Armstrong, after all the trouble he has had with you?"

4746. You had been a supporter of Serjeant Armstrong?—I was, and we expected him back at that time.

4747. What was his reply?—Well, he said the

Major was an old soldier, and he thought he would be more for him than anybody else. Perhaps I might tell what the Serjeant did for him, what he tried to get for him. He was a pensioner, his pension was taken from him.

4748. Did he say that at the time?—No; but that is what caused my answer to him.

4749. No matter about that, did you, upon that or any other occasion, say to him now or never was his time, that as he was a poor man he might make his shop full?—I never said such a word, and I never saw him from that till about a month before the election, when he came down to the office to pay some of the account.

4750. He did pay some of it?—He did, about a month before the election.

4751. Nothing of that kind occurred between you and him?—Nothing of that kind occurred.

4752. Did you say he would get 30*l.* for voting, or not voting?—Never a word about it.

4753. The statement that he made to that effect was false?—Entirely false.

4754. In the particulars which are furnished there, I see your name mentioned in connection with a man named Michael M'Goldrick, as having bribed him. Did you ever bribe M'Goldrick in any way?—Never in my life. I never spoke to him on election matters.

Cross-examined by Mr. Palles.

4755. Of course you voted for Major Knox?—I did.

4756. I suppose you supported the Major from the time you heard Serjeant Armstrong had retired?—No.

4757. When did you first join the Major?—I was never asked to join the Major.

4758. When was it you first joined his cause or approved his principles?—I never joined his cause.

4759. Nor approved his principles?—I do not know anything about his principles.

4760. How many people did you ask to vote for Major Knox?—I never asked one.

4761. Did you think it would be a prudent thing for a man to get away during the election?—I never thought at all about it.

4762. Did you think it was a tolerably convenient thing for any poor man not to be registered?—I never thought at all about it.

4763. Did you, in a joke, ever tell these people not to register, that it was not a convenient thing?—Never.

4764. Were you never in Major Knox's rooms at Leech's?—Never but once; I was once up there.

4765. When was that?—It was some time before the election.

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4766. It

A. Gillmor.

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W. Petrie.

W. Petrie.

22 February 1869. 4766. It must have been before the election, a week before?—I think it was about eight or 10 days before the election.

4767. What did you go there for?—I had no particular business, there was some other friend asked me up to see him.

4768. What friend?—I think Mr. Balfour.

4769. He asked you to go and see the Major at Mr. Leech's?—I met him in the street, and he asked me.

4770. You went?—I did.

4771. You saw some other gentlemen there?—I was not thinking at all about it.

4772. How many gentlemen did you see at Leech's, with the Major?—There were two or three there, and Mr. Pollock came in just as I was leaving.

4773. You cannot tell me the name of any one of those two or three gentlemen?—No, they were strange gentlemen, not townsmen at all.

4774. How often were you in Haggerty's?—Three times.

4775. When first?—I should think five or six days before the election, the first time.

4776. The second time, a couple of days before the election?—No; the second day after that or so.

4777. And the third time, shortly before the election?—Three or four days before the election.

4778. Who did you see at Haggerty's the first time you went there?—I first saw Mr. Grubb there.

4779. Anybody else?—I saw Henry Lyons there once.

4780. This is the first time I am asking you?—I am on the first time.

4781. Who else?—There was his son.

4782. Can you think of somebody else?—Mr. Williams and Mr. Woods were there also.

4783. What Mr. Woods?—The old gentleman, W. A. Woods.

4784. Anybody else?—Not that I remember of just now.

4785. Somebody that you don't remember. You did not meet Mr. Stokes there?—I never met Mr. Stokes there.

4786. Did you ever meet Mr. Cherry there?—No.

4787. What did you go there for?—I was up at Mr. Balfour's; I had my tea with him, and he said, "Come away down till we see Mr. Grubb, an old friend of mine;" it was he that took me away there first.

4788. Was he located there?—He was in the room.

4789. Was that where he was living?—I do not know.

4790. What were the gentlemen doing when you got there?—Just standing talking.

4791. The entire time?—The most of the time I was talking to Woods at the top of the stairs.

4792. What were you talking to Woods about?—A field of grass seeds I had bought from him.

4793. You were not talking about the election?—I was blowing him up about some bad seed I had.

4794. Were there any chairs in the room, or were they all standing?—I think there were chairs and a table.

4795. Were they all sitting down?—Nobody was sitting down while I was there.

4796. Was it spirits and water, or a pen and ink, they had?—Spirits and water?

4797. Yes?—I never saw any.

4798. Pen and ink?—No, I never did.

4799. What were they doing, those four or five gentlemen?—I went in, Mr. Balfour introduced me to Mr. Grubb; we talked three or four minutes, but almost all I did, was standing at the top of the stairs talking to Mr. Woods.

4800. You are not able, then, to tell me what the other gentlemen were doing there?—No.

4801. What hour of the evening was this?—About eight o'clock at night the first time.

4802. How long would you say you were there altogether, before you left?—I should think it would be an hour, fully.

4803. Did any persons come in and out of the door during that hour?—No.

4804. You were talking to Woods about this little dispute. The second time, can you tell me the names of any other persons you have not mentioned before, that you met there?—The second time, about the middle of the day, when I went up and saw him, there was nobody but Mr. Grubb there.

4805. The third time, who did you see there?—Well, really, I do not remember, but there were only one or two there that day. I think Mr. Hignell was there.

4806. Anybody else?—Mr. Grubb.

4807. Grubb, Hignell, and—?—Myself. I do not remember anyone else; I do not think there was anyone else there.

4808. How long were you there on the third occasion?—A few minutes.

4809. That, I suppose, was in the light?—It was in the day; I could not go out at night about that time.

4810. You know Mr. Gillmor, the mayor?—I do, well.

4811. And you were often in Mr. Gillmor's establishment?—I would go there on business a good deal.

4812. Were you ever in there when Major Knox was there?—I think about 10 days before the election, I was in Mr. Gillmor's shop, and Major Knox came in.

4813. When Major Knox came in, did he retire with Mr. Gillmor?—Mr. Gillmor asked us both up.

4814. And did you go up with him?—I did.

4815. How long did you stay there altogether?—About 15 minutes, I suppose.

4816. Tell us what you said, as well as you remember?—I was talking to the Major about fishing, and about Fishing Bills.

4817. Anything else?—Nothing else.

4818. The Major said nothing to anybody, except about fishing?—That was all the conversation between us.

4819. There was not a word about the election?—I did not hear a word about the election.

4820. When was it he asked you to vote?—In July.

4821. Who was with him?—Mr. Phibbs came to my house with him.

4822. Did Mr. Phibbs introduce you to the Major?—Yes.

Cross-examined by Dr. Kaye.

4823. I believe you have a very extensive salmon fishery?—I have.

4824. Under Lord Palmerston?—I hold under a great many landlords, in one way or another.

4825. You said, in answer to a question by my friend, you could not at that time go out at night?—Through the day and in the evenings, when I

was

was going along, I was three times attacked, and I had to take shelter about two miles out of the town. I slept at my son's; his windows were smashed. The night before the election, I had to go and stop at an hotel.

4826. The state of the town was so agitated?—At one time I would take shelter in one Burns',

a shoemaker, and other times I would be walking the street.

4827. Your own residence is a short distance out of town?—Two miles out.

4828. Did anything happen in your own house at all?—All the windows were broken.

[The Witness withdrew.]

W. Petrie.

22 February
1869.

THOMAS BRENNAN, sworn; Examined by Mr. McDonogh.

4829. I BELIEVE you live with your mother, in the town of Sligo?—I did.

4830. Are you a Provision Merchant, or was she?—I was.

4831. I want to ask you first, with reference to Mr. Patrick Flynn; I will come to him first, and take the others in their order; did you see that Mr. Patrick Flynn there, in the box?—I did.

4832. You heard him examined?—I heard part of the evidence.

4833. Did you hear him state that he told you he had been served with an ejectment for non-payment of rent?—He did.

4834. Did he ask you anything in reference to that?—He wanted me to stand to him, to take him out of the hobble.

4835. Had you had dealings with him; he is a pig merchant, is he not?—He is a pig butcher; he used to buy pigs in his place.

4836. Had you had dealings with him?—Oh, yes.

4837. What occurred between you and him about this?—I asked him the nature of the case, and he told me.

4838. What did he tell you?—That he was very badly off, and that if I could take him out of his hobble, he would be in a position to do some favour for me again, which he could in the pork season.

4839. Did he tell you who was the attorney against him?—I asked him and he told me; I had no money then to relieve him, so I called on Mr. Pollock.

4840. Is that the gentleman who has been mentioned as the attorney against him?—I went to Mr. Pollock, and got the case adjourned to the next sessions, that in the meantime I might have money to pay it, if he had not money to pay it himself; he told me he had an idea of getting a wife and a fortune, and if he got that he would be independent.

4841. Did Major Knox ever, by writing or otherwise, authorise you to pay that ejectment process for him?—No such thing at all.

4842. Did Major Knox ever write to you such a letter as to say that he was thankful for Mr. Flynn's vote, and that he authorised you to pay the amount?—No such thing ever occurred.

4843. Do you remember after the regatta, it was I believe in 1868, it occurred?—I forget now.

4844. It was in the summer or autumn season, at all events; do you remember Flynn asking you to go with him to Major Knox?—I do.

4845. Was the Major at this time, after the regatta, staying on the Mall, in Sligo?—He was.

4846. What was his object in going to the Major?—Well, he was badly off, and wanted to see if he could lift something from the Major.

4847. Did you go with him?—I did.

4848. Did you hear him apply to the Major for anything?—I did.

85.

4849. What was it?—He said, "Sir, I am a great friend of yours, and times are bad, and if you would give me something I would stick to you"; and he immediately put his hands in his pockets in this way (*illustrating*): "Mr. Flynn," said he, "I am very sorry, but if it was to secure 50 seats I would not give a single sixpence or a single shilling."

4850. Mr. Justice Keogh.] That is the way that Major Knox acted?—Yes, that is the way.

4851. What did Flynn do then?—He said he was a humbug, he did not delay long; the Major turned his back on us.

4852. Since the Major said he would not give a sixpence or a shilling, did you do anything to try to relieve him from the ejectment?—I did.

4853. Was that of your own motion?—Yes.

4854. Not on the authority of Major Knox?—No, Major Knox knew nothing about it.

4855. What was it you did to help your friend, the pig butcher?—The case was adjourned from one sessions to another; I went to the next sessions and I got the money, 10*l.* something, I forget what it was, but I took Flynn's word that he would repay me when he got the fortune; I had the life hunted out of me to get it paid, and I went and paid it then to Mr. Pollock.

4856. Was Flynn with you when you paid it to Mr. Pollock?—I forget now.

4857. Is it true that you ever canvassed with Major Knox in your life?—No.

4858. Do you remember one day having seen the Major and Mr. Harloe Phibbs, the attorney, coming up into Pound-street?—I was in that neighbourhood, I was coming down Albert-lane, Mr. Harloe Phibbs, a particular friend of mine, called me over, and he said, "Come over here, we will go up Pound-street," and I went up Pound-street with him.

4859. Did you show him any houses?—I did.

4860. Did you leave them then?—I did.

4861. Did you see a mob of women following Major Knox?—I did.

4862. Do you remember his getting into Mahan's house?—I do.

4863. Did you, before you left them, go into that house at the same time?—I forget how we went in, but some of us went in and some stopped outside.

4864. Do you remember whether the women blocked up the door or not?—I am sure of it.

4865. Do you remember any of them taking hold of Major Knox?—I do, dragging him by the coat.

4866. Did you hear what he said; whether they would let him go or not?—He would have to give them something; I think that is what they said; before they would let him go.

4867. Did the Major on that occasion give a sum of money to be distributed amongst them?—He stretched a sovereign to me, to give drink to the women.

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4868. Is

T. Brennan.

T. Brennan. 4868. Is there a word of truth in the story that he desired you to give a sovereign to Mrs. Mahan, and hoped that her husband would vote for him; is that a fact?—No; you could not hear what was said for the noise of the women.

4869. You gave the money, and it was distributed in drink amongst the women?—I gave the orders to Mrs. Mahan, and I was glad to get rid of them.

4870. This pig butcher stated that he had a conversation with you respecting a score of sheep that you were to get for him from Major Knox?—I never had a sheep in my life.

4871. Is there a word of truth in what he said?—Oh, not at all; a score of sheep! what had I to do with sheep?

4872. Is there a word of truth in saying that you were to get the price of a score of sheep from him?—Oh, what nonsense! to talk of sheep.

4873. Do you know the persons who have been talked of, Gray, and Kilcullen, and Mulligan?—I do.

4874. Were they part of Major Knox's mob at first?—They were.

4875. Do you remember the state of the town at the time of the revision; whether it was in a state of excitement or not?—It was.

4876. On that occasion did you hire some persons for the purpose of a mob for Major Knox?—I did; I was one of them myself.

4877. Did you go to the Court-house to protect the Major and his friends during the revision?—Yes.

4878. Was Captain Flanagan's mob very large then?—Bigger than our mob.

4879. Were they violent in their conduct?—Oh, yes.

4880. Did you get sums of money for the payment of these people?—I did.

4881. Was that pig butcher one of the mob?—He was.

4882. For a long time, I believe, he was active as a mobsman for Major Knox?—He was.

4883. Do you remember when he became a mobsman for Captain Flanagan?—I do; he wheeled.

4884. Did you ever give Kilcullen 25 l.?—No.

4885. Did you pay him as one of the mob?—I did.

4886. Like the rest of them?—Yes.

4887. Was the pig butcher also paid as one of the mob?—He was.

4888. Do you remember, after the revision, applying to the Major to pay more money; the men memorialising the Major, and applying to him to pay more money to the mob?—I do.

4889. Did the Major refuse to give any more?—He did; he said we were all a damned pack of scoundrels.

4890. And he refused to give any more money?—Yes.

4891. Did you ever throw a sum of money on the ground, on the path, for those fellows to take up?—No, I put it into their fist always.

4892. Do you know a man of the name of Dominick Oates?—I know him, but I do not know much about him.

4893. Do you know a man of the name of Leonard?—Yes.

4894. After the Major said you were a damned pack of scoundrels, did you do anything to give the people money for the mob yourself?—I did.

4895. And did you still divide some money?—I had not it, and I went to the Bank of Ireland and got 20 l.; it is due still, and I divided it among them.

4896. We served a subpoena on the manager of the bank, to produce the bill; is that it?—Yes.

4897. You are the drawer?—Yes.

4898. And James Gray, another of the mobsmen?—I got his leave; it was not Grey put his name there; he asked me could I do it? I said "Yes;" but he got 5 l. himself, and 14 l. was divided.

4899. You divided the money to keep these people quiet?—Yes.

4900. Did not Major Knox know something about it?—What did Major Knox know about it?

4901. He did not know anything of it?—Nothing at all.

4902. Do you know a woman of the name of Mary Burke, a servant girl that was at Leech's?—I do not know anything about her, only I saw her here a couple of days, and I think I saw her here some time before.

4903. Had you anything to eat or drink in Major Knox's own apartments?—No.

4904. Do you remember whether his cook brought you into the pantry at the head of the stairs, and upon two or three occasions gave you something to eat?—She asked me to have something to eat in a little pantry standing on the top of the stairs.

4905. Did you ever dine there in your life?—No.

4906. Is it true that a third drawing-room was taken for you?—No drawing-room; it is a small little room.

4907. But was it taken for you?—I had no business with it.

4908. With respect to a person of the name of Neilan; you saw that man here?—I did, yesterday.

4909. Do you remember that man coming to you at the end of 1867, and saying anything about his having heard that you had a mob?—No.

4910. Did he ever apply to you to employ him as a mobsman?—*The question was objected to.*

4911. Did he ever apply to you on any subject?—We often had conversation; Neilan heard that I was dividing money with these fellows; he said I ought to know he was in need, and anything that would be going, to give him some.

4912. Did you give him anything?—I offered him 2 l.; I read the list of the names to show what I was giving all the fellows, and he indignantly refused it.

4913. What was he to do for the 2 l.?—I would not count him so good as the rest of them, but it was for charity's sake.

4914. What do you mean by his not being so good as the rest of them?—He was not as good mettle as the rest.

4915. Was he to go with them?—Of course.

4916. Did you offer him anything for his vote in your life?—I never talked to him about his vote; I did not know whether he had one; he was so poor, and not able to pay his rates.

4917. That man said you told him that the Major had bought the Tennyson estate; is that true?—No.

4918. Do

4918. Do you know that he had done any such thing?—No, I do not.

4919. Do you know whether in point of fact, Mr. Tennyson has yet sold that estate?—I do not know a ha'porth about it.

4920. Did you ever tell him that you were agent for Mr. Tennyson's property that Major Knox had purchased?—No.

4921. Were you such in anyway?—I wish I was.

4922. But were you?—No.

4923. Was Martin Mulligan a mobsman?—He was.

4924. Did you pay him as such from time to time?—I did; I gave him his divide the same as the rest.

4925. Did you ever give anything for his vote?—No; Martin Mulligan had no vote.

4926. Did you ever promise him 40*l.*?—No; I never did.

4927. Did you ever offer John Henry any money for his vote?—No; never in my life.

4928. Did you ever speak to him of money matters at any time?—No; when I spoke to him, it was about buying two pigs that I had; that was all the conversation we had on the Sunday I met with him.

4929. When was that?—Previous to last winter.

4930. You said you never canvassed?—No.

4931. Had you any authority from Major Knox to canvass voters at all?—Certainly not.

4932. Had you any other duties, except collecting mobs, and you yourself one of them, regulating the forces?—No.

4933. Were you beaten on the occasion of this election?—I was; after voting.

4934. Tell us how you were beaten, and what occurred to you?—Pat Flynn was one of the party; I was kicked in the ancle, and was nearly losing the leg; my nose is injured for ever, and my ear.

4935. Were you knocked down?—No, I was too well kept up with clubs and sticks to be knocked down; my life would have been taken, only for Mr. Cherry, I think.

4936. Do you happen to remember whether Mr. Cherry appealed to the mayor of the town, Mr. Tighe, at the time to protect you?—I do not recollect anything from the time of the assault they made on me at the hall.

4937. Did you leave Sligo?—I did.

4938. What made you leave Sligo?—I could not live in it; they threatened to shoot me.

4939. How many days after the polling did you leave?—When my foot was getting worse I went up to Dublin, and I applied to Major Knox to get into a hospital, and the Major gave me a letter to Dr. Macnamara. I went to Dr. Macnamara; he looked at my foot, and said, "If you do not give that foot rest I will have to cut it off."

4940. Did he get you into the Meath Hospital?—Yes, and I remained a fortnight.

4941. He got you well?—Yes.

4942. Where did you go to next?—London.

4943. What did you do there?—I went applying for a situation to Ferry and Roberts, tea merchants in Eastcheap.

4944. Do you remember having been sent for and having come over to this country from London?—I do; I was sent for.

4945. How long ago?—I think last Saturday. I got a letter from Mr. Lawder, with 3 *l.* enclosed

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in it, to come over here; that there was a petition, and that I was required as a witness. I got the 3 *l.* changed at a discount of 1*s.* 6*d.* at one of the cash offices in the Strand.

4946. Mr. Justice *Keogh*.] That was Saturday week?—Yes, my Lord.

Cross-examined by Mr. *Waters*.

4947. First take these into your hands, and leave them as they now are, and tell me, is that your name and handwriting (*handing documents to the Witness*)?—Yes, it is.

4948. How much money did you spend on the Sligo revision and election?—I could not tell you.

4949. Did you keep any accounts?—Never.

4950. You are not able to give his Lordship any better answer than that; you cannot tell how much money you spent in the Sligo election?—I could not tell you; I would do so at once if I could; I would have no hesitation.

4951. I suppose you had frequent communication from Major Knox?—Not very much communication.

4952. Had you had any?—I had.

4953. Letters?—Yes.

4954. You do not happen to have any of them with you?—No; all I have with me is what you see; I have no letters or correspondence.

4955. Where are they?—I do not know where they are, because a week before the election I had to leave the house, and never was at the house since.

4956. Did you leave them in the house?—I suppose they are there.

4957. You suppose they are there?—I do not know whether they are in it or not.

4958. Did you take any away with you?—No.

4959. Did you go home to your house since?—How could I?

4960. Did you get a subpoena to produce those letters?—I did not.

4961. You never heard of the subject, the subpoena?—No, never.

4962. How much money did you get from Major Knox from time to time?—Wait till I see; I got 15 *l.* of the first money to divide; that was in 1867.

4963. What was that for?—To divide among the mob.

4964. As you pleased?—Yes.

4965. What was the next sum?—£. 10.

4966. When was that; in 1867 also?—No; I think that was in 1868.

4967. Are you sure whether it was 1868 or 1867?—I think it was 1868.

4968. That was 10 *l.* early in 1868?—I think so.

4969. It was well known that Major Knox was then going to be a candidate for Sligo?—Yes.

4970. It was known when you got the 15 *l.*; you knew it?—Everyone knew it.

4971. And it was to forward his election that you got the 15 *l.*?—No, it was not.

4972. For what other purpose?—There was a hostile feeling against him with the Armstrongs' party, and we wanted to have a battle with them for that.

4973. You say it was not to forward his election, was it to impede his election?—I say it was to "bell the cat" with the other fellow.

4974. You have only told us 15 *l.* and 10 *l.*?—And 25 *l.*

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4975. Mr.

T. Brennan.

22 February 1869.

T. Brennan,
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4975. Mr. Justice *Keogh*.] When was the 25 l.?—I think, my Lord, it was at the time of the revision, as well as I can recollect.

4976. Mr. *Waters*.] Did you get nothing beyond the 10 l. and the 25 l.?—No, I think not.

4977. Where had you an account of all these moneys; are you speaking from recollection?—Yes, I am.

4978. Entirely from your recollection?—Yes.

4979. And you never kept any sort of account of what you did with the money, or how much you got?—I never did; I had a pocket-book.

4980. Where is it?—I have not it now. The night of the election I lost it; and whatever was in it I do not know. I will tell you what was in it. There was a bill I am sorry I have not now.

4981. I do not ask you what was in it; after the 25 l., what did you get, that is at the revision; you got nothing between that 10 l. and the 25 l.?—That is the last time. He said we were all a pack of damned scoundrels.

4982. Including you amongst them?—Of course.

4983. On your oath, did you ever get more money from him except at the time of the revision?—No.

4984. Not a single shilling since then?—No.

4985. Did you spend money of your own?—I did.

4986. How much did you spend of your own?—I could not tell you.

4987. £. 100?—Well, I am sure; near it.

4988. Perhaps over it?—No; it was my mother's money, and my own.

4989. Have you been repaid?—No.

4990. None of it?—No.

4991. Did you tell Major Knox you ever spent money of your own?—No.

4992. You never told him that you had spent any of your own money?—No.

4993. How did you spend it?—Well, dividing it, on Saturday night, with those fellows, Flynn, and Kilcullen, and Gray, and all of them.

4994. And you put your name to that bill, that has been produced, and you wrote Gray's name to it?—I did.

4995. And you would be very much surprised to hear Gray swear that he did not know anything about it?—Didn't he get 5 l. of the money?

4996. That is not the question; would you not be very much surprised to hear Gray swear that he did not know anything about his name to that bill?—I would be astonished.

4997. You got the 20 l.?—I did.

4998. Did you pay the bill?—I did not.

4999. It is over due?—It is.

5000. And you applied the 20 l. to the election?—No, I told you.

5001. Did you apply it to the election?—Did not I tell you what I did with it?

5002. You gave Gray 5 l.?—Yes.

5003. Was that towards the election?—He was one of the mob.

5004. Will you answer the question?—Was not he one of the mob?

5005. Mr. Justice *Keogh*.] Answer the question?—I do not understand it.

5006. Mr. *Waters*.] Was it for the purposes of the election that you gave that to him?—He was one of the mob at the election.

5007. You were asked whether that 5 l. was for the purposes of the election?—Yes; I did not understand the form of the question.

5008. Had you any account in the Bank of Ireland?—No, I had not.

5009. Was that the first transaction you had in it?—It was not.

5010. What other transactions had you there?—At the time I paid Flynn's money I had a 15 l.-bill.

5011. Did you take that up?—I did not.

5012. Where is it?—I suppose they have it in the bank.

5013. You have not paid it?—It was in the pocket-book I had at the time of the election.

5014. What did you mean by saying they had it in the bank?—I meant the account of it, not the bill.

5015. Perhaps you had other transactions?—Several.

5016. What were they?—Private transactions of my own.

5017. Not connected with the election?—No.

5018. Then these two bills are the only ones connected with the election?—Yes.

5019. Whose name was on the other bill?—It was Charles Judge.

5020. He is a man of Sligo?—He is.

5021. Had you his authority to write his name upon it?—I had.

5022. Is he a good man?—He is not a good man.

5023. Did you write Judge's name yourself, or did Judge write it?—I did.

5024. Why did not Judge write his name himself?—Because he had nothing to do with the money. I asked him, "Charles," said I, "shall I put your name?" I explained it to him, because I would not do it without his permission.

5025. Did you tell the manager you had written these men's names on the bill?—I did not; why should I? Sure I would not have got the money if I had.

5026. How long were you in Dublin after the election?—A fortnight.

5027. And where did you stay after you left the hospital?—I went direct to London.

5028. Did you go straight from the hospital to the steamer that you went away by?—No.

5029. Where did you go?—I went away up to a part of the city next the Westland-row station.

5030. To whose house?—I do not know the house. I asked for lodgings, and I got them that night. I do not know the name of the street, because I do not know much of Dublin.

5031. Where were you living before you went into the hospital?—I was living in McDermot's, I think it is called, a lodging-house on the quays.

5032. Do you know Mr. Hughes?—No.

5033. Do you know no man in Dublin of the name of Hughes?—No.

5034. You never saw one?—No.

5035. What is the last time you saw McMullen in Dublin?—McMullen?

5036. Why do you not answer?—I never saw McMullen in Dublin; never saw him.

5037. Nor out of Sligo?—Nor out of Sligo.

5038. Do you know where he is?—What would make me know anything about it?

5039. You do not know anything about him?—No.

5040. Nor where he went to?—No.

5041. Nothing

5041. Nothing at all about him?—It gave me no trouble at all where he was.

5042. Were the McMullens, father and son, voters?—I do not know.

5043. Were you at the revision?—I was not in the court very much.

5044. Were you at the revision?—I was.

5045. Did you know McMullen and his son?—I did.

5046. Did you see them there?—I saw them in and out of the yard of the court-house, when I had business to go there.

5047. Did you see them at the time of the revision?—I did not. I did not see the father at all; I only saw the son.

5048. Had you seen a list of the voters of the borough of Sligo?—Never.

5049. After the last revision?—No, I had not.

5050. And you do not know who are voters and who are not?—I know a good deal of the voters, of course.

5051. Do you know James Devany?—I do.

5052. Is he a voter?—I think he is.

5053. Where is he?—I do not know anything about him.

5054. But you saw him since he left Sligo?—I know little of Sligo since the week before the election.

5055. Did you see him since he left Sligo?—I have no recollection of seeing him.

5056. Did you see him in Dublin?—I do not recollect of having seen Devany, because I was a very little time in Dublin before I went into the hospital, and when I came out I left it and went to London.

5057. Did you see any men out of Sligo there?—Pat Connell and Henry Gethin came into the hospital there.

5058. And will you swear you did not see other men out of Sligo?—I have no recollection.

5059. Did you see Mr. Gillmor in Dublin?—No.

5060. Did you see Mr. Hignell?—I did.

5061. I suppose you saw him here?—I did.

5062. I was wrong in saying "here;" I mean in Sligo; you saw him at the time of the election?—I did.

5063. You had many conversations with him about the election?—Yes.

5064. And you saw him in Dublin?—I did.

5065. Before and after the election?—Yes; I saw him after the election in Dublin.

5066. Before and after?—I did.

5067. And were consulting with him about the election?—He was asking how we fellows were getting on below.

5068. Were you consulting with him about the election?—There was the kind of talk how things were going on, and so on.

5069. Did you meet him at the "Irish Times" office?—Of course it was there I saw him.

5070. With Major Knox?—Yes.

5071. And did the three of you consult, in the "Irish Times" office, about the election?—He never was in the office with me, with Major Knox.

5072. Did you not swear that a minute ago?—No, you want to confuse me.

5073. How long was Mr. Hignell in Sligo, at the election?—I did not see him until the night I was attacked, when I went into Dr. Ferguson's.

5074. Before the election, how long was he

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here?—I do not recollect to have seen him for a good while before the election in Sligo. *T. Brennan.*

5075. Did you get letters from him?—Yes.

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5076. And you sent telegrams to him?—I think I never sent a telegram to him but once in my life.

5077. You did send him one?—Yes.

5078. This is it, "Take care you do not make a fatal mistake that cannot be recovered. Wyley is to be here on Tuesday night"?—Yes.

5079. What was the fatal mistake?—Serjeant Armstrong was expected in that night, and the Armstrongites wanted to make a demonstration, and we wanted to check them, and I wanted funds for the mob, not to let them have their swoop.

5080. And the fatal mistake was——?—Mr. Hignell came down himself.

5081. What was the fatal mistake that you telegraphed from Sligo to Hignell?—If he did not send me the money I could not get the fellows to fight without money.

5082. Why did you telegraph to Hignell, of all men in the world?—I often saw Mr. Hignell come down. I will tell you, I got acquainted with Hignell at the time of the regatta, when he came down in the Major's yacht.

5083. You thought Hignell would pay the money out of his own pocket?—No, I did not think so.

5084. Was there no other person managing affairs for Major Knox but yourself?—I did not know any.

5085. Did you never consult with Mr. Harloe Phibbs?—No.

5086. Nor Mr. Pollock?—No, I did not want any consultation.

5087. Then you were the man to look after everything for him?—The fighting department was mine; I did not want any consultations.

5088. Did Hignell come down?—He did.

5089. And give you money?—No; he did not.

5090. I thought you said he brought a few pounds?—No, you want to put question and answer together.

5091. Did Hignell bring a few pounds?—Cannot you let me answer? He came down and said, "I have a few pounds for the men." I went over, and then we consulted together about the few pounds. "Let him put it into his pocket," they said; "we will not take the few pounds, if he has not a lot." So Mr. Hignell did not stand.

5092. Where did you get the money from for them then?—I did not give them any that time.

5093. Did you ever say to any man that you could not give him money; that it would not be safe for you to give him money?—I never said any such thing.

5094. And you gave this money freely?—I did; whenever I gave it to them I put it into their fists.

5095. Did you ever throw 2*l.* in the path, and tell a man to see what was there?—I never did.

5096. Nor 25*l.*?—No.

5097. Did you give orders for drink?—I did.

5098. To whom?—One to Patrick Gordon, and one to John Culligan.

5099. Who else?—I gave an order to Miss Dagenam for some meal and some flour for these fellows, when I could not get the money for them. Neither of them are paid.

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5100. To whom did you give the order for drink?—To Culligan.

5101. Did you pay Culligan?—No.

5102. He is not paid?—He is not paid.

5103. Culligan is a publican in Sligo?—Yes, he was a publican of our own.

5104. Do you recollect going to Keiflaghan, and saying Major Knox was coming to canvass, and he hoped he would stand to him?—I never said anything of the kind.

5105. In point of fact, you never asked a man to give you his vote?—I have no recollection of it.

5106. How long were you working at the election for Major Knox; what time in 1867 did you begin?—I think in November.

5107. And you never stopped, I will engage, until you left Sligo; you were off and on engaged for Major Knox until you left there?—I wanted to have satisfaction of the Armstrong party, and I just worked all my might and main against them.

5108. And you continued your exertions up to the very day of the election?—I did; no, not to the day of the elections; I made no exertions, because I was in at lodgings; I had to go for protection into O'Farrell's; it was the Thursday before the election; I was attacked in the street; I ran into Dr. Ferguson's; I was afraid they would smash in his house, and I went into O'Farrell's house then.

5109. That was one week before the election?—Yes.

5110. You continued your exertions from November 1867?—Yes.

5111. You made continued exertions; what were you doing?—I was working up to keep them in check.

5112. You received letters from Major Knox?—I did.

5113. About the state of the town, and its prospects?—Very few.

5114. But you wrote about the state of the town, and its prospects?—It was about the yacht.

5115. I don't want to know anything about the yacht; I don't want to pry into any of Major Knox's private affairs; I ask, did you write letters about the election matter to Major Knox?—I do not recollect that ever I did; it was principally about the boats.

5116. And you never spoke of Tennyson's estate, and the likelihood of Major Knox purchasing it?—It was rumoured through the town that he had bought it.

5117. That is not my question; did you ever yourself speak of the likelihood of Major Knox purchasing Tennyson's estate?—I do not know; but I heard of it; I do not know whether I might have said anything or not about it.

5118. Is your answer that you did, or not?—I could not say; there was a rumour through the town.

5119. You may have said it?—Yes.

5120. You may have said also something about the probability of your being agent over it, if it was purchased?—Yes.

5121. Did you not expect it?—Yes.

5122. Did you work hard for Major Knox?—I did; and I am not sorry for it.

5123. And he owed you a great deal for your exertions?—He owed a great deal.

5124. He owed you goodwill and thanks?—That is for himself.

5125. Don't you think he did, and did you not expect to be made agent?—Well, I did not.

5126. Did you ever say that you expected to be agent?—No, for there was another party.

5127. Did you ever tell any man that you expected to be agent over Tennyson's estate when it would be purchased by Major Knox?—I do not know; I would not like to give a decided answer, except where I would be certain.

5128. Do you know your namesake, Thomas Brennan?—I do.

5129. Did you tell him?—I don't know, I am not sure.

5130. Will you swear, on your oath, that you don't know if Neilan had a vote or not?—I do not know; I am not certain.

5131. You live next door to him?—I do.

5132. Do you know for whom he voted in 1865?—What do I know about it?

5133. You do recollect?—That I do; I will tell you how I recollect how he voted. He got money for his vote; he voted for Serjeant Armstrong; and there was a row with Mr. Foley, the petitioner here; he was to give him 50 l. or something. Foley advanced 5 l. and forgot to stop the 5 l. out of the 50 l.; Neilan shook his fist, and would not give it him back.

5134. You know that?—It was the talk through the town.

5135. Did he get money from Serjeant Armstrong to vote?—It was over the town.

5136. Did you know it?—Hundreds knew it as well as me.

5137. Did you?—I did know it, sure, and did not I tell you that?

5138. Then you knew he voted for Serjeant Armstrong?—Yes.

5139. What did you mean by saying that you did not know he was a voter?—

Mr. Lawder.] That was in 1868.

Witness.] I know he owed a year and a half's rent; and I did not know whether he had his rates paid or not. That is the reason I did not know; when he owed a year and a half's rent, I thought he might owe the rates as well, and have no vote.

5140. Neilan came to you, and told you he was badly off?—I was often in and out; my newspapers used to be left in his house.

5141. Did Neilan continue to tell you he was badly off?—Do I not tell you, my newspapers used to be left in his house.

5142. I will have an answer; did Neilan tell you he was badly off?—He did, outside his own shop door; didn't I know he was badly off?

5143. Listen to my question: did he not tell you he was not able to pay his rates and taxes?—He did.

5144. Did he ask your assistance to pay them?—He did not.

5145. Did he ask you to speak to Major Knox for him?—He did not.

5146. To anyone?—Wait now; don't confuse me.

5147. I do not want to confuse you; I only want to get the truth from you.

Mr. Justice Keogh.] Answer the question.

5148. *Mr. Waters.*] Did he ask you to apply to Major Knox?—I forget whether he did or not,

not, and I should not like to give an answer unless I could be sure.

5149. Did he speak to you to apply to anyone to assist him in paying the rates and taxes?—He told me to speak to the landlord to get a little time, and I did speak to the landlord, and he told the landlord, after that, it was me was pressing him for the purpose of getting the house; that was the reward he gave me for getting the house, after my telling the landlord to give him time, that the creature might get round, or get a situation; and then he told the landlord afterwards that I was the means of pressing him to get the house for ourselves.

5150. Did you write to Major Knox about him?—I forget.

5151. Try to recollect; did you write to Major Knox about him; say yes, or no, if you can?—But I cannot say it, you know; I am not sure.

5152. You knew Haggerty's house?—I did.

5153. And you were in there?—I was in O'Farrell's.

5154. And in Haggerty's?—In Haggerty's yard; I used to go out in the yard sometimes.

5155. And you went from O'Farrell's house, into Haggerty's, through the door that was broken in?—Through the yard; it were two yards that were connected.

5156. When was that communication broken?—I do not know anything about it.

5157. Was it not freshly done; sure you saw it?—Of course I did, and it gave me no trouble when I got in with my life to Dr. Ferguson's.

5158. You always evade my questions; was it freshly done before the election?—Why would it give me any consideration when it was done?

5159. Just answer my question, whether it was so, or not?—I do not know whether it was or not; that is my answer.

5160. You were in Haggerty's house?—I could not say I was in Haggerty's house.

5161. Do you mean to swear you were never in Haggerty's house?—In the kitchen I used to go; it was a waste house.

5162. I know it was; about the time of the election were you ever in Haggerty's house?—It was in O'Farrell's house I was stopping; I might go into the yard, or the kitchen; I might have gone in there occasionally.

5163. Did you ever meet Petrie there?—I never saw Petrie there.

5164. Were you ever in there with him?—I never saw him in it.

5165. Did you see Colonel Knox there?—No.

5166. Did you see Mr. Lawder there?—No; I did not know Mr. Lawder at the time.

5167. Mr. Phibbs?—No.

5168. Mr. Gilmore?—Yes, I saw Mr. Gilmore; he came in to see how I was when he heard of the attack made on me.

5169. You only saw him once?—I suppose Mr. Gilmore came in a couple of times to ask me how I was getting on; they were going to break in the house; he told me to cheer up and not be afraid.

5170. Did you ever see Woods there?—No; I do not recollect.

5171. Did you ever see Stokes there?—No, I did not.

5172. Hignell?—Hignell came to Farrell's to ascertain where I was.

5173. Did you ever see him in Haggerty's?—No, but I saw him in O'Farrell's.

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5174. Did you drink some of the beer that Mr. Hignell sent in?—No, I was not drinking at the time, so I did not drink any.

5175. You saw others drink it?—I did not hear of Mr. Hignell sending in any beer; I will swear, on my oath, I never heard anything of the kind.

5176. Did you see the cask of beer tapped?—Yes.

5177. And people drinking it; perhaps they paid O'Farrell for every glass they drank?—I had to pay him.

5178. For what you drank?—For what I ate and drank.

5179. Who suggested to you to go to London?—Well, I went to Ferrier, of the firm of Roberts and Ferrier, to apply for a situation; it was no use my thinking of going to Sligo.

5180. Perhaps you will have the goodness to answer my question; who suggested your going to London?—No one.

5181. Did you carry any letters of introduction with you?—I will swear I did not.

5182. What money did you take with you?—£. 15 of my own.

5183. Who gave it to you?—I had it before the election.

5184. Did you bring it from Sligo with you?—I did, and I got a loan of 7 l. in Dublin; that I owe still. I got altogether 22 l. I was not sure whether I would go to America or not.

5185. You did not see Major Knox before you went?—I think he gave me the cold shoulder at the time I went up.

5186. Did you tell him when you were going?—I did not see him.

5187. Did you tell any one connected with Major Knox that you were going to London?—I did not see any of them.

5188. Did you write to them from London?—No; I will swear I did not.

5189. Nor anyone connected with him in London?—No.

5190. Did you leave your address in London, with anyone in Dublin?—I did not.

5191. On your oath, how did Mr. Lawder know how to find you in London?—How he found me out I do not know; but I will tell you; a boy came—

5192. Did you get a letter from him?—Oh, no. There came a boy where I was stopping, in Sherwood-street, off Regent-street; the landlord came up, "There is a boy below," he said; "he has a letter for you, sir." I knew a young chap named Hare, from Sligo, that is living in London, and he might have told it or written about it. I met him several times in London.

5193. Where is Mr. Lawder's letter?—I have no letter at all.

5194. Did you get a letter from Mr. Lawder?—"Dear sir: You will please come—"

5195. Do not tell me about it, where is it?—I have not it. I do not know where it is; maybe I have lit my pipe with it.

5196. When did you see it last?—The day I got it. I went away, and got the three notes changed, and they cost me 6 d. each.

5197. Do you know that handwriting (*handing a letter to the Witness*)?—I do not.

5198. Did you ever see it before?—No; I never recollect seeing a thing of the kind. I do not know what it is, or what it is about.

5199. Do you know this gentleman (*pointing*)?—Yes.

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5200. That

T. Brennan.

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T. Brennan. 5200. That is Dr. Mahon, I believe?—I do not know who he is; I saw him in Meath Hospital.
 22 February 1869. 5201. On your oath, did you tell that gentleman you were the agent of Major Knox's at Sligo?—I told him no such thing.

5202. On your oath, did you not tell him you bribed men for Major Knox, at Sligo?—I told him no such thing.

5203. I think you told me that you never heard that a subpoena was left for you?—I never heard anything about it.

5204. Look at this gentleman; do you know him.

5205. Mr. Justice *Keogh*.] You were going to say something?—My brother sent word into Farrell's that there was a fellow named Connor who was stabbed at the time of the election, and there was a conspiracy got up against me.

5206. Mr. *McDonogh*.] That is not anything about the subpoena?—There was a warrant issued against me.

5207. These are two orders for drink, to Mr. John Keiflahan; "Please give bearer, James Knaggs"; do you know James Knaggs?—I do.

5208. Is he a voter of Sligo?—He is.

5209. "Please give bearer, James Knaggs, drink to the amount of 5 s. Thomas Brennan, 26 September 1868."

5210. Mr. Justice *Keogh*.] Is that your handwriting?—It is, my lord.

5211. That other is your handwriting also?—It is.

5212. Was that written in Major Knox's presence?—No.

5213. Was either of them?—No.

5214. Mr. *Waters*.] On your oath, was not that written in Major Knox's presence, and handed by you to Major Knox?—Not at all. He knew nothing about them, and never saw a sight of them.

Mr. *McDonogh*.] "Mr. Keiflahan, please give bearer, these men 1 l. worth of drink. Thomas Brennan, September 1868."

5215. Mr. *Waters*.] Do you know that Keiflahan is a voter?—I do; he was not a voter until the last revision, I think.

5216. Not till the October registry?—Yes; that is as well as I can remember.

Re-examined by Mr. *McDonogh*.

5217. Were those persons mobsmen?—No; Knaggs came to me for a loan of 5 s.; I had often transactions with him; he was on the spree. I could not give it to him; he stopped in the shop a long time; then the only chance was, I had to run over to the desk, and I took and wrote it. He said he was dry after the night, or I forget what it was he said. I could not get rid of him. I wrote it on the desk and gave an order to Keiflahan, because I used to get drink at Keiflahan's off and on, and used to go there frequently.

5218. And the other people that you gave it to?—Those were the Holborn-street fellows.

5219. Were they mobsmen?—They were, of course.

5220. Did Major Knox or Mr. Lawder know a word about that?—They never did.

5221. Did you have any authority from Major Knox?—He knew not a word of it.

5222. You had full authority to put Gray's name to the bill?—Sure, and did he not get some of the money, and divide it?

[The Witness withdrew.]

JOHN O'FARRELL, sworn; Examined by Mr. *Robinson*.

J. O'Farrell. 5223. You are a Rate-collector?—Yes.

5224. Do you live in Sligo?—Yes.

5225. You have this house that we have heard some talk about?—I have it in charge.

5226. Do you remember, during the election, any persons coming to your house?—Yes.

5227. Who were they, and for what did they come?—Brennan was the first; he claimed protection; he said his life was in danger.

5228. Thomas Brennan was the first, and he claimed protection?—Yes; I found him in the house when I first went in.

5229. Did anyone else come?—Yes.

5230. Who?—James Tondra, the same day.

5231. Did he also claim protection?—He did.

5232. Did anyone else come?—Thomas McMorron.

5233. Anyone else?—There did.

5234. Who?—A man of the name of Lindsay.

5235. Anyone else?—Yes, a man of the name of West, a man of the name of Armstrong; in all, 10 came.

5236. Did they all claim protection in that way?—Yes, they said they were afraid of their lives; and I told them they could not be there unless I would be paid for them; that I did not in fact want them, the street was so violent.

5237. When did the first of them come; on what day?—The 13th of November.

5238. Did you make any arrangement with

them, or any of them?—I did; with every one of them.

5239. What arrangement did you make?—The arrangement was, that they should pay me 10 s. a-day.

5240. And were they to stay there and be fed by you?—They were; there was a distinct arrangement.

5241. Did you ever see either Major Knox or Mr. Lawder there?—Never; not in my own house, or the other house.

5242. Not in your own house, or Haggerty's house?—I never did.

5243. There was something about a barrel of beer which was said to have been bought by Mr. Hignell, and sent to your house; is that a fact?—There is not a word of truth in it.

5244. Who was it bought that barrel of beer?—I bought it.

5245. Who paid for it?—I paid for it, and the man is here to prove it.

5246. What did you pay?—Thirty-one shillings and sixpence, he told me the price of it would be.

5247. You paid for it?—I had a general account with him, and I settled it all; it is included in it. I might mention that the cause of my getting the barrel of beer was, Mr. Le Strange took my own house for the purpose of accommodating voters who were coming from a distance; and

and Sir Robert Mann also spoke to me, and told me I would have a number of voters from county Donegal, where his estate lies; and I thought it good to get a barrel of ale, and whatever those men who came in unexpectedly to me left, would be available for the county voters.

5248. Was it Mr. Le Strange arranged with you for the county election?—Yes.

Cross-examined by Mr. *O'Loghlin*.

5249. You live next door to Haggerty's house?—Yes.

5250. To whom does Haggerty's house belong?—To Major Knox.

5251. When was the communication made between your yard and Haggerty's yard?—When I let the house to Mr. Le Strange.

5252. When was that?—A few days before he came.

5253. Was that a few days before the election?—Yes.

5254. Does your house belong to Major Knox?—Yes; I am his tenant.

5255. At the time this communication was made, was Haggerty's house vacant?—It was.

5256. There was no furniture in it?—No furniture.

5257. Did any furniture come in?—Yes; I hired furniture for the purpose of the election.

5258. Will you tell us how you came to have anything to say to Haggerty's house?—I made it available, as it was waste, and I had charge of it.

5259. How did you come to make it available; to whom did you go?—I consulted Mr. Phibbs about opening the door-way. The thing presented itself to me, that I could make the house available for the county election. J. O'Farrell
—
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5260. Tell me, how much were you to pay Mr. Phibbs for the use of the house?—I was not to pay anything; I had no arrangement, but the house is better off by having a fire in it.

5261. Do you know Tom Brennan?—I do.

5262. Did you see him at the revision?—I did.

5263. You, I believe, are poor-rate collector?—Yes.

5264. Was it your duty to be in court?—I was in court.

5265. Did Brennan take an active part in the revision?—I was confining my duties to the court.

5266. Will you answer my question; did he take an active part in the revision?—I observed him to take no part, only he was objected to himself, and he went to procure documents to keep him on the register. That is all the part I saw him take with any party whatever.

Re-examined by Mr. *Robinson*.

5267. Where did you get the furniture?—I hired it from Mr. Reid, the broker.

[The Witness withdrew.]

JOHN MCGUIRK, sworn; Examined by Dr. *Kaye*.

5268. WHAT are you by trade?—A Hair-dresser.

5269. You are a voter for the town of Sligo?—I had a vote for the borough of Sligo at the last election.

5270. Were you one of those who took refuge in Mrs. Hall's?—Yes; I was one of the persons who were in Mrs. Hall's house.

5271. How many days were you there?—I think on Tuesday evening I went into Mrs. Hall's.

5272. That was the day of the nomination?—I am not sure, but I think it was.

5273. Did you remain there till after the election?—I remained there till Friday night.

5274. Did you see Major Knox there up to the day of the polling?—I never saw him there but on one occasion during that day.

5275. What day was it that you saw Major Knox there?—The day of polling; I never saw him but on one occasion, that is the day of polling.

5276. What time did you see him?—I think it was about a quarter after 10 o'clock.

5277. Did he say anything to you?—I was in the upper part of the house; I think young McGoldrick came up along with him; if I don't mistake, I was seated either on a chair or a form; I don't know which, upstairs, and was looking out on the court-house and the yard; and he came up to me, and said "Mr. McGoldrick, will

you come out and vote for me"? "Well, Major, I will not," I said. Then I assigned him the reason; I was under the dread of the death of Captain King at the time, and under that dread I did not vote. J. McGuirk.
—

5278. You had previously promised to vote for him?—Oh, yes, and it was my intention. Were it not for the death of Captain King I would have recorded my vote.

5279. Did Major Knox on that occasion use any threat towards you?—He never said a word after I gave him the answer, direct or indirect. He never even stopped a second, but walked away.

5280. Is it true that Major Knox said to you, "If you do not vote for me you will be sorry for it; mark the consequence"?—Upon my solemn oath the gentleman never said a word to me, either in the way of threat or in any other way.

5281. Were you really alarmed and frightened at the state of the town and the conduct of the mob?—I would not go out for any consideration.

Cross-examined by Mr. *Coffey*.

5282. When had you made up your mind to vote for Major Knox?—Twelve months ago.

[The Witness withdrew.]

MAJOR KNOX, sworn; Examined by Mr. *Macdonogh*.

Major *Knox*. 5283. You are the Sitting Member for the Borough of Sligo?—I am.

22 February 1869. 5284. I believe you have heard the whole of the evidence here up to this?—I have.

5285. Did you see that man Brennan, who was in the box a few minutes ago?—I did.

5286. Do you remember when you first saw him or knew anything about him?—I think I first met him at a regatta in 1867. I think it was.

5287. Was that a regatta that you furthered?—I did. I took an interest in it, and gave a cup, I think.

5288. Was I correct in referring to the fact that he had made a little boat, which he called the "Irish Times"?—He did.

5289. And you became acquainted with that fact?—I did. I became acquainted with it first. I wrote to him when I saw it, and said I was very much gratified.

5290. You, I presume, had an idea of looking to the representation of the town even as far back as 1867?—I had since February 1867.

5291. You have heard the evidence, not only of that man, but of others; did you ever employ that man as agent for your property?—Never.

5292. In what position; was he at all engaged in any way that you are aware of?—I had nothing whatever in the world to do with the man, except that he and a lot of other men like him got up this mob in the town, which I considered it absolutely necessary to have, because I was annoyed in canvassing. Until I got the mob I could not go through Pound-street and different parts of the town at all.

5293. Pound-street is a peculiar locality?—It is.

5294. Could you go through at all without the assistance of some persons to protect you?—I could not possibly, I think. I could not, I know.

5295. Was any money that you gave that man given solely and entirely for that purpose?—Entirely and exclusively.

5296. And in no other character?—Not a shilling.

5297. Did you ever give him a single shilling to give a voter for his vote?—Never in my life, nor any other man.

5298. Did you authorise him to canvass voters for you, and so engage votes for you?—Never.

5299. In point of fact, did he ever, upon any occasion, go with you upon your canvass, except upon the occasion I refer to, when he was asked to show you some houses?—The only occasion that he ever was with me on my canvass was one day we were going up Pound-street, Mr. Phibbs called him. He was at the other corner. I think he called him; and he asked him to show some houses there; the different people who had votes in the street. He left us then, and we got another man to show us the next locality, the next street.

5300. Do you remember his having accompanied you to the door of Mrs. Mahan's, or going into the house on the occasion?—My recollection is that he did not come into the house; but, after I had gone in, I found that the man Mahan was out; he was not there, I remember, and a number of women came to the door and annoyed me desperately, and I called to Brennan. He was the only man I knew among this crowd, and I

gave him a 1*l*. and said, "Will you get rid of these women? Give them some drink and get rid of them." Then they let me out. I was obliged to repeat the operation higher up the street, for they blocked us in again, and I gave them 10*s*. that time. They would not even let me out then. I got through a back gate and gained my escape, and would not go there again.

5301. You have heard Mahan examined?—Yes.

5302. Did you hear that man Clancey examined, when he said you gave 1*l*. to Brennan, telling him to give it to Mrs. Mahan, and that you hoped her husband would vote for you; is there any truth in it?—Not a single syllable of truth.

5303. Did you not say this moment that you had to go out the back way?—That was another house; I forget the name; it belongs to a man of the name of Whelan, I think.

5304. I am referring to anything with which Brennan is concerned; therefore I referred to Mrs. Mahan a little out of the order: do you remember him applying for money to distribute to those people at any time about the revision, or before it?—I do, quite well; at the time of the revision I do.

5305. State how the crowd behaved on the other side at the time of the revision?—I was horribly annoyed by a crowd, particularly one day; I was mobbed in the street coming down, and I was greatly annoyed. I sent to the county inspector, and told him that unless I could be protected I would write to the Government.

5306. Was protection absolutely necessary to you and the persons engaged in the revision?—It was; the police were obliged to follow me then about the town.

5307. Do you remember after the revision being applied to again by Brennan to give him some money for the mob?—I remember the whole lot of them coming up; he was one of them. They were a tremendous lot; they came into the side yard, near the house, and sent me up a long thing, a sort of memorial requiring money; the Pound-street boys, I think they called themselves; and I gave them none.

5308. You refused to give them any more money?—I did; because the other mob were persecuting me, and when I wanted them, these other people did not turn up at all; that was the reason.

5309. Was that the reason you said that Brennan stated?—It was; I do not remember the words, but I remember the occurrence.

5310. Did you give any more money to Brennan after that?—Never to Brennan.

5311. Did you ever employ Brennan, and did he have any species or character of employment touching the election or revision, save as a mobsman?—Never; I had very little to say to the man beyond this, that he used to write up about the boats I was building at Hazelwood; but about this mob work I had very little to say to him. He sent for money sometimes, and I gave him a little, and refused it very often when he asked me.

5312. Did you hear one of those servant women say that a third drawing-room was taken for Mr. Brennan?—Not at all; I had only two sitting-rooms; I had a dining-room and a drawing-room.

room. Then there was a third small room that a man of the name of Murphy, the cook who contracts for us (a Dublin man) had, and I got that third room for him. I told Leech, the man of the house, to try to make him out some place.

5313. Was it for Murphy you took the room?—Oh, it was Murphy's room.

5314. And not for Brennan?—I did not pay for the room at all; I got the use of it.

5315. Do you know that Brennan had got some lunches from Murphy, the cook?—Never, till I heard it stated here. I never heard it stated in my life; I was never there at that time of the day, hardly; I was always about the town.

5316. Did you hear the evidence of that man Sheil, who went to Mr. Cherry?—I did.

5317. That was the man, you know, who said he would go to America; did you ever know or hear anything about him?—I never saw the man in my life till I saw him in this place.

5318. Did you ever authorise Mr. Cherry to suggest that any man should leave the town or go to America?—Never; I hardly knew Mr. Cherry; once I think he called on me to pay his respects when I went down, and that kind of thing.

5319. Was Mr. Cherry an agent of yours in any employment, of any nature or kind?—None whatever.

5320. Now, with respect to this Patrick Flynn, did you hear the evidence of Patrick Flynn, as to his applying, and as to Brennan writing a letter for him to you for the settlement of the amount of the ejectment; do you remember to have heard that stated here?—I did.

5321. Did you ever write an authority to Brennan to pay that rent?—Never; I never wrote an authority to him to pay it; but I have a clear recollection of getting a letter from Brennan on the subject. As far as I can recollect, it was some time as far back as June last.

5322. Have you any such letter?—The letter I got from Brennan?

5323. Yes?—No, I have not; I did not keep it.

5324. Have you the letter that was written in reply?—No, but I know exactly what is in it.

Mr. *Caffey* suggested that Brennan should go to his mother's house in Sligo and search for the letter.

Mr. Justice *Keogh* requested one of the resident magistrates, Captain Wynne, to accompany the Witness, with a sufficient force for their protection.

5325. Do you remember Flynn afterwards applying to you?—I do, in July.

5326. Where was that?—It was in the house in the Mall; my cousin's house that I was staying in.

5327. Do you remember that Brennan was with him on the occasion?—He was, they both came together.

5328. What did Flynn say to you?—Flynn produced some kind of document out of his pocket. I do not know what it was; some kind of thing; and he told me that he was pressed for some rent, I think, or taxes. I do not know which; but he asked me to give him 10*l.*, I think, and I would not do anything of the kind. I did not do it.

5329. What did you say to him, as well as you remember?—I remember I told him that I would

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have nothing to do with anything of the sort at all; and I walked off and left him standing there. I did not see any more of the man.

5330. Do you remember his saying anything to you, calling you any name, or abusing you?—I do not remember what he said, but he was very impudent as he went out.

5331. Did you ever see him again, until you saw him an active opponent of yours at the election?—No, I did not; I did not see him till the nomination, I think.

5332. Did you ever know anything about Brennan having made any arrangement for the disposing of the ejectment?—Never.

5333. Did you ever authorise anything of the kind?—I never knew anything about it, except the application to me.

5334. Did you hear the evidence of John Feeny?—I did.

5335. Did you hear him say, that when he came in you shook hands with him, and said, "Here's my friend, John; what's your figure"?—I heard him say so.

5336. Is there any truth in it?—Not a syllable of truth.

5337. Did you hear him say, "Will 50*l.* do"?—Nothing of the kind occurred; the thing only lasted three minutes; I had sent for him.

5338. Tell us exactly what occurred?—I was standing at the door of the hotel, one day, I think it was the day before the nomination, as well as I can remember, and some man came up to me. I think his name was Price; one of these mob sort of men, and he said that Mr. Feeny, a supporter of mine, was extremely annoyed that I had not canvassed him. This was following up several other complaints of the same kind that I had, and I was a good deal annoyed. I asked Price to tell Feeny I could not possibly go to him, in the state of the town, into Barrack-street (a bad part), but I would be extremely happy if he would come up to me in the evening. Just after that Mr. Waugh was passing with some one, and I gave him the same message, as nearly as I remember. The man came, he was announced; I was in the dining-room after dinner. I had him shown into the drawing-room, where people who came were always shown, and I asked my cousin, Captain Knox, who was in the dining-room, to come in with me while I saw this man. I always did this with all these people who came. I always had a witness present. I went in and spoke to the man, and apologised for my oversight, but said it was unavoidable. He said it did not signify. He then said that he intended to vote for me, but that he expected to be remembered liberally, or something of that kind, for doing so. I said, "Very well, if that is what you have come about, the sooner you go the better." I said to Captain Utrid Knox, "Shew that fellow out." I saw nothing more of him, excepting that he went out.

5339. You said that in his hearing to Captain Utrid Knox, "Show that fellow out"?—I did.

5340. He applied to you then for money, and you refused it?—He did. He said that he would expect to be remembered. I never thought he would vote for me, and I always thought he was a rascal; that was my opinion of him.

5341. Then you had no further communication with him, the moment he said he hoped to be remembered?—I never said another word, except to show him out, except that I would have nothing to do with him. Constantly men came with these sort of messages to me.

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5342. Who

Major Knox.

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Major Knox. 5342. Who did?—I forget their names; these elector fellows came and said these kind of things. I made them all the same answer, and saw them all in presence of a witness; I got letters from them constantly during the election, offering to vote. A man named Kilcullen wrote to me; that man who was examined here, I think wrote, with some others.

5343. Mr. *Palles*.] Have you the letter?—I have not; I did not keep it.

5344. Have you looked for it?—I looked for all letters.

5345. Did you look in Dublin?—I brought every letter down connected with Sligo, and I have a lot of them, but there is nothing about this election, because I had no election letters at all much, I burned them then. The reason is this: before, on the day of the nomination, I had to leave this house of Leach's; I could not go back; I never was in it afterwards, and then the letters were burnt by my cousin.

5346. Why were you obliged to leave the house?—It was attacked; I could not stay there.

5347. Where did you take refuge?—I went up to "Allingham's Hotel," and stayed there.

5348. You left the house, and all the papers and letters in it, with your cousin?—I left the house, and left them all in my room; and when I was coming away I sent him, you know, to pack my things, and I told him to bring anything of any consequence in the way of letters, and I believe a great quantity were left, because afterwards Mr. Leach told me he had found a lot; very few letters came up, and they were all burnt.

5349. Did you give anything to Kilcullen?—Not a shilling.

5350. Or any one of these men?—Not a farthing.

5351. Did you, in the whole course of the time, give anything to a voter for his vote?—Never.

5352. Do you know this man Leonard, that you saw here to-day, a messenger?—I do.

5353. Did you hear that man swear that you gave him 5*l.* to take to his brother-in-law?—I heard him swear that.

5354. Is it true?—There is not a word of truth in saying that I gave him 5*l.* to give to his brother-in-law; I never knew he had a brother-in-law; I gave him 5*l.* for his work, going messages for three weeks, and Price, and another named Corrie, I think.

5355. You paid them for their services?—I gave 5*l.* to be divided amongst those men; there were five of them.

5356. You say you did not know that Leonard had a brother-in-law?—I never knew anything about the man beyond seeing him there.

5357. It follows, then, that you did not know he had a brother-in-law, a voter?—Of course not; I do not know it now, except what I have heard here.

Leonard, called.

5358. Did you see that man at the election?—I do not think I did.

5359. Do you remember an application with respect to a man of the name of Neilan; that old man that was here, that said he got money?—I do perfectly.

5360. That was in February 1868, it appears, or earlier?—My impression is that I got his letter a good deal earlier; I think I got it before Christmas 1867, because I went out of town, I

remember, for Christmas, and I acknowledged its receipt merely, when I got his letter, on a day or two afterwards.

5361. He stated in his letter that he was in desperate circumstances?—Yes, in fact all he stated was accurate; what occurred.

5362. It was to all appearance a very urgent case of distress?—He described himself as in a very dreadful condition, and as ruined unless he got some assistance. I acknowledged the receipt of his letter. I did no more; in fact, I forgot it. Then I got a second letter, wondering that I could treat him with that contempt in not answering his letter. I then sent the two letters to Mr. Pollock.

5263. Did you know Neilan was a voter?—I did not. I never heard of the man. I knew nothing about him. I knew very little of Sligo at that time. I sent them by post to Mr. Pollock.

Mr. *Pollock*, called.

5364. Major Knox says he sent you Neilan's two letters by post; have you got them?—I have not.

5365. Do you know what has become of them?—They are destroyed.

Major *Knox's* examination resumed.

5366. You think what Neilan said about them is quite accurate?—Perfectly true, I think.

5367. Did you authorise Mr. Pollock to give that man anything for his vote?—Certainly not; nor to give him any money in the first instance; but I sent Mr. Pollock those letters, and asked him if he would look into it. It seemed a wretched case.

5368. A case for charity?—A case for great charity, and Mr. Pollock wrote up to me then, I think, as far as I can remember.

5369. Mr. *Coffey*.] Have you that letter?—No, I have not; I never keep the letters.

5370. Did you keep this one, or throw it into a basket?—I never keep them. Mr. Pollock wrote to me then, and told me, I think, that he would look into it, or something of that kind. Two or three days afterwards I got a letter, saying that nothing less than 20*l.* would get this man out of the difficulty; my impression is, that I asked Mr. Pollock to pay him whatever he thought; to give him as little as he could consistently with its being of use to him; something of that kind; and that he paid the money, and that I repaid him. Whether that is the case, or whether I sent him the money when I got his letter naming the figure, I cannot state. Either I refunded Mr. Pollock, or sent it to him.

5371. But was that act an act of pure charity on your part?—Quite. I knew nothing of the man.

5372. Irrespective of voting and candidature?—Yes; my impression is, that Mr. Pollock conveyed that he was not a voter.

5373. You believed he was not a voter?—That was my impression from the wretched style of man he appeared.

5374. At the time I refer to, when you were canvassing, did you then know he was a voter?—I did not. I do not think that I really knew it till a day or two ago. I had forgotten all about the man.

5375. Did you never canvass him?—No, I never saw him till he was here.

5376. Did

5376. Did you ever give Brennan any money to give to Kilcullen for his vote?—Oh, never, nor for any other purpose.

5377. Except for the mobs?—I did not know who those mobs were. I knew a few of them. They used to send me letters sometimes. I do not remember that man.

5378. Do you remember the evidence of Mrs. Dunlevy here; you remember her stating that she went over to your house on the Mall where you were staying?—I do.

5379. And that Mr. Pollock came in, and that she produced a bundle of pawnbroker's tickets; do you remember that?—I do.

5380. And that you asked Mr. Pollock could it be arranged to give her 10*l.*; is there a word of truth in that?—There is not a word of truth in anything as to what occurred. It is true she came through. I remember her coming one morning. I was at breakfast. She had been there lots of times before; and the servant came in to me, and said this Mrs. Dunlevy was there again, and would not go. I said, "You had better show her in." They used to come in dozens there. I saw her, and Mr. Pollock then came in as this woman did; in fact, they came in together almost. She said something about money, I know; but I refused. I told her I had nothing to say to it, and my recollection of what Mr. Pollock said was very strongly indeed to recommend me not to do it; and he told me afterwards that if I listened to it, I should be a great fool. He told me something about the woman that did not induce me to have anything more to do with her.

5381. You refused to give her money?—I did. I never gave her a shilling in my life.

5382. Did you say on any occasion whatever that you would leave "commands": that you would leave 10*l.* with Mr. Pollock for her?—Never.

5383. Did you hear that woman say that you came to her house in the daytime, and that she complained to you of her disappointment at not having received the "commands" you left at Mr. Pollock's?—I heard her say that.

5384. And that you then took out 10*l.* from your pocket and handed it to her; is that true?—There is not a word of truth in it; not a syllable of truth in it.

5385. Did you hear her say that you told her not to say a word about it, for that her husband would get two years' imprisonment, and that you would be punished yourself?—I heard her say that.

5386. Did you ever say anything of the kind?—Nothing whatever.

5387. You heard her say that that occurred, I think, at the time of the revision?—Yes.

5388. Either at that time, or at any time, did any such thing ever occur?—Never. She asked me constantly for money, but I never gave a farthing, nor her husband; and the husband asked me.

5389. The husband asked you?—The husband asked me; he called one day, I remember particularly; I think after the revision, some time; I stayed a day after; I think he called the day I was leaving; he came and told me that he had a vote, and he would want money to keep himself going between the time of the revision and the election; something of that kind. However, I told him I would have nothing on earth to say to the man, and I told Mrs. Corrigan, the servant, who is here, to show this man out at once, and

not to allow him in the place again; and the man was impertinent, as all those people were when they did not get money. He showed him out. I do not know whether he came again. I never saw anything more of him.

5390. From the very beginning, the earliest period, did you express to your agent that there should be nothing impure in that election?—I did; and to every one else I saw about the election.

5391. That nothing of the sort should be done?—I did.

5392. Did you endeavour to carry that out to the best of your ability?—I did, most strictly.

5393. And personally did you carry it out?—I did.

5394. To your knowledge, did a single voter get one single shilling for his vote?—I am convinced they did not, upon my side; that there was no money supplied for any such purpose; and I am convinced that no gentleman in Sligo would have put his hand into his pocket to do it.

5395. Then you supplied no money for it?—I did not.

5396. Did you hear these matters stated about Mr. Stokes wanting people to go away?—I did.

5397. Did you ever authorise Mr. Stokes to do any such thing?—No, I did not; but I remember one day I heard from somebody, I rather suspect it was Mr. Lyons; I cannot say positively, there were so many people calling; but I heard from somebody that Mr. Stokes had made a suggestion to some man, I think McCarrig was the name, to the best of my recollection, that he had made some arrangement or solicitation to this man to go away; and I went down to Mr. Stokes, and I spoke to him about it, and I told him that must not be, that it would destroy the election, that we did not require that sort of work, and it must not be done. Mr. Stokes said it would not be done. I saw him afterwards, and I said something of the same kind to him again. When I heard of this, I was so disgusted about it that I determined to give up the whole thing, and I told the people so.

5398. You told who?—I went up to the hotel when I heard it; I first of all called on Mr. Lawder and told him about it, and I was greatly annoyed. I then went into a room where there were a number of gentlemen, friends of mine. Mr. Paton, the solicitor, was one of them, I remember, my family solicitor. Another gentleman, my cousin, Mr. Utrid Knox, was there. There were a good many, I forget them. However, I determined to resign; I consulted Mr. Paton, and his advice to me was to go on, as I had pledged myself to do so, but to go on and win properly, or not at all; not to lower myself, and I came to that decision.

5399. That you would go on?—Yes, and I believe I would have had a majority a great deal larger if—

5400. Did you go to the extent of ordering your things to be packed up to leave the town?—I did.

5401. What did Mr. Stokes say when you cautioned him not to attempt to do these things?—I think he said that nothing illegal should be done, that he did not intend to do anything illegal. I think he said the report was exaggerated, or something of that kind.

5402. Did you ever, at any time, sanction any illegal act of that or any other character?—Never.

Major Knox.

22 February 1869.

Major Knox.
—
22 February
1869.

5403. And as soon as you heard of the report with respect to Mr. Stokes, did you take measures at once to repudiate it?—I did. I did nothing beyond what I have just mentioned. I went to him, then I went up to the hotel, and saw these two gentlemen there. I think I sent to him also in the evening again to caution him. I think I got Mr. Morrison to call on him, to the best of my belief.

5404. You are not sure of that?—I am sure I sent some one, I think it was Mr. Morrison.

5405. That was a young gentleman?—A young barrister who was down here.

5406. He was accompanying you as a friend?—Yes.

5407. You heard them talk (although there is no evidence) of some McMullens having gone to Bandon?—I did.

5408. Did you ask anything whatever of that, or sanction it?—Nothing whatever. I never saw them nor knew anything about it.

5409. Caution them to leave the town, or anything of the sort?—No, I never heard anything of the sort.

5410. Had you authorised, or sanctioned, any such thing as Mr. Stokes ordering a car to go to Bandon?—Nothing of the kind.

5411. Did you hear the evidence of Mrs. Hall; that she entered into agreements with all these people by herself?—I did.

5412. Did you ever pay for one?—Never.

5413. Or sanction it?—No, I knew nothing whatever about it. I was never in her house but twice.

5414. What were the two occasions, Major Knox, if you remember?—I was there on the 16th, I think the day before the nomination; because I went in with Mr. Lawder to see where our friends were to go into the court-house. This house is part of the court-house. There is an entrance through it to the court-house. I went in to see the place where we were to get the next day. The sub-sheriff was there.

5415. Mr. Cogan?—Yes, he was there.

5416. Who also?—Mr. Lawder.

5417. You remember the mayor was there, Mr. Tighe?—I am not sure. Mr. Harker, the assessor, was there.

5418. What was the other occasion?—The second occasion? I was in there twice in the same day. I mean to say I have been three times really there. I was there twice on the day of polling.

5419. What brought you there that day?—There were a great number of electors there who had gone in to live there for the election. I went in to get them to come out. Captain King's death frightened them; and we could not get them to come and vote. I went in to speak to them, and asked them to come out; that we required support; that we wanted votes; in fact, the others were ahead at the time. I told them that, and some of them came out, I remember, by the front, and some were afraid, and the mayor opened a side door and took them into the court, and they went in and voted.

5420. Were those friends of yours and supporters of yours?—They were all supporters of mine.

5421. Was that the occasion on which you asked Mr. McGuire whether he would vote or not?—No; I came back afterwards; I think there were four did not vote then at the first time, and some one came and told me I had better go in and see them, that they were frightened to come out, and I went in. I forget who the two were that did not come out. Mr. Gethin and Mr. McGuirk, I remember; two came out and two did not. I went upstairs and saw Gethin, I think, first; he would not come, he was afraid, and then I went into another room with one of the men who showed me in, and Mr. McGuirk was in it.

5422. You have already told us what occurred?—Yes.

5423. Did you ever threaten any of these men with any injury or damage to them?—Not a bit; I did not say anything to them except to ask them to come out.

5424. Do you remember to have heard Mr. Dunleavy say anything about an offer of 10 acres of land; did any such thing ever occur with you?—No; I had not any land, only very small town plots, nothing of that kind.

5425. You never did?—They have all been let a long time.

5426. Did you hear Mr. O'Farrell here a minute ago?—I did.

5427. A gentleman who had voters also?—Yes.

5428. Did you pay for any of these voters?—No, I did not; I had nothing to do with it.

5429. Had you anything to say to it?—Nothing, except that Mr. Phibbs, I think, told me that Mr. O'Farrell was using the next house for both county and borough for these lodgers that came in, and if I had no objection I was to charge him, or something of that sort. I said, of course I should not charge him, that he was welcome to the use of it, he was tenant of the next one, which is also mine; he had charge of the second house, and he kept the key of it.

5430. Were you present when a man of the name of Tiernen gave his evidence?—I was.

5431. Is it true that you offered or promised to make amends for any losses he said he had suffered in former elections?—No, never; I remember canvassing one time with Mr. Utrid Knox who was with me; we did not canvass him; we were walking down the street. Mr. Utrid Knox asked me if I knew this man. I said, "No; I did not know him," and he introduced me; but there was nothing said about anything much, nothing but about the regatta, or something of that kind.

5432. Did you ever make any promise, direct or indirect, to give him anything?—No, never; he sent me a memorial one time, I think I mentioned it, or somebody mentioned it, asking for money.

5433. But you did not give it?—The memorial was signed by a number of people; I did not give it; I have it somewhere; I do not know what became of it.

[Adjourned to Nine o'clock
To-morrow morning.]

Tuesday, 23rd February 1869.

Mr. *Robinson* stated that, in accordance with the Judge's request, Captain Wynne proceeded last night to Sligo in charge of the Witness, Thomas Brennan, and that on their arrival at the Sligo station, where a body of police were drawn up for their protection, they found that a large mob had assembled, and that an assault was made upon Captain Wynne. 23 February 1869.

Mr. Justice *Keogh* stated that the inquiry would not close without some notice being taken of the occurrence. He hoped the necessary steps had been taken to bring the offenders to justice.

Mr. *Robinson* stated that a man had been arrested. It had been ascertained that telegraphic messages had been forwarded yesterday evening from the Carrick station to Sligo.

Mr. *O'Loghlin* suggested that the telegraph clerk should be sent for.

Mr. Justice *Keogh* stated that he thought that would be desirable.

Major KNOX, recalled; and further Examined by Mr. *Macdonogh*.

5434. I THINK you told me yesterday (the learned Judge will kindly inform us whether it is so) that you had no committee?—No, there was none.

5435. You heard the gentleman on the other side read from the expenses agent's documents a receipt for cars?—I did.

5436. When were those cars employed?—They were employed from the day I arrived in Sligo; I think the 3rd of November, or the 1st.

5437. October, I think, it was?—No; perhaps the first of November. Whatever day, I came down until the 16th; then I went to the hotel, and I could not go out after that.

5438. You had no further cars?—I had no further cars after the 16th.

5439. Were those cars for your own personal convenience for driving about the country?—They were cars and carriages for dining out at places.

5440. You had a large circle of friends there?—Yes.

5441. In fact, they were part of your personal expenditure?—They were; they were all for myself.

5442. One word as to Tiernen; I did not ask you, perhaps, with sufficient clearness about that; he said, "I suffered at former elections for my

votes; he said he would make amends for all if I would vote for him;" is that true?—I never had any conversation with the man at all about anything of the kind. I hardly know the man. Major Knox.

5443. He says that you told him to call upon the clerk of the peace on Monday at four, and he would make recompense; is that true?—There is not a syllable of truth in it. I never knew it until I heard it here.

Captain *Wynne* appeared in court, and stated that he telegraphed to the police-station last night, and, on his arrival at Sligo, found a body of 20 police. He kept Mr. Brennan in the railway carriage until he had formed the men up in force, and then marched Brennan between them, followed by a howling, screeching mob. He accompanied Brennan in his search through the house, and saw him bring away all the papers that he observed. On their return to the station, he (Captain Wynne) received a blow at the back of the head, and was covered with blood.

Mr. Justice *Keogh* stated that he was sorry it had been his duty to send him upon such a dangerous expedition, and thanked him for the courage he had displayed.

THOMAS BRENNAN, recalled; Examined by Mr. *Macdonogh*

5444. HAVE you searched for the letter we were speaking of yesterday?—I have.

5445. Have you found any such letter?—I searched every place, and found a lot of correspondence, which I have brought. This is what I have got (*producing it*).

5446. Mr. Justice *Keogh*.] Captain Wynne says you found a lot of papers; you had better produce them?—Here they are, my lord.

5447. Mr. *Macdonogh*.] Do you produce every paper?—Everything I could find; everything I could get.

Mr. Justice *Keogh*.] Do you see these papers, Captain Wynne?

Captain *Wynne*.] I saw him take some papers, but of course it was not my duty to inquire into them. T. Brennan.

5448. Mr. *Macdonogh* (to Thomas Brennan).] Are these the only papers you have?—Yes, they are.

Captain *Wynne*.] I saw, when he went to his drawers, there were no papers in them hardly. There were a very few things.

5449. Mr. *Macdonogh* (to Thomas Brennan).] Was that your mother's house?—Yes.

5450. Mr.

T. Brennan.
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5450. Mr. Justice *Keogh*.] You did not find the letter?—I could not account for it. I had no recollection of destroying it, but I left no place unsearched.

5451. Then there is no letter?—No.

Cross-examined by Mr. *Palles*.

5452. Is this the first place you have lived in?—No; I was in London before.

[The Witness withdrew.

Major KNOX, recalled; and further Examined by Mr. *Macdonogh*.

Major *Knox*.

5453. I WAS about to ask you whether you wrote to Tiernan, authorising him to pay Pat Flynn's rent; is there a word of truth in that?—No, there is not.

5454. How many of the Catholic persuasion voted for you?—I am not certain of the number.

5455. I believe you had received promises from a considerable number besides?—I had, from a great many more.

Cross-examined by Mr. *Caffey*.

5456. Can you recollect on what day you had the interview with Mr. Paton and the other gentleman, when you were on the point of leaving Sligo?—I do not remember the day, but I know it was in the week before the polling; before the nomination.

5457. Was it in the week of the polling?—Certainly not.

5458. The week before?—Certainly, the week before; because I was staying at my lodgings at the time.

5459. When was it that you formed the determination of standing for Sligo, when a vacancy would arise?—It was in 1867, I think; February or March 1867; at least, I then was asked to come forward.

5460. Had you come then, in February 1867, to a determination upon the subject?—I had; or whenever they sent me the resolution that the meeting adopted, asking me to come forward, I accepted it. I think it was in February, I am not quite sure; it was either in February or March.

5461. Tell me, were you in Dublin when that intimation reached you?—When that communication reached me?

5462. Yes?—I was certainly.

5463. I take it for granted that you left Dublin for Sligo as soon after as you conveniently could?—I did, a few days after.

5464. When you arrived at Sligo you met, of course, the gentlemen that were encouraging you to contest the borough?—I did not meet them collectively.

5465. Well, individually; you met them in the course of your canvass?—I did not canvass then; there was no vacancy at the time, and it was considered not good taste to canvass.

5466. But you called upon these gentlemen who had become your supporters?—I did.

5467. All of them?—Yes.

5468. Mr. Stokes was one, of course?—No, certainly not; because he was not a supporter of mine.

5469. Not at that time?—No, he was a supporter of Serjeant Armstrong.

5470. Will you give me the names of the gentlemen you thought it courteous to call upon?—The first was Mr. Wynne, of Hazlewood; the next was Sir Alfred Garbooth, who, I think, I did not see; then there was Mr. Alford, of Mount Shannon; and then Mr. Henry Lyons, and Mr. Williams.

5471. Can you tell me the names of any townspeople of Sligo?—Mr. Lyons is one of the inhabitants; Mr. Williams is another; Mr. Woods; I do not know that I saw them; I think that I did; I believe I did; probably I did. I went then and saw Mr. Gilmore, who I knew before, the proprietor of the "Sligo Independent"; and I called on a great many, a tremendous number.

5472. I take it for granted that from that period down to the revision you were more constantly in Sligo than had been your habit before?—Yes; I had been there before.

5473. But you were there more constantly?—Yes, but not often. I do not think, between that and the election, I was there more than three or four times during the whole period.

5474. May I ask you who was it that you entrusted your interest to, I mean in a professional way, at the revision?—I did not personally entrust my interest to anybody, because there is a society in Sligo called the Conservative Registration Society, and they managed the revision entirely. I have subscribed to them always.

5475. May I ask what was your subscription for that year?—£. 50, I think; the same as was always given before by Mr. Macdonogh.

5476. My friend here?—Yes.

5477. £. 50 was your subscription to that society?—Yes.

5478. Who was the acting person of that society?—Mr. Roger Robinson.

5479. Anybody else; had they a secretary to represent them?—They had.

5480. Perhaps I could suggest his name?—He is dead; Captain Fawcett.

5481. Had they a paid agent, do you know?—Mr. Thomas Wilson.

5482. Was he the paid official?—Yes, he was the paid official.

5483. I take it for granted, you had communications, frequent ones, probably, with Mr. Wilson?—Not for some time; I did not know him for some time.

5484. When did your acquaintance commence with him?—Well, there was not much interest taken in the first registration; that was not important; there was a considerable majority.

5485. That is the one prior to the one upon which your election turns?—Just so; there was not much interest in that; I do not think I took much interest; I did not have much to say to it.

5486. When was it you paid your subscription of 50*l*?—I think it was somewhere about September, before the revision, a month before the revision.

5487. Do you mean the revision of 1868?—No, the revision of 1867.

5488. Did your acquaintance with Mr. Wilson commence at that time?—I do not think I knew anything about Mr. Wilson much in 1867 at all.

5489. Were you present yourself at the revision in 1867?—No.

5490. Did you renew your subscription in 1868?—I did.

5491. How much did you contribute for 1868?—I contributed

--I contributed, oh! much more; I think I gave two subscriptions, if I remember rightly; I think I gave 100*l*.

5492. Each time?--No, at one time; I do not remember the amount of the other exactly; 30*l*. or 40*l*., or something of that kind; I know I gave 100*l*. in one.

5493. Do you keep a diary?--No.

5494. Are you in the habit of doing so?--Never.

5495. Do you keep a cash-book of your own personal expenditure?--No, never in my life; not of my own personal expenditure.

5496. That is what I mean; I do not go into your establishment at all.

5497. Could you by looking at your cheque-books be able to tell me what was the amount of the third subscription that you gave; whether it was 30*l*. or 40*l*.?--No, I do not think I have it; it was something of that kind, 30*l*. or 40*l*.

5498. Are you able to tell me it was close upon that?--Well, I did not take much notice. I suppose Mr. Roger Robinson told me what was wanted. The funds of the society were not large. There were subscriptions, and I gave the balance between the two that was required for the revision. I cannot tell exactly what it was.

5499. Would I be correct in representing that you paid whatever sum was required for the purpose of carrying out the revision?--No, certainly not, because there were subscriptions from different gentlemen.

5500. But over that you supplied whatever was deficient?--Yes; but I will explain. This society manages both the borough and county revisions. It is a united society; and I gave Mr. Roger Robinson a subscription, which he said would be wanted for the borough, to do that part of the thing.

5501. Do you recollect whether that was paid by cheque or not, or was it transmitted from you, or how were these subscriptions paid?--I should say it was paid by cheque.

5502. From yourself?--Yes, I should say so.

5503. In whose favour was the cheque drawn?--Roger Robinson, certainly. These payments were made to him, but I made other payments for this revision.

5504. To whom?--I will tell you. I paid through Mr. Robinson a fee of 50 guineas to Mr. Shackleton, the barrister.

5505. Which you paid yourself?--Yes, through Mr. Robinson.

5506. But you paid that?--Yes; in consequence of the new Act of Parliament they thought it necessary to have some advice.

5507. You were here yourself during this revision?--In Sligo?

5508. Yes?--Yes.

5509. And I take it for granted you were in court for the purpose of seeing your supporters, and whether their claims were admitted or rejected?--I was here. I had my own claim among others.

5510. But you wanted to see after your own interest?--Yes.

5511. You saw Mr. Wilson here, of course?--I did.

5512. Who were the professional gentlemen who were acting in that revision in your interest?--They were not in my interest, but the interest of the Conservative society. I saw Mr. Sedley and Mr. Phibbs.

5513. Mr. Pollock; was he there?--Mr. Pollock

assisted very much, but he was occupied with the county revision. He is for the county, chiefly.

5514. But did he assist in the borough?--He did; he gave all the help he could. But I do not know whether he was officially engaged; I could not say.

5515. Were any of the funds you gave to pay these gentlemen?--One of the subscriptions I gave was mainly for the purpose of paying agents.

5516. In addition to the other sums?--No, certainly not; it is included in it. I told you.

5517. Who were the agents that those sums were provided to pay?--Those I have named; there was Mr. Phibbs, Mr. Charles Sedley, Mr. James Sedley. There was another one, I forget his name, and Mr. Shackleton, the barrister.

5518. You have mentioned him already?--Mr. Wilson, he is permanent; he is a regular thing every year; there was nothing for him. I think that is all; there was Mr. Pollock, but, as I say, he was not official.

5519. Who was it who, at the period of the revision, was acting as your attorney or agent for the purpose of the election?--I had not one at all; I had none whatever; nothing of the kind, not for the election.

5520. With whom did you go over the list?--Mr. Pollock did my own private business in Sligo with reference to a few houses, and so on; I had no other solicitor.

5521. I take it that Mr. Pollock is your solicitor for your private affairs?--Yes, he is.

5522. Who was it you compared the results of each day's operations at the revision court with?--I spoke to everybody.

5523. But there was somebody specially charged with it?--I spoke to them all. I have no doubt I spoke to the gentlemen or to the people who took the active part; Mr. Shackleton chiefly, because he was a very old friend of mine.

5524. Then he and you put your heads together about the results of the lists?--Well, we took a great interest in the result. There is no doubt we were very anxious about it.

5525. And I take it for granted you compared the lists of 1867 with the additions and alterations that have been made in the revision of 1868?--I cannot say much about that. I do not know very much about the 1867 list.

5526. But, Major Knox, is not that so, that you compared the former list?--I do not think that the two lists were ever put to me, but of course I was anxious to know if my own chances were as good after the last revision as they were before.

5527. Had you that list of 1867 with you in Dublin, or did you only see it in Sligo when you came down?--I am sure I had it in Dublin; I am certain of it.

5528. Do you recollect who it was transmitted the list of 1867?--There were two lists between the one you are referring to, because the 1868 list was the old franchise; as to the 1867 list, I really cannot tell you that I ever read it through, but the 1868 one I certainly did.

5529. Will you oblige me by trying to recollect, if you can, who it was transmitted to you both lists, or either?--The 1868 list certainly was sent.

5530. By whom?--I think by Mr. Wilson; certainly he was the official who always did that.

5531. And although you say you did not particularly

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Major Knox. particularly observe the list of 1867, was Mr. Wilson the transmitter of that?—If I got it I am sure he sent it, and I daresay he did: I am pretty sure he did send it.

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5532. Then you are pretty sure he sent the list of 1867?—I know I got copies of the register of 1867, but I do not know as to the list.

5533. Then the list of 1867 was sent by Wilson himself?—It was, I am sure it was; the register.

5534. The two lists prior to the ultimate list; am I correct?—Yes, quite correct.

5535. Who is Mr. Grubb?—I do not know much about him. He is a friend of a relative of Mr. Balfour of Sligo; he lives in Dublin. I did not see him before.

5536. Did he come down with you?—No, he was with Mr. Balfour.

5537. Did he come down in your interest?—No, I think he was glad to see me get in. I did not know the man at all.

5538. Did you have any pecuniary transactions with Mr. Hignell?—Certainly not, except that he is paid a salary at my office, never in my life of any description whatever.

5539. He is in your employment?—Yes, for the last 10 years he has been in my employment. He was in the army, and I took him from the army; I know nothing about him except that he gets so much a week.

5540. Is there a person of the name of Gourley in your employment?—Yes; a little boy.

5541. How is he employed; is it writing covers, or what?—He is a kind of messenger in my office. I send him on messages and things of that sort.

5542. Are you sufficiently acquainted with his handwriting to be able to say you would know it?—I think I would know it; it is a boy-like hand, a bad hand; I think I might know it.

5543. I suppose this is the document you have been speaking of, the register of 1868 (*handing it to the Witness*)?—I do not think that is my copy.

5544. No, it is not; but it is the same thing, it is identical, that is the document?—Yes. They are all the same; I am sure it is.

5545. Mr. Macdonogh.] You presume they are all the same?—Yes; it looked just like that.

5546. Mr. Coffey.] Have you got your copy here?—No; I am pretty sure I left it in Sligo. I heard they were stolen, but I have no reason to know it.

5547. Have you got any documents whatever connected with the election in your possession?—No; I believe they were stolen from my lodgings; they disappeared one day; I went to look for them and they had gone; where they went I do not know; I have never seen them since. I wrote to Mr. Leech about these things; I do not know what became of them.

5548. When was it that you got this list of 1868, this revised list; was it immediately after the revision?—I should think a little while after the 1868 list.

5549. We will take the 1868 list?—I beg your pardon, the end of 1867; I am not sure I got it; I do not remember.

Mr. Coffey proposed to put in the register.

Mr. Macdonogh objected, because the copy was marked with pencil.

Mr. Coffey said he would get a second copy.

5550. Now this is the register of the last revision, upon which the election turns?—I am sure it is the same kind of thing I got. (*The lists were put in and marked.*)

5551. Something was said about your receiving applications for money through Brennan; how many did you get?—I got them occasionally, from time to time.

5552. About how many did you get?—I cannot tell; it ranges over a long period.

5553. You got several?—Yes. As a rule, they were not signed by Brennan only; they were generally signed by a whole lot of those fellows, a regiment of them; they were generally a kind of joint thing; they were always asking for money, almost invariably, and they were signed by a whole number of them sometimes, and sometimes by Brennan alone, but generally by all of them; a kind of statement of what they were doing.

5554. Of the exertions they were making?—Exactly.

5555. And I suppose they gave a favourable account of their efforts?—Always.

5556. And the wonderful results which they achieved?—Exactly.

5557. Did you give any money, or send any money by letter of credit, or order, or cheque?—To Brennan; to these people?

5558. Yes?—I did some small sums at intervals.

5559. At intervals you sent letters of credit, or cheques, or orders?—I think, as a rule, I generally pay everything by cheques; I fancy it was by cheques.

5560. Is your recollection sufficient?—That is my recollection; I might have sent a small thing by post-office order, or by letter of credit.

5561. But otherwise you would send by cheques?—That is my impression.

5562. You sent by cheques, and you also gave money yourself in Sligo?—I gave some money one day.

5563. At present I am only confining myself to Brennan?—I do not know whose hands it went through, because there was a lot of them bothering me at the time; I do not know who took it out of my hands; I cannot possibly say, for they persecuted me.

5564. Have you got your cheques with you?—No, I have not; I brought down merely the election ones.

5565. I must remind you that your attention was called to this matter, and you were asked to produce those cheques?—(*The notice to produce was read, and admitted by Mr. Lawder.*) It would be all embodied in about two cheques, which I have in my hotel, and which I can get if you wish it; but they are in the account, I can tell you.

5566. Do you recollect at all any communication to you by Brennan in writing, with respect to a man of the name of Neilan?—Certainly not; decidedly; I never got a letter from Brennan on the subject; that is my firm belief.

5567. That is your belief?—That is my firm belief; but I got a letter from the man himself.

5568. You regarded it as a mere matter of charity, I understand you?—I did; I knew nothing about the man; but when I got the second letter I sent him to Mr. Pollock; I asked him to

see if it was a case of charity. The man appeared to be in a very bad state.

5569. Have you any recollection whether the money was paid by you to Mr. Pollock?—My recollection of it is, that Mr. Pollock paid the money himself, and that I refunded it to him.

5570. And that he charged it to you?—I cannot recollect whether I sent it at first, as I said yesterday, but that is my belief, that he paid it, and I sent him a cheque.

5571. What time was it the application was made to you; of course I have the means here of knowing, and I do not wish to entrap you in the least degree; when was it; I may as well tell you; it must have been some time in January 1868; it must have been?—I thought it was December 1867; but it was about that.

5572. This man was miserably poor, as you say?—Oh, yes (*a letter was handed to the Witness*).

5573. Is that your letter?—That is my letter, I forgot the date; it is 10th January.

5574. The man was miserably poor, according to his statement to you?—So he said.

5575. That is what I mean, according to his statement to you?—Yes.

5576. Utterly destitute?—Yes.

5577. And you looked upon it as a complete matter of charity?—I looked upon it as a complete matter of charity; I did not know whether it was or not, so I sent him to Mr. Pollock to see, and if it was a matter of charity to do it; if it was not, not to do it.

5578. It was to be given to him, I understand, if the man's statement was borne out, it was to be treated as an absolute matter of charity, and to be given to him as such?—Yes; but I instructed Mr. Pollock to get some sort of security. I think he said in one of the letters he would repay it when he had it, or something or other.

5579. Did Mr. Pollock tell you he had taken any security?—He did, certainly.

5580. Did he remit you the security?—I think it was an I O U.

5581. Did he remit it to you?—No, he kept it; he has lots of things of mine.

5582. Did you get any other securities for charity?—I did.

5583. In what instances; what were the other instances in which you got a security?—I remember an instance of a man who had been a schoolmaster at Hazlewood.

5584. I am talking about Sligo?—He lives in Sligo; he had lived in Hazlewood, but he got into great destitution, and referred me to somebody or other he knew.

5585. What is his name?—Flanagan; I got an I O U from him.

5586. By whom was that transaction conducted?—I think it was directed by myself.

5587. Directed by yourself?—Yes; I think he sent me an I O U, or something of that sort.

5588. Have you got the I O U?—I do not know where it is, but I have got it.

5589. Mr. Justice *Keogh*.] What was his name?—Flanagan.

5590. Mr. *Coffey*.] Had you any other charitable transactions of that sort?—No, I do not remember.

5591. Mr. Justice *Keogh*.] What was the amount of that loan to Flanagan?—I think it was about 6 l. or 7 l.

Re-examined by Mr. *Macdonogh*.

5592. You told my learned friend, Mr. Coffey, that he was a poor man of the name of Flanagan, a schoolmaster. I do not know whether my Lord heard the words at the time.

Mr. Justice *Keogh*.] I have it on my note.

5593. Was he a very old man?—He was. I asked him if he was a voter, and he was not, or I would not have given it to him. This is not very long ago. It is only about eight months ago, I think.

5594. You ascertained he was not a voter?—Yes; he was a wretchedly poor man.

5595. He had been a writing-master?—Yes; a schoolmaster in Hazlewood.

5596. You have been asked by my learned friend about the persons who were officials of the Conservative Registration in Sligo. Have not the gentlemen on the other side the privilege also of having professional help?—They have, and very good too.

5597. Who represented them?—Mr. McNeith and Mr. O'Loughlin. There were others, but I do not know their names.

5598. Do you happen to know that Roger Robinson is very ill?—He has been very ill a long time.

5599. Must he keep his room?—I do not know, but at the election the other day he was brought out in a very bad state.

5600. Do you know the revision lasted ten days?—It was a tremendous affair; two courts were sitting at once.

5601. Was Captain Flanagan there?—He was.

5602. Mr. Justice *Keogh*.] You recollect that witness, Mrs. Dunleavy?—I do.

5603. She stated that you went to her house; did you, in fact, go to her house?—I remember I canvassed her. Mr. Pollock and I went one day; I cannot tell the date, but I think it was in July, after the regatta. I never canvassed since: in fact, before the revision.

5604. You were in her house at that time?—My recollection is that the husband was away, and that Mr. Pollock only asked, and we did not go in.

5605. Then you were not in her house at the time she mentions, when her husband was there?—Never. I never saw her husband in the house in my life. I only saw him once in my life at all, and that was in my own house.

5606. You heard a matter mentioned about Mr. Stokes; that he was doing something you thought improper with reference to the electors; from whom did you hear that?—From Mr. Lyons. My belief is that he told me first; but I heard it from more than one: I heard it, I think, from Mr. Williams too, who came to me and warned me that Mr. Stokes was going on in a way that must be stopped.

5607. Did he say more particularly what way?—I heard of his making some kind of inducement to a man whose name, I think, was M'Tighe.

5608. Did you hear of any other?—I heard nothing more particular; I heard he was very officious, excessively officious.

5609. And was it in the way you understand to mean that he was practising corruptly?—I heard he was thrusting himself forward in a way we did not require.

5610. Was that what we all understand by "corruptly"?—I would certainly say so; that

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Major Knox. he was pushing himself forward and trying, as it were, to show that he could do a great deal.
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5612. It was stated by one or two of the witnesses that Mr. Stokes had called on you at your lodgings, at Leech's?—I think I remember his calling one day once.

5613. Only once?—Once. I only saw him once, certainly. Everybody called.

5614. During the whole time: there was a witness stated here that he used to go to your lodgings in the evening?—I think he was never there in the evening at all; I was hardly ever there in the evening; I was out to dinner. I think I only saw a person once in the evening, and that was that man, Feeny.

5615. This register is put in here; will you be so good as to take it in your hand; one that has no marks upon it (*handing the document*). I think you said that you had gone over the register of 1868?—I am sure I did, my Lord; quite certain.

5616. Your attention was called to that case of Patrick Neilan; look at that; does he appear as a voter there?—I see him.

5617. Does he not appear as a voter?—He does.

5618. Will you look at the list; do you see a man named Feeny; what is his Christian name?—

Mr. Macdonogh.] John.

Mr. Justice Keogh.] Yes, John Feeny.

Witness.] No, he is not here.

5619. He is not there?—No, and the other man of that name, I think there is one, written in pencil, but it is not in print.

5620. You mentioned last evening that numbers—I think the word you used was a "great"

number, a "great number of elector fellows" were constantly coming to you and asking you for money?—They were; these poor ones.

5621. And writing?—Oh, perpetually.

5622. When you said "a great number of these elector fellows," to what extent would you say?—Well, there appeared to me to be a certain class of them.

5623. But what number?—I think they were nearly the whole of the inhabitants of that poor part of the place. I should think, I am sure, I got from 30 to 40.

5624. Asking money?—Generally.

5625. Asking for money, of course?—They always used to begin by saying they were distressed, and then saying they would be great supporters of mine when the time came, and they hoped in the meantime I would remember them, and all that kind of thing.

5626. Does your recollection go to the extent of 30 or 40?—I am sure there were fully 30 at different times. It used to be a long thing generally on blue paper. My table was covered with them at Mr. Knox's house. It was a dreadful thing. The doors used to be knocked all day by these people.

5627. Asking for assistance?—Asking for money; my hall was full of them. I had to go out and stay at Mount Shannon; I was so persecuted, but they were all the same class.

Re-examined by Mr. Macdonogh.

5628. May I take leave to ask a question upon that through your Lordship, whether he refused them in every instance?—Oh, in every instance. I had to get the police to remove them.

[The Witness withdrew.]

EDWARD POLLOCK, sworn; Examined by Mr. Macdonogh.

E. Pollock.

5629. You are a Solicitor, residing in Sligo?—In Sligo.

5630. Do you know Major Knox?—I do.

5631. Do you remember when he came to Sligo, at first?—I do not remember the date exactly, but I remember the circumstance.

5632. And he employed you, in reference to some slight conveyancing, some small matters about houses?—He did.

5633. Some property?—Yes.

5634. Did you know that woman, Dunleavy?—Yes.

5635. Do you remember when Major Knox was staying in the Mall?—I do.

5636. Have you any recollection of having called on Major Knox one morning when he was there?—I have.

5637. Did you ascertain whether there was any person with him?—He was at breakfast at the time. I knocked, and asked for him, and the housekeeper opened the door, and told me he was at breakfast; but she added she would be glad if I would go in. There was a woman teasing the major at his breakfast.

5638. Did you go in?—Yes.

5639. Did you see that woman there?—That woman was Mrs. Dunleavy.

5640. Did you hear her evidence in this court?—I did.

5641. Did you hear her say she produced a number of pawnbrokers' tickets?—I did.

5642. And that she asked for 10*l.*, and that

the Major asked you how it could be managed, and that you said you thought it could be managed?—A word of it is not the case.

5643. Is there a single particle of truth in that?—Not a particle of truth.

5644. Was there a single word about money, or anything else?—Not a word or a syllable.

5645. Did you try to get her away as quick as possible?—I saluted her very civilly when I went in; I said I wished to speak to Major Knox on some business; and requested her to withdraw, and she withdrew in a moment.

5646. Do you remember having been attorney to Lady Palmerston, in relation to Flynn's ejectment?—I do; I have done the business of that estate a long time, I mean the law business.

5647. Do you remember being asked to adjourn the process of June 1868?—I think it was June 1868, I do not remember the day, I think it was; I remember the fact, the being ordered to bring an ejectment against Flynn, amongst others, for not paying rent in ordinary course. I issued the ejectment, and some one or other, I forget who (Flynn himself, or some other person), asked me to give Flynn time. I said I thought I could, if there was any chance of getting the rent; and my recollection is that the case was then adjourned; the rent was paid me; I gave a receipt for it, and paid over the rent for it when I settled my annual account.

5648. Had you any communication with Major Knox on the subject?—Not the slightest.

5649. Did

5649. Did he ever authorise you on the subject?—Not at all; he knew nothing about it, I think; at least, if he did, I knew nothing about his knowledge.

5650. No communication with you?—No, neither directly nor indirectly, nothing in the world about it.

5651. Do you remember, in the end of 1867 or the beginning of 1868, having seen that old man, Neilan?—I think it must have been the beginning of the year, January or February.

5652. He himself has fixed the 15th February as the final transaction?—I cannot exactly fix the date, but I can tell what occurred.

5653. He says the end of December or the early part of the new year?—I cannot tell that; I do not remember; but I remember Neilan, whom I had never seen before to my knowledge, coming to me, and bringing a note, as well as I remember, from Major Knox; and I asked him, was he the person.

5654. I have to ask you, have you the note, or have you looked for it?—I have not, I destroyed it, I did not keep it at all. I asked him, was he the person referred to in this note; and he said he was; and then I asked him what was his business (or something in that way) with me. He said he expected to get some relief from Major Knox, and he was in very bad circumstances, and he told me what his circumstances were; he owed rent and taxes; and an ejectment was brought by Mr. Phibbs; and it was out of charity I defended him, I remember. That was subsequently to it; but I made Major Knox acquainted with the circumstances of the case; and I know that I got him 20*l*. Whether I paid it first of all, and the major gave it back to me, or whether the major sent me the money for it, I am not sure about. As well as I remember about it, there was nothing further passed, except that I took his security for it, according to directions.

5655. Did you know he was a voter at all?—I did not; I never saw the man in my life before, nor do I know yet whether he is a voter or not, except that I heard in this court he was.

5656. Did a single word pass between you, as to a vote?—Never. The man swore that, himself, here, if your Lordship remembers. I never had a word of conversation with him about the election, or vote, or anything of the sort.

5657. Are you able to say that it was *bonâ fide* and purely a matter of charity?—Undoubtedly; I believe that, as I am sitting here this minute.

Cross-examined by Mr. *Palles*.

5658. When did you first act for Major Knox?—When he came down first he asked me to act for him in local business. I forget the time when he came down; I suppose a couple of years ago; I think it is that.

5659. Before he was a candidate?—Yes.

5660. And you did act as his solicitor in all his local transactions?—I did.

5661. And you continue at present to act as his solicitor in all local transactions?—I do.

5662. Did you act at all for him at the revision or the election?—I did not.

5663. That is, not professionally?—Not professionally. I acted at the revision, as I think I mentioned yesterday, under the Conservative Society. I made an arrangement for a long time for the county.

5664. With Mr. Sedley and Mr. Phibbs?—Yes.

5665. You acted for the borough as well?—I did; at least I was not very active in it, because I had more to do with the county, but I was there giving my assistance.

5666. And you did, as we all do, your best?—Yes.

5667. I think Major Knox told me that you canvassed with him in July, before the revision?—I did.

5668. Do you remember how many people you canvassed with him?—A great many.

5669. When did you commence your canvass?—I think, about that time.

5670. The major determined to stand, he said, about February 1867; do you say you commenced to canvass as early as June?—I could not exactly say, but I am sure when he came to his first canvass I went round with him.

5671. I just want to fix that date; about when?—Upon my word, I cannot remember.

5672. Was it about the summer of 1868?—I dare say it was about the summer of 1868.

5673. I want a few landmarks, if I can get them. From time to time, when he came down to canvass, you canvassed with him?—Yes.

5674. And you canvassed any persons you thought you would have any influence with?—Yes.

5675. Was there any other person with you when you were canvassing upon these occasions?—I think Mr. Phibbs was with us upon several occasions. I do not remember any other in particular.

5676. Not in particular?—I do not remember any other but Mr. Phibbs and myself.

5677. I have been asking about that date; was it before or after the summer sessions?—The summer sessions would be in July.

5678. I think they were early in July?—June or early in July; about that time.

5679. A little before, wasn't it?—I cannot say, upon my oath I cannot.

5680. How many ejectments had you upon the Palmerston estate in that session?—When that ejectment you were talking about was brought?

5681. Yes?—I would just say there may have been, on that and on the other estates—

5682. Yes, take them as a whole, how many had you?—I dare say there may have been seven or eight.

5683. Are you in the habit of getting your instructions from Mr. Fox or from Mr. Stewart direct?—From both. Sometimes from Dublin; sometimes from the local gentleman, Mr. Fox.

5684. You thought Flynn was poor, didn't you?—I thought nothing about it; I did not know his circumstances at all.

5685. What was your belief?—My belief was what I was told, that he was poor, or I would not have given him time.

5686. How much rent did he owe?—I think it was a year.

5687. Was it a year or a year and a half?—I think it was a year.

5688. £.10 was the amount; do you know what the rent was?—I know 10*l*. was the amount claimed.

5689. That is why I ask you was it a year or a year and a half?—I do not know.

5690. Do you know the person upon whose application it was allowed to stand over till October?—I do not.

Q

5691. Do

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5691. Do not you know that the object was to save the crop?—No.

5692. Would not the effect of its standing over from June to October be that the landlord could not touch the crop; would not the crop be removed before October?—It would, in the natural course.

5693. Is it your habit to allow ejectments to stand over for poor men, under these circumstances, without communicating with your principal?—I think, Mr. Palles, this was the rent of a house and not of land.

5694. Was it a house?—I think it was a house and flat in Sligo town; I am not certain whether it was or not.

5695. Is it your habit to allow ejectments of that sort to stand over, without instructions from your landlord or the agent, at the application of unknown persons?—It was not a person unknown. I think Thomas Smith, the bailiff, sent me word that it might be done, or something.

5696. Was Thomas Smith the only person you spoke to?—Certainly, that was all.

5697. Did any one else; was it Smith asked you to allow it to stop over?—I think it was he who asked.

5698. Did anyone else speak about it?—I do not remember.

5699. Will you swear there was not?—No; I will swear I do not remember. I believe Flynn himself sent to me.

5700. How many others of these ejectments did you allow to stand over?—I do not think any more stood over.

5701. Was the decree executed?—There is never one executed in the Palmerston office.

5702. Did you get any money directly or indirectly from Major Knox in the course of the last year?—No money of his.

5703. Directly or indirectly?—None.

5704. Did you get any money connected with the election, directly or indirectly?—None.

5705. Now about Neilan. In that transaction did you conceive you were acting as a solicitor for Major Knox?—Major Knox?

5706. Yes?—I did.

5707. You looked upon it as a business transaction?—I did.

5708. There was a security?—Yes.

5709. When did you destroy the letters?—At the time.

5710. Is that your habit?—It is; I have enough business letters to file, without documents of that description.

5711. Mr. Justice *Keogh*.] I should like to know from you what was the state of the town of Sligo during that election; you were there, I suppose?—I was indeed.

5712. During the whole time?—Yes.

5713. I should like to know from you what was its condition as regards the conduct of the mobs a few days before the election?—It was very much disturbed.

5714. Was there danger to voters and to people doing their ordinary work?—I think so; I will give an instance; Major Knox dined with me one day, and we had to guard him; we had a patrol up and down before my house of 50 men and a sub-inspector.

5715. You reside in the town?—I reside in the town of Sligo.

5716. Was there stone throwing?—Oh, at numbers of houses; there are 3,000 *l.* worth of malicious injuries to come on at these assizes.

5717. £. 3,000, that is what I wanted to have

from you?—I know that there are 3,000 *l.* worth of claims coming on at the next assizes.

5718. And you have already told me there was much injury and damage done in the town?—A great deal.

5719. Will you describe to me what the character of those injuries was?—Stone throwing and window breaking, and numerous assaults on people in the streets. There was my poor friend Captain King; I was not in the court-house when he met his death; of course I don't know how he met it.

5720. Now tell me, can you speak as to who were the persons; did any persons appear to be encouraging or leading these people to anything of that kind?—I think they were mixed up, the country people and townspeople; country people that came in.

5721. Were there any persons of the better class amongst them?—I don't think there were, that I remarked; I think the inhabitants on all sides would set their faces against such a thing in the town of Sligo.

5722. Then how do you account for the town getting in that state; if all the inhabitants on both sides would set their faces against it, how do you account for it?—Those I am talking about are the respectable portion of the inhabitants; it was a very unusually excited election. I have seen a great many in Sligo, but this was very unusually excited.

5723. Did that continue?—It did.

5724. After the election?—After the election it did.

5725. Are you aware does it still continue?—I think it does, so far as some obnoxious voters go. I know up to very lately, one voter's house in particular being attacked repeatedly since the election.

5726. Repeatedly since the election?—Yes.

5727. Is that in the daytime or night, or how?—Towards evening, I think, is the time generally when it is done; there are a great many criminal cases returned to the assizes; election assaults.

5728. You have the conduct of the revision, don't you?—In the county.

5729. But not in the borough?—Not in the borough.

5730. Who has the management of the borough?—Mr. Harloe Phibbs.

5731. He has the management?—Yes; I held them both at one time, but it was too much trouble, and they were divided. Mr. Phibbs has for years conducted the borough.

5732. Do you assist at the revision; do you assist Mr. Phibbs?—Not as a matter of course.

5733. Did you in 1868?—That is the last revision.

5734. The last revision?—I did.

5735. Did you the one before that?—No, I think not.

5736. Do you happen to have yourself a copy of the register for Sligo?—I have not.

5737. You do not keep it?—No, I do not.

5738. What became of the I O U of Neilan's?—I have it somewhere in the office.

5739. You heard Neilan say that you offered him at first 12 *l.*; is that so?—It may have been so, because my business was to ascertain how much would relieve his necessities at the time.

5740. Then he said it would not do?—He said it would not do.

5741. And he went away?—Then there was 20 *l.* he got.

5742. He said he went away and returned again after

after some time?—I think he may have done that.

5743. You were asked as to the rent of that man Flynn?—Yes.

5744. Do you recollect who was the person who spoke to you about it?—No, I do not; it took place in court, whatever it was.

5745. Had you got the money?—It was paid in court, but I cannot recollect the time.

5746. Was it paid in June, or was it paid in October; they swore it was paid in June, you know?—I really cannot tell; I suspect it was paid in October, and for this reason, there would be no use in adjourning the ejectment.

[The Witness withdrew.]

HARLOE PHIBBS, sworn; Examined by Dr. Kaye.

5749. I BELIEVE you are a Solicitor, practising in Sligo?—I am.

5750. Do you know a man named Thomas Brennan, who was a witness yesterday?—I do.

5751. Have you known him for some time?—I have.

5752. Where does he live in Sligo?—He lives in the part called High-street.

5753. Is it his own house?—He and his brother live together.

5754. Had you any conversation with him as to the last election, about voting?—About his voting?

5755. Yes?—

Mr. *Palles* objected to the question.

Mr. Justice *Keogh* asked if Brennan was a voter.

Dr. *Kaye* stated that he was in the bill of particulars.

Mr. Justice *Keogh* said there were two Thomas Brennans.

Mr. *O'Loghlen* said it was Thomas Brennan of High-street.

5756. Dr. *Kaye*.] You are charged in the bill of particulars with bribing a man named Thomas Brennan: is that true?—Perfectly untrue.

Mr. Justice *Keogh*.] Is Brennan in the bill of particulars as one of the persons alleged to have been bribed.

Mr. *Lawder*.] He is my Lord, in No. 1.

5757. Dr. *Kaye*.] Do you know a man named Patrick Flynn?—I do.

5758. Do you remember his coming for drink for the boys?—I do.

5759. Do you remember what time that was?—I should say a short time before the last revision.

5760. Tell us what took place between you?—I met Flynn, and I think there was a person named Gray with him, whom I only knew by appearance at the time, and Flynn told me that the men or the boys up the street wanted some money for drink, and he asked me could I get any, and I said I didn't know anything at all about it, but I would make inquiry; but of myself I had no knowledge; however, he began to say they had been very badly treated.

5761. Did he say why they had been badly treated?—Yes; he said that there were some persons who were opposed to the Armstrong party at one time, and they were then in favour of Major Knox.

5762. It was in consequence of that?—They had been badly treated, and they wanted some money for drink; I said I knew nothing of it.

5747. That is another thing altogether; Flynn swore that you were paying the money in June, and that when he saw it was coming on in October, he remonstrated about it, and then it was you set it all right; is that the case?—I cannot remember at which it was paid; it was at sessions.

5748. You will not take upon yourself to contradict that?—I will not, because I have no distinct recollection, and of course I would not; I have a great deal to do at the sessions, and really this has escaped my mind.

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5763. Was it for the purpose of the mob he wanted it?—Some 60 or 70 of them who were a mob.

5764. You did not on that occasion give Flynn any money?—No.

5765. You said Gray was with him; did you afterwards see Gray?—I afterwards met Flynn, and I said, "Flynn, I have been speaking about it, and I think I could get something for them to quiet them."

5766. Mr. Justice *Keogh*.] You had been speaking to somebody?—Yes.

5767. To whom?—I do not recollect; I had been speaking to Wilson, but I do not know whether I mentioned that to Flynn at that time.

5768. Dr. *Kaye*.] What then?—On that occasion I mentioned to Mr. Wilson that Flynn had been speaking to me to get money for those boys for drink, and that he himself said, "Recollect, I do not want any at all for myself;" I said, "I could not give you any on either side, because I think it would be wrong to give you any." "Oh yes, I know very well," said he; "I am a voter, and I would not have any at all for myself personally, it is only for these men I want it." I met Flynn afterwards, and I gave him a card, as he described to you, for him to go to Mr. Wilson, and he would get 5*l*.

5769. For those men?—For those men who at the time were called the Sandy-row boys.

5770. In other words, was it Knox's mob?—Or Knox's mob, as you call it.

5771. Mr. Justice *Keogh*.] Is there a Sandy-row in Sligo?—No; but I heard of such a report, that they had been called that.

5772. There is not a Sandy-row in Sligo?—No.

5773. Dr. *Kaye*.] Do you remember calling at Mrs. Dunleavy's at any time with Major Knox?—I do, and Mr. Pollock.

5774. Was Dunleavy the husband there at the time, do you remember?—I did not see any person but Mrs. Dunleavy.

5775. Did you hear anyone that was with Major Knox ask Mrs. Dunleavy on that occasion if her husband would take a situation in Dublin?—No.

5776. Did anything of that kind occur?—Not in my presence.

5777. And were you with Mr. Knox during the time he was there?—As close as I am to you.

5778. About what time was that?—I think that time has been fixed.

5779. About what time was that?—That was the time Major Knox was on his canvass, but I cannot fix the date.

H. Phibbs.

- H. Phibbs.* 5780. But with reference to the revision, what time was it?—Some time before the revision.
- 23 February 1869. 5781. Did you ever say to Mrs. Dunleavy upon that occasion, or upon any other, that Major Knox had done well for her, and would do better after the election was over, but that he could not then give any money?—It is perfectly untrue.
5782. Is there a word of truth that such a statement was ever made by you to Mrs. Dunleavy?—Such a statement was never made by me to Mrs. Dunleavy.
5783. Or anything to that effect?—Or anything to that effect. I may now mention, my Lord, that Mrs. Dunleavy came to my house on three or four occasions, and on each occasion wanted to get money; that I would get money for her from Major Knox; and I on each occasion refused to have anything to do with it; I told her that I could not do any such thing.
5784. Did she ever make the same application to you in the street?—I have a distinct recollection of meeting her once in the street; I think I did it a second time in the evening on my returning to my house, when she made a similar application, and I refused.
5785. Did you hear Edward Kelley examined?—I did.
5786. Did you hear him state that he was on one occasion in Mr. Woods' shop when you came in?—I did.
5787. You heard his evidence with reference to that?—Yes.
5788. What was the object of your visit at that time to Mr. Woods?—
5789. *Mr. Palles.*] What did you do?—I will tell you what I did on that occasion. I have a recollection of seeing Kelley in the shop as I entered or as I was going out. My object in going to see Mr. Woods—
5790. Say what passed between you and Mr. Woods?—Nothing whatever passed between old Mr. Woods and me. I went to young Mr. Woods; he is a commissioner for taking affidavits. An affidavit had been made for a person of the name of Martin, and I called upon him to make inquiry after that.
5791. *Dr. Kaye.*] On that occasion you had no conversation whatever with old Mr. Woods?—Certainly not, nor at any other time with old Mr. Woods, with reference to the election.
5792. Did you hear Mr. Macneith's evidence with reference to Flynn's ejection matter?—I did.
5793. You were present at the sessions, were you?—I was; I attended the sessions.
5794. It was in June, according to his account?—Yes; I attend the sessions; I was there.
5795. Had you any conversation with Mr. Pollock upon that occasion with reference to that particular ejection, to withdraw it?—I do not recollect any conversation about it till I heard it here for the first time.
5796. Did you interfere in any way in the withdrawal of that ejection, or in paying the amount that was claimed by the plaintiff?—I did not.
5797. You did not?—Certainly not.
5798. Do you remember being with Major Knox when he called at Morrow's house?—I do.
5799. Will you just state the circumstance?—

Mr. Justice Keogh.] No, that case utterly broke down.

5800. *Dr. Kaye.*] Do you know Mrs. Hall?—I do.
5801. Do you know her house?—I do.
5802. Were you in her house during the time of the election at all?—I was, twice.
5803. What were the occasions of your visiting her house?—On the one occasion I went there to see Mr. Robinson, who was staying there, and on another occasion to see one of the voters who was there, a man of the name of Ferguson.
5804. And were those the only two occasions upon which you were in her house during the election?—They were the only two occasions, to my recollection.
5805. Have you read the bill of particulars in this case?—I have looked through that portion that referred to myself.
5806. In how many cases are you yourself charged with acts of bribery in that bill of particulars?—I think the several acts which I am charged with about bribery, and undue influence, and other matters, amount to 37.
5807. Is there any foundation for any one of those charges?—I never in the whole course of my life bribed a man or offered him sixpence at any election.
5808. Or used any undue influence?—Or used any undue influence to get him to vote.
5809. Or to restrain him from voting?—Or to restrain him from voting.
5810. You reside in Sligo?—I do.
5811. You have resided there many years?—I have.
5812. Will you tell us the state of the town at the time, or before the election, if his Lordship wishes to hear it?—I have known Sligo for the last 20 years, and there has been a great number of contested elections there, but I do not think I ever saw the town of Sligo more disturbed than it was on the last occasion. There were several houses in the town that were completely wrecked, and that within 200 yards of the court-house. On the day of the polling there was the house of a man, whom I am charged in the bill of particulars with bribing, which was literally broken in by the mob outside, and that within 200 yards of the court-house, and within view of the military. I went to the captain in command of the military, asking him to protect the house, not knowing at that time whose house it was. He went up with a company of infantry to enable the house to be protected, but not until there was a great deal of damage done to the house.
5813. Is that the man we heard of who was arrested on the process on his way to the poll?—Yes.
5814. And his house was injured?—Yes.
5815. Was there injury done to other houses?—Yes; there was a man of the name of Dunovey, whose house was completely broken in; the windows and shutters and all completely demolished. There was another house in Market-street close to Mr. Balfour's. That man kept soft ware; he sold hat and band-boxes in the street. I saw a great deal of his property kicked about. There was another man of the name of Gethins, whose house was broken in, and has been repeatedly since.
5816. *Mr. Justice Keogh.*] What is his name?—Gethins. Coming home from church on the Sunday before the poll, I saw round Major Knox's house a tremendous mob, which prevented us from passing the street, and Mr. Colson was obliged to bring down a body of police.
5817. Are

5817. Are you able to tell in whose interest the mob appeared to be?—They were opposed to Major Knox, as far as I can tell you.

Cross-examined by Mr. *Waters*.

5818. You canvassed a great deal, I believe, with Major Knox?—I was with Major Knox a great deal.

5819. Could you tell his Lordship when you commenced?—I could not fix the date.

5820. In 1867?—No.

5821. In 1868?—When he commenced his canvass I really could not give you the date.

5822. Would you say early in 1868?—No, I would not; I do not recollect.

5823. Would you say what period of the year it commenced?—If I fixed the date I should say about July.

5824. You say you canvassed with him; you went with him to Dunleavy's?—I did.

5825. That was for the purpose of canvassing?—Yes, he went there for the purpose of canvassing.

5826. We were told that was before the revision; was that in July?—It was before the revision.

5827. In July?—I think it was, but I could not exactly say.

5828. You will not swear as a matter of absolute certainty?—No, but my belief is it was.

5829. Tell his Lordship are there two Dunleavys voters in Sligo?—There are; there is one in Thomas-street, and the other in Gore-street.

5830. Francis Dunleavy in Thomas-street, is that the man you are speaking of?—No.

5831. Francis Dunleavy, Gore-street, is the man you are speaking of?—Yes.

5832. And that you think was in July?—To the best of my recollection.

5833. Do you know Brennan, Thomas Brennan?—I do.

5834. There are also two Thomas Brennans?—Yes.

5835. Take Mr. Brennan with the moustache, to distinguish him?—Mr. Brennan who was examined here?

5836. They were both examined. Did you not canvass Thomas Brennan, of Abbey Quarter (that was the old man); did not you canvass him with Major Knox?—Yes, with him; I recollect now.

5837. I presume you never canvassed the other Thomas Brennan?—To ask him for his vote?

5838. Yes?—I never heard Major Knox ask him for his vote.

5839. He voted for Major Knox?—Yes.

5840. That is Thomas Brennan the younger?—Yes.

5841. You commenced in July; did you continue working for Major Knox down to the election?—I was not working for Major Knox more than going with him on his canvass.

5842. And taking a warm interest in his support?—I did, a warm interest in his support.

5843. Assisting him with all your power?—Anything I could have done I would have done.

5844. All the power you had you used?—Such as it was I gave it; it was very small.

5845. Mr. Justice *Keogh*.] Do you recollect Brennan canvassing with you?—I do. I will just mention what had occurred when I went up into a place called High-street, or Mail Coach Road. There were a number of new men coming on the register about that time; that is, men who had not been on the register before, and whose

names I did not know, but men who were likely to come on the register, of the value of under 15*l.*, but over the value of 4*l.* I met Brennan, and asked him to come with me and point out the houses of such parties as I would refer to.

5846. He went along with you?—For that purpose.

5847. Now let me ask you; you say you got a card which you gave, or a ticket?—Yes.

5848. And which is described here to be a round card with a hole in it?—It was a square card, about so large (*pointing*), and I just cut the hole in it.

5849. You cut the hole in it?—Yes.

5850. Had you previously agreed with any person that you were to send any cards?—What occurred was this: I met Flynn; I told Flynn I would see if I could get him so much money. I afterwards met Flynn, and told him he could get 5*l.*; and he said "Oh, that won't give them all drink, that won't be enough." I said, "That is all I have anything to do with."

5851. Had you previously agreed with any person that you were to give the card as a token?—I had.

5852. With whom?—With Mr. Wilson.

5853. That you were to give a particular kind of card, and that he was to give 5*l.* for that card?—I took the card at his shop, and cut a bit out, and made a hole in it, and showed it to Mr. Wilson. I said, "Grey will bring you this card."

5854. You told him the name of the person who was to bring it?—I believe I did.

5855. What was the necessity to send a card; if you were telling Mr. Wilson he was to give 5*l.* to Grey, what was the necessity of that?—I did not want to give the money to Grey.

5856. But you told Mr. Wilson the man's name?—Flynn told me his name.

5857. Then you told Mr. Wilson that he was to give 5*l.* to Grey?—I did.

5858. Then where was the necessity for the card?—I do not know.

5859. That is what I want you to say; had you given a card upon any other occasion?—Never, on any account.

5860. And why did you give this money?—Because I had been speaking to Mr. Wilson before.

5861. What reason had you to expect that he would give money for this purpose?—I consulted Mr. Wilson about it, and he said he had some money lying by he would appropriate for that purpose.

5862. Whose money did he say it was?—I think he said it was money he got from Major Knox.

5863. From Major Knox?—Yes.

5864. For that purpose?—Yes.

5865. Then you gave this card?—I did.

5866. Did you know that Grey was a voter?—No, he was not; he was one of the men. Flynn had a slip of paper, and there were a number of names upon it, and Grey was upon that list.

5867. You conduct the Conservative registration business for Sligo?—I do.

5868. For the borough?—Yes, for the borough.

5869. You conducted it in 1867?—I did.

5870. Of course you closely examined the lists of applications and of voters?—I did.

5871. Did you know Peter Neilan was a voter?—Patrick Neilan?

5872. Yes?—He was in the former list, I knew.

Q 3

5873. You

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H. Phibbs. 5873. You knew he was in the list of 1867?—
Yes.
23 February 1869. 5874. You knew he was in the list of 1868?—
That is the last registration you speak of.

5875. Both?—The one of 1867 was not then in existence.

5876. The close of October 1867 was the registration of 1868?—That brought it up to December 1868.

5877. Then there has been subsequent registration under the Act of Parliament?—Yes.

5878. But did you know that Neilan was a voter both in 1867 and 1868?—I was aware that Neilan was on the register from 1867 up to 1868; but I was not aware then whether he would be on the next list or not.

[The Witness withdrew.]

EDWARD POLLOCK, recalled; Examined by Mr. Justice Keogh.

E. Pollock. 5879. WHAT time was it you mentioned as to calling on Mrs. Dunlevy with Major Knox, at her house; can you recall what time it was?—I cannot.

5880. About what time; was it in 1867?—1868, I think.

5881. Do you recollect what time in 1868?—Indeed I do not.

5882. Was it early in the autumn, at the time of the revision, or what was it?—It was before that, I think.

5883. It was early in the year?—I think so.

5884. You recollect the case of your going to Woods' house?—Yes.

5885. You had no conversation with Kelly

then?—No, I never did; I never spoke to the man in my life, except in passing.

5886. Did you see any one else?—It was in the shop.

5887. What time was it?—It was in the evening.

5888. Did you see his son with him?—There was no person with Kelly at that time but Kelly himself.

5889. And could his boy have been there without your seeing him?—The boy that was there.

Mr. Justice Keogh.] It is a different case, perhaps.

[The Witness withdrew.]

WILLIAM ABBOTT WOODS, sworn; Examined by Mr. Macdonogh.

W.A.Woods. 5890. You reside in Sligo?—Yes.

5891. I believe you are a magistrate for the borough?—Yes.

5892. Do you know a carpenter of the name of Kelly?—I do.

5893. Did you see him in that box?—Yes.

5894. Did you hear him examined?—I did.

5895. Has that man worked for you occasionally?—Yes; he worked at one time nearly half a year, off and on, continually for me; that is 15 or 16 years ago. He has worked for me, on and off, since that time, as I required him.

5896. Was he engaged in doing any work in a stable of yours?—Yes.

5897. About what time was that engagement or employment?—He mended it for me some six or seven weeks, I should think, before the election; and as it proved to be badly mended, and the stable man pointed out to me that the boards had shot out, and the horses' feet were liable to be caught against it, it was required to be done again, I brought him in, in order that it might be re-mended.

5898. Did you hear that man examined here?—I did.

5899. Did you hear him say that he told you he had been offered 15 l. not to go to the revision?—I did not hear him say that.

5900. Is it true?—It is not true; I heard him say it here, in the box, but I did not hear him say it then.

5901. Is it true, then, that he told you any such thing?—No.

5902. Did he say anything to that effect to you?—No.

5903. Did you hear him give evidence in that box about your asking him about mahogany for the partition of the stable, and what number of feet it would take?—Yes; it is utterly untrue; I said nothing at all about mahogany in the stable.

5904. Did you use these words, or anything to

the like effect, "Now understand me" (*touching his shoulder*); how many feet of mahogany would it take to repair that partition?—Was there any such conversation?—No such conversation.

5905. Was there any conversation referring to 30 feet at all?—No, nothing.

5906. Did you ever say 50 would be all right?—Never.

5907. You had no conversation at all about mahogany in the stable?—No.

5908. Did you ever, directly or indirectly, promise that man money for voting?—Never.

5909. Or to induce him not to vote?—Never.

5910. Do you remember Kelly swearing to the fact of his having met you at your door, and that he gave you a note upon that occasion?—I do.

5911. Is that true?—No.

5912. You remember the occasion to which that evidence relates?—I do.

5913. Where were you at the time to which that relates?—I was sitting in my own front parlour, reading.

5914. Is that front parlour on the ground-floor, or above?—Above. I have no parlour on the ground-floor at all; nothing but business premises.

5915. You have a large shop, I believe, and you have a hall?—Yes.

5916. And then you have a small office?—Yes; but that is all. They were locked up at that time.

5917. About what hour was it when you were reading in your parlour?—I think it was about nine, or, perhaps, a little after nine at night.

5918. Did you go into the hall at all?—No; the maid informed me that Edward Kelly wanted to see me. I took up one of the candles, and stood on the lobby, and said, "Come up Edward." I brought him into the only vacant room there was.

was. That was on the same floor; the drawing-room.

5919. Did you see whether there was any other person in the hall or not?—Not at that time.

5920. Did you at any time see whether there was another person in the hall?—Yes, when he was going out I stood on the stairs holding the candle that he might see his way down, and then I saw his son below, but not till then.

5921. The little boy?—Yes, the little boy; and the maid is here who opened the door, and who told me of the circumstance, and who let him out, I think.

5922. Did you hear that boy say that you were at the door when they went in; that you were in the hall, and that he saw his father hand to you a note?—I heard him say it.

5923. Is that true?—It is not true.

5924. Now I go back to what occurred when you called him upstairs; did he enter the room?—He did.

5925. Inform his Lordship what he said to you?—He told me then that he had frequently told me for six or 12 months before, that he wished not to vote at all, or to vote in such a way as would show the clergy the way that they had treated him; and then he wanted from me a pair of shoes, or the price of it, or 3*l.*, that would help him away; and I said, “Is that what you want, Edward? If one penny would send you out of Sligo, I would not give that penny.”

5926. Did the interview terminate then, or was there anything else?—It terminated then. At the time he had a deal of work on hand for me, which was unfinished, and which remains unfinished still.

5927. Mr. Justice *Keogh*.] What kind of work?—Carpentering work; gates and doors, and things of that sort.

5928. Mr. *Macdonogh*.] Did you hear Mrs. Dunlevy's evidence?—I did.

5929. Did you hear her say that you offered her 50*l.* to induce her husband to keep away from the election?—I did.

5930. Is that true?—No.

5931. Did you offer her anything?—No.

5932. Do you remember any conversation having occurred between you and Mrs. Dunlevy at her house?—I do.

5933. Mr. Justice *Keogh*.] You were at her house?—Yes, I think I was three times at her house; once perhaps a month or two before the election.

5934. Mr. *Macdonogh*.] Do you remember having had any conversation with her with relation to paying for some manure?—Yes.

5935. Just tell us what occurred?—I called in to pay her some money. She said I was to have given her more, and I said, “No, I had taken a note of it.”

5936. Mr. Justice *Keogh*.] How much was it?—Two and sixpence. I had been buying manure during the winter, and had bought perhaps 15*l.* worth or better of manure through the town, and I had been buying in the neighbourhood of her house. I usually send my labouring men round to see when it can be brought by the cart; I allow them to take so much; but where they would not sell by the cart, or where the cart could not be backed in, we generally bought by bulk, and the man generally brought me to five or six of these little places together. I had bought in the neighbourhood; and she sent out for me. I said to the man, “What is that little bit worth?” and he said “Two-and-sixpence.” She wanted more,

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and I said “No, Mrs. Dunlevy, I give no more.” “Well,” she said, “it is worth more,” or something like that; when I went to pay for it—
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5937. Was that subsequently?—Yes, I called one time when she was not there. I merely put my head in, and said, “Is Mrs. Dunlevy here?” She was out, and then I went away. I called again to pay for it, and she chizzled me out of sixpence or a shilling beyond what she had a right to.

5938. Then it was 3*s.* you gave her?—Yes, I think so.

5939. That was the occasion you heard her state she had the offer of money for her husband?—Yes.

5940. Did any such thing occur?—No.

5941. Nothing of the sort?—No.

5942. Had you any conversation, with reference to her husband, with her?—Yes.

5943. Tell his Lordship what it was?—I asked her was Frank there; Frank had wrought for me for a long time, both he and his father; and several times, when she and the husband had quarrels, I had to make up the quarrel between them, and I did think that my word would have some influence.

5944. Never mind what you thought?—I asked, “Was Frank there?” and she said not; and I asked her, was he going to vote at this election? “Yes,” said she, “I would like him to vote for Major Knox.” “Is he at home?” said I. “No,” said she. “Then,” I said, “my opinion is he will be better away, for if he wants to vote for Major Knox, he will not be let do it if he comes to Sligo.”

5945. Is that what passed?—That is the whole of what passed, and not one single syllable of money or reward ever uttered.

5946. Did you offer her any valuable consideration or inducement?—Not in any one way.

5947. Was the town in a state of disturbance at that time?—Oh! very much so.

5948. Had you yourself opportunities of seeing the state of the town at that time?—Yes, and long before it, and the whole county.

5949. Was the state of the town untranquil at the time of the revision?—Certainly, and long before; in fact, it was not safe for a person to be seen go into a house; I was most anxious to be out of the town.

Cross-examined by Mr. *O’Loghlin*.

5950. You had no transaction with Mrs. Dunlevy, except about this manure?—No.

5951. And the value of that was 2*s.* 6*d.*?—Yes.

5952. I understand you to say you went three times to her house about that 2*s.* 6*d.*?—No.

5953. Did you go three times into her house?—I was three times at her house.

5954. Was that on account of this manure?—Yes. The way it occurred was as I told you. In the first instance, I had been buying manure; she sent out for me; I went at her request, and my labouring man along with me. The second time I was not half a minute in the house; the third time it was I paid her, and this conversation took place.

5955. Did you ask her if her husband was in Tipperary?—No, I did not know where he was.

5956. Did you ask where he was?—Yes.

5957. Did she tell you?—Yes.

5958. Did you happen to go upstairs?—Yes.

5959. Was it for the purpose of paying the 2*s.* 6*d.*

W. A. Woods. 2s. 6d. you want upstairs?—No, it occurred in this way: when I gave her the 2s. 6d. she demurred at the price, and said, “If you will look at the pit,” where it was, “you will see it is worth more.” I went to do it. There was a house in the yard; I said, “If the owner is here let him stand beside her,” that I might look into the pit. When the man went out the horse kicked. I went out. I said, “Is there any other way of looking at it but this way?” Said she, “Come this way;” not having answered the question, and then we went up into the room, and the occurrence took place as I tell you.

5960. The conversation you had with Mrs. Dunlevy was upstairs?—It was; that is, the most of it was. I had offered her the money below for the manure.

5961. How long before the election was that?—I am not quite sure; but I think it was about a week.

5962. Was it on the 14th?—I could not tell, indeed.

5963. Do you recollect Saturday before the election?—I think it was on the Saturday before the election. I remember the occurrence, for this simple reason. I had some small business in Steward's office, and that is open on Saturdays.

5964. It was the Saturday before the election?—Yes.

5965. You know Kelly?—Yes.

5966. What night before the election was he in your drawing-room, or in your parlour?—I could not tell, indeed; but I should think it was a week or so before.

5967. Was it the Saturday?—I think not.

5968. Was it Friday?—I could not tell you.

5969. The election took place on Thursday?—I believe it did.

5970. Was he ever in your drawing-room before?—Never, I think.

5971. At night?—Never; except, perhaps, he might have been if he had been at work in it fitting up cornices, and all that sort of thing.

5972. Did you ever ask him at night before into your drawing-room?—No.

5973. Or your parlour?—No.

5974. Where did the conversation about the mahogany take place?—Where did it take place? Any conversation I had with him —

5975. The conversation about the mahogany, where did that take place?—In the shop.

5976. Was anyone with you at the time?—I think my son was.

5977. That is Mr. Joseph L. Wood?—Yes.

5978. Is he a voter?—He is.

5979. Was he by?—I believe he was.

5980. Did Mr. Phibbs come in?—I do not know whether he came in at that time. Mr. Phibbs did not come in to the shop.

5981. When Kelly was there?—Not while I was speaking to Kelly.

5982. When Kelly was there; upon your oath?—Yes; Mr. Phibbs came in when Kelly was there.

5983. Did he go into your office?—I must explain.

5984. You can explain after?—Mr. O'Loughlin, I will not pass from one question to another, unless I explain it to you.

5985. What is your explanation?—At the time Mr. Phibbs came into my shop, Kelly and I, I think, had no conversation.

5986. Did I ask you that; did Mr. Phibbs

come into your shop while Kelly was there?—Yes.

5987. Did he go into your office?—He did.

5988. Had you any conversation with him?—No.

5989. Did you speak to him at all?—I do not know.

5990. What took you into your office with Mr. Phibbs?—To see if there was anybody there to receive him.

5991. Was Kelly there at the time?—He was standing at one corner of the shop. The shop is a long one, and I had had no conversation with Kelly at all at the time.

5992. Will you tell me how many days that conversation about the mahogany took place before you saw Kelly in the drawing-room?—I could not tell.

5993. What was the conversation?—It was in this way; Kelly erected the hand-rail of my stairs, and he has frequently boasted that it was a piece of workmanship that no other man or men in the county could do; he and his brother did it 40 or 50 times in the last 15 or 16 years; he has referred to that. I had intended to build another house, and I had conversed about it; the conversation we had had reference to the mahogany that would be required in a new house I was about to build.

5994. Mr. Justice *Keogh*.] But a conversation did take place about mahogany?—Certainly, my Lord.

5995. In the shop?—Yes.

5996. Mr. *O'Loughlin*.] What was the exact expression used about mahogany?—I wanted to know what was the quality of mahogany I had got before; I had imported it; the mahogany had been bought, and cut out roughly, some year or two before we used it, and I wanted to have the same done upon the first occasion I had the opportunity.

5997. Mr. Justice *Keogh*.] You asked him what quantity of mahogany it would take to do this work?—I do not remember about the quantity, but I do about the quality, the kind; he informed me it was St. Domingo.

5998. Mr. *O'Loughlin*.] Did he say how much it would take?—I do not remember that he did.

5999. Did you ever say how much it would take?—Never.

6000. Did you hear anything about cubic feet?—I think there was something about cubic feet.

6001. What was it?—I think it was that it was by the cubic foot it was sold.

6002. That what was sold?—The St. Domingo mahogany.

6003. You did not know that before?—Well, I think I did know it before, for this reason, that I had bought it some 16 or 17 years ago in the same way in England, and imported it for the purpose; but having had only one transaction of the sort in my life, I was not very familiar with it.

6004. But on this particular occasion you knew all about the way the mahogany was bought before?—Yes, I knew I had bought one piece of mahogany before for the purpose.

6005. What did you say to him about cubic feet?—I do not remember that I said anything, except that it was bought by the cubic foot, and at such a price; I forget what the price was.

6006. Did he say anything about cubic feet?—I do not think he did, not that I remember; but, Mr. *O'Loughlin*, this much I will swear, that whatever occurrence took place with reference to quantity

quantity or cubic feet had no reference to the election, or voting, or money in any one way; and that to construe it in that way is in itself a wrong, and what is unjust and untrue.

6007. That is all right; tell me, did he say how many cubic feet were required?—I cannot remember that he did.

6008. Will you swear he did not?—I do not believe he did.

6009. Will you swear to me that he did not say 40 cubic feet?—I will swear it.

6010. That there was no such thing?—That there was no such thing.

6011. Is the house that the mahogany is wanted for, built?—No, and I will tell you why. Kelly and I had two years before, as well as then, arranged about this house, or two houses; it was to have been built at the corner of the Town Hall plot. When I had bought the bricks and arranged for them with Mr. Griffiths, and was about to begin, then I ascertained a fact I did not know before; that having got a notice with reference to the Towns Improvement Act, I found that if I had built the house, I could get no more value than what the vacant plot was, if the Bill passed; therefore, I abandoned the idea. The Bill having been cast out, I was about to do the thing again, and resume it; but the Bill has been brought in again, and until it is decided one way or the other, I cannot do it; that is the reason of it.

6012. That is the explanation?—Yes.

Mr. Justice *Keogh*.] Was this the Mr. Woods who was mentioned in connection with the letter?

Mr. *Macdonogh*.] No, my Lord; it is his son.

Witness.] I was mentioned as having been in a room at Mr. Hagarty's; I was never there but once; I could tell your Lordship why I went there.

6013. Mr. Justice *Keogh*.] Were you at Mr. Hagarty's?—I was once there; a person had

come to me, and informed me that Mr. Beattie and somebody down at Ballytivens wished to get into Sligo and required protection; they were afraid that if they did not get in, they could not possibly get in on the day of the polling, and they wished to get into some person's house; I went to see if I could see any person to whom I could communicate that fact, and there I met with Mr. Petrie, and he and I had a conversation in the place. There had been smoking going on, in that sort of way, and I did not wish to have anything more to do with it.

6014. Why did you go to this particular house?—Because I thought O'Farrell was a man likely to see some of these people, and get it attended to, or I might see some person there; I think it was O'Farrell I went to see about it; as to Mr. Hagarty's, I forget now; I am not very particular as to its locality. The two houses are close beside each other, and if I were to be shot this minute I could not tell which house I went in.

6015. Did you see Leonard there?—I could not charge my memory.

6016. Did you see any other person?—I did.

6017. Who did you see?—I saw Mr. Petrie and his son there.

6018. Who else?—I think I saw Mr. Tom Wilson; I went just to the door; I had been smoking and chatting, and I disliked the smoke, and I did not sit in the room.

6019. Can you give me the names of the persons you saw there; Mr. Petrie and his son, Mr. Tom Wilson, and who else?—I think Mr. Balfour.

6020. Who else?—I think Mr. Grubb was there, or Pubbs; I am not sure what his name is.

6021. Who else?—I heard in an adjoining room a lot of singing and noise; some of them singing, and all that sort of thing, and I wished to get out of it as soon as I could.

6022. Can you tell me anybody else you saw there?—I assure you, my Lord, I do not remember; if there was anything to refresh my memory about it, I would do it.

[The Witness withdrew.]

THOMAS REID WILSON, sworn; Examined by Dr. *Kaye*.

6023. You live in Sligo?—Yes.

6024. What business do you carry on?—I carry on a bookselling, stationery, and auctioneering trade.

6025. And I believe you have been for a considerable time connected with the Conservative Registration Society?—Since 1855.

6026. Do you know a man named Tiernan?—Yes.

6027. He stated here that you advanced him a sum of 3 l.?—I advanced him the sum of 4 l.

6028. What was the date of that account?—30th June, 1868.

6029. Had you known Tiernan before that?—I had known him since I was a child.

6030. Whose money was that that you advanced?—It was my own money.

6031. Had Major Knox anything to do with that loan?—No, nothing whatever.

6032. Is that loan still outstanding?—Yes.

6033. Did he give you any security for it?—He gave me an I O U for it.

6034. Have you got that I O U?—Yes. (*Produced*.)

6035. Do you remember giving a sum of 5 l. to a man named Gray?—Yes.

85.

6036. About what time was that?—I think some time in September, I could not say exactly as to the date; I took no note of it.

6037. Mr. Justice *Keogh*.] September in what year?—September last year.

6038. Dr. *Kaye*.] Did he come to you with a card?—Yes, he did.

6039. Did you know the object?—It was for distribution amongst the mob in favour of Major Knox.

6040. That was the purpose for which the 5 l. was given?—Yes.

6041. Had you the name of any of the mob before you?—I got the 5 l. to give to them; I did not know any of them. I asked a man named John Morrow to bring me a list of those who were favourable to Major Knox. He brought me a list of close on 30 names; amongst them I saw Pat Flynn and Dominic Kilcurran; I took my pencil, and said I could not give those men anything. He said, "How will I distribute it?" I said, "Go and see; how can I distribute this money?" He went away and brought me back word that if I gave it to Gray, he was a man trusted by all the rest.

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6042. Mr.

W.A. Woods,
23 February
1869.

T.R.
Wilson.

T. R. Wilson.
23 February 1869.

6042. Mr. Justice *Keogh*.] Who said this?—John Morrow, the man I sent.

6043. Dr. *Kaye*.] Did you see yourself at that time, that there was a small mob in the town in favour of Major Knox?—I saw there was.

6044. And I suppose there was an opposition mob also?—Yes.

6045. Do you know a man named Sheils?—I never knew him till I saw him in the witness box here.

6046. There are several instances in which Mr. Wilson's name appears in the bill of particulars. You did not offer money to bribe, or did you offer money to anybody to bribe at that election?—No, I never offered a bribe whatsoever to any man in my life.

Cross-examined by Mr. *Coffey*.

6047. You are a paid officer of this Registration Society?—Yes.

6048. I suppose you have the arrangement of the calculations upon the revision calculations of the number of voters on either side?—Yes.

6049. Do you make these up to the best of your information?—Yes.

6050. When did you see Major Knox?—After he came to Sligo.

6051. When did you make his acquaintance?—I think I was introduced to him shortly after he was adopted at the Conservative meeting.

6052. And I presume you were in communication with him from that hour onward, more or less?—We had very little communication.

6053. But you had communication?—Yes.

6054. Had you communication, more or less, on the subject of the revision?—I do not think we had that year, in 1867; he may have written some letters, of course; I could not say.

6055. Did he supply you with money?—No.

6056. Where did you get the 5 l. you paid?—That was in 1868.

6057. Where did you get it?—From Mr. Utdred Knox.

6058. He is Major Knox's cousin?—Possibly he is his cousin.

6059. How much money did you get from Mr. Utdred Knox?—£. 5. Nothing more from him.

6060. From him; did you get anything else?—I got 10 l. about a fortnight afterwards from Major Knox.

6061. Did you get any more money?—No.

6062. You were to use your discretion in reference to the money?—Yes; to give it to the mob.

6063. You were to use your discretion in reference to that money?—It was given to me for a particular purpose; I could not use my discretion with regard to it.

6064. Could not you use your discretion with reference to the persons to whom you would give it?—I suppose I could.

6065. Do not you know you could?—It was given to me for a particular purpose.

6066. I know that; but were you not to distinguish the persons to whom you gave it; had you not the power to give it to one, and withhold it from another, as you liked?—I had, I suppose.

6067. Did you communicate in writing with Major Knox at all?—I did.

6068. In Dublin?—Yes.

6069. Did you communicate to him the result of the calculations on the list?—Major Knox

was in Sligo at the registration, and I had no necessity.

6070. Is that an answer to my question?—I did not.

6071. You say it was unnecessary, as Major Knox was in Sligo?—Exactly.

6072. Did you confer with him upon the subject?—I did.

6073. Did you confer with him with respect to the result of the 1867 revision?—No.

6074. Did you show him the list?—I sent him a list, I daresay; I cannot tax my memory with 1867.

6075. Did you consult with him, and he with you, as to the steps necessary to be taken upon the revision of 1868?—No; I do not know that we consulted together.

6076. Did you speak together as to what it would be proper to do?—No, I do not think we asked that.

6077. Did you send to him as to the steps to be taken about the revision?—I think I went over the list with him, to tell him who I believed would support him, or who would vote against him.

6078. You think; you believe; you are a person of respectable appearance and position; do not you know you did that, as well as that you sit in that box?—That is what I mean.

6079. That is what you believe?—

Mr. Justice *Keogh*.] Let him answer.

Witness.] After the revision.

6080. Had you gone over that list before?—No, not till the revision was completed.

6081. Mr. *Coffey*.] Had you any communication with him after the completion of the revision of 1867?—I do not think I had; I may have had; but I am not certain.

6082. You are not certain?—I do not remember.

6083. Did not Major Knox give you a handsome subscription in 1867?—He gave me no subscription.

6084. He gave it to the society of which you are a paid officer?—Yes.

6085. Did you, after the receipt of that subscription, communicate with him or speak to him as to the result of the revision of 1867?—I got it from the society. I sent—

6086. I am asking you, did you communicate with him as to the result of the revision of 1867, having received 50 l.?—I answered you before; I think, to the best of my recollection, I sent him the list and the result of 1867.

6087. Did you mark that list?—I might have done so.

6088. Did you mark the list of those you presumed were for and against him?—I sent him the list of 1867.

6089. Did you send him a blank list; you might as well have sent him an alphabet?—I do not think I did, to the best of my recollection; but I may have done so. I do not remember doing it.

6090. Is your memory a blank as to whether you sent him up a list without any information upon which he could exercise his judgment?—It was, as well as I remember, a list, a register, divided into Catholic and Protestant.

6091. Is that your signature (*handing a telegram to Witness*)?—Yes.

6092. Now, Mr. Wilson, did you consult Major Knox as to the steps you thought it advisable

able to take with reference to the revision of 1868, and the arrangements that were to be made?—I do not remember doing so.

6093. Did you have any communication by telegram or in writing, with respect to the revision of 1868, and the preparation necessary for it?—I might have done so.

6094. You may have done so?—Yes.

6095. You are the officer of the society?—I am.

6096. Do you keep a correspondence book?—No, the secretary keeps that, Mr. Robinson.

6097. Have you any letters from Major Knox with reference to the revision?—I have not.

6098. Had you ever got any?—No; I burnt them before the election.

Mr. Justice *Keogh*.] What is that?

Mr. *Coffey*.] As to any letters he had from Major Knox with reference to the revision, he burnt them.

Witness.] There were a great many others, besides Major Knox's, that I burnt.

6099. But is it a fact that you burnt every letter from Major Knox on the subject of the revision and the election?—I got no letter in particular about it, because he was in Sligo.

6100. Did you burn any letter you got with respect to the revision or the election?—I do not remember getting any letter.

6101. What did you mean by saying you burnt all Major Knox's letters with reference to the revision and the election?—I burnt a great number of letters.

Mr. Justice *Keogh*.] I have got the answer.

Mr. *Coffey*.] Very well, I will leave it there.

6102. Will you explain to me the meaning of this telegram you received from Major Knox. "To ———Wilson, Esq., August 1868. I am most anxious that Mr. Sedley should defend all those you name, and to give all the help we can to their defence." What does that refer to?—They were a number of his mob accused by the police of assaults. I wrote to him to say I thought it unfair that they should have no one to defend them, and that is the answer I got.

6103. You said you marked the list of 1867 with Catholics and Protestants; did you go over with Major Knox the names of Catholics and Protestants in the list of 1868?—I did.

6104. Is the list marked?—Yes, I made out the list for Major Knox, and gave it to him.

6105. Were you in communication with Mr. Stokes with reference to the result of the revision?—No.

6106. You had no communication with him?—I see Mr. Stokes almost every day.

6107. But had you any communication?—Not with regard to the election.

6108. Is Mr. Stokes a subscriber to the society?—I do not know. I know nothing about the private work.

6109. Are you not a paid officer?—I am.

6110. In what capacity?—In the capacity of attending to the register.

6111. Who is the secretary?—Mr. Robinson.

6112. Who keeps the names of subscribers?—I suppose he does. I know nothing about it.

6113. Are there any books there?—I do not know.

6114. Have you any books connected with it?—No; except these (*producing some books*).

6115. What books are those you have there?—Books connected with the list, the registration list; persons objected to, and the claimants; those are all the books I have; and the copies of notices served. (*Books produced*.)

Mr. Justice *Keogh*.] It is quite irrelevant.

6116. Mr. *Coffey*.] Will you hand me the list of 1868. Under the letter M there, do you find two persons of the name of Macmullen?—Yes; James Macmullen and William Macmullen.

6117. Do you know those men?—I do not know James.

6118. Do you know the other?—Yes.

6119. How did you mark them?—As Catholic. I opposed them as much as I could at the revision. I can show you the notices.

6120. There is a man named Gavanny, how did you mark him?—Catholic.

6121. Did you oppose him?—No, there was no object; Macmullen was a claimant.

6122. You live in Sligo yourself?—I do.

6123. Did you see the Macmullens before the election took place in Sligo?—Not for weeks before.

6124. Did you see them before the election at all?—I have often the father; I do not know the son.

6125. Did you see him from the day the election took place until you left Sligo yesterday?—No, I did not.

Re-examined by Dr. *Kaye*.

6126. With reference to this money you got for the purpose of the mob, had you any order given not to use the money for any improper purpose?—No, none whatever.

6127. Were your instructions to give it entirely?—

Mr. Justice *Keogh*.] He said so.

[The Witness withdrew.

ANDREW GREEN, sworn; Examined by Mr. *Macdonogh*.

6128. You are a Merchant, of Sligo?—Yes.

6129. You live in Castle-street?—Yes.

6130. Did you see that man, John Feeny, in the box here?—I did.

6131. Did you hear him examined?—Part of his examination.

6132. Do you know Mr. Chisholme?—I do.

6133. He is a mercantile gentleman in Sligo?—Yes.

6134. Do you remember seeing this Feeny in your house, when Mr. Chisholme happened to be with you?—I do.

6135. Did you hear that man swear that Mr. Chisholme, when he said he had not clothes, offered him clothes, and directed him to go up to Mr. Williams and Mr. Lyons, and get them?—I did not hear him give that evidence.

6136. Assuming that he did, did that occur in your presence?—It did not.

6137. Did Mr. Chisholme suggest a journey to Dublin, or elsewhere?—Not in my presence.

6138. Feeny stated it was in your presence; that you were present?—I was present all the

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A. Green.

A. Green. time they were together; I never heard anything of it.
 23 February 1869. 6139. You say Mr. Chisholme was in your house; was he there before Feeny came in?—I cannot say which was in first.

Mr. Justice Keogh.] You say Mr. Williams or Mr. Lyons.

Mr. Macdonogh.] Those are the two he said, "I will get you clothes; go up to Mr. Williams or Mr. Lyons."

6140. Do you remember after that; I mean the occasion when you saw him in your house; by the way, did he leave before Chisholme?—Chisholme went first.

6141. He went away?—Yes.

6142. Do you remember after that having gone to the glass-house?—Yes.

6143. Where is that?—It is up the yard.

6144. In the rear of your house?—Yes.

6145. Did this man Feeny follow you?—He wanted glass.

6146. Did he ask you for glass?—Yes; and he got it.

6147. Then you went to the glass-house?—Yes.

6148. Mention to his Lordship what he said; did he say anything about porter?—He said if he could get 30 *l.* to go to Dublin, and buy porter, he would vote for Major Knox.

6149. What was your reply to that?—I made no reply; I knew nothing about it.

6150. Did you tell him so?—I did.

6151. Did you accede to his proposal?—No; I could not.

6152. Did you, directly or indirectly, offer or promise to give him 30 *l.* or 30 *d.*?—Neither.

6153. Had you any authority whatever, as agent or otherwise, from Major Knox?—Not at all.

[The Witness withdrew.]

WILLIAM LAWDER, sworn; Examined by *Mr. Macdonogh.*

W. Lawder. 6154. You were the Conducting Agent for Major Knox, at the last election?—I was.

6155. I will ask you one question which will shorten it; you are stated to have bribed 11 persons?—Yes; I am.

6156. Did anything of the kind occur?—Never.

6157. You heard some evidence given as to the man Kearns?—Yes.

Mr. Macdonogh.] Your Lordship tells me that that case failed.

Mr. Justice Keogh.] Which was it?

Mr. Coffey.] He was left in the house, and your Lordship said it failed.

Mr. Justice Keogh.] Oh, yes.

6158. *Mr. Macdonogh.*] He was the man who would vote for Major Knox, and that gentleman pressed him; did you press him?—Never.

6159. *Mr. Justice Keogh.*] There is nothing in a man pressing another to vote for his principles?—As a matter of fact, I did not.

Mr. Justice Keogh.] I understand, but I do not see any illegality in pressing by legitimate means to get a man to vote for your principles.

Mr. Macdonogh.] But even legitimate pressure he did not exercise.

6160. What were your instructions with reference to the conduct of this election from Major Knox, with reference to its propriety and purity?—My instructions from Major Knox were, not to attempt to do anything improper during the election. These were the same instructions that I have always adopted when I have conducted several elections.

6161. Did you follow out those instructions?—Yes; I did.

6162. Do you remember the occasion that Major Knox adverted to in relation to his having heard something about Mr. Stokes's officious interference?—Yes.

6163. What occurred; tell his Lordship?—It was on a Sunday when Major Knox came back from church. He came in to me to the hotel where I was staying, and he said, "Mr.

Lawder, I will give up this concern altogether; I have just been informed that Mr. Stokes has taken liberties with my name; and I will not represent any place, nor take any seat in Parliament by any improper means," or words to that effect, as far as I can go. I said, "If you have not employed Mr. Stokes, I think you would be very rash to go away in a hurry on account of the acts of any fellow who attempts to outrage your character," or words to that effect, as far as I can go. He was advised at the same time by Mr. Andrew Paton, Mr. Eutrid Knox, and one or two others in the locality, not to embark in anything that would affect his name as a gentleman, and not to connect himself in any way with any improper act. He said, "I would sooner give up the whole thing than allow my name to be tarnished;" or something to that effect.

6164. Are you aware that he actually ordered his portmanteau ready to go?—He told me he had ordered it; he said, "I have ordered my portmanteau to be packed, and I will leave the place by the next train."

6165. Was that the first time that you had heard of Mr. Stokes thinking proper officiously to interfere?—It was.

6166. Was he engaged in any one way by you?—Not at all.

6167. You had no committee?—No, I never have a committee; I would not have a committee.

Cross-examined by *Mr. Palles.*

6168. When was it you were retained to act; fix the date?—The first time I had the pleasure of meeting Major Knox was in the month of August.

6169. What day of the month was that?—I cannot say that.

6170. Go as near as you can?—It was about the middle of the month; I was staying in Dublin at the time; I was introduced to Major Knox, and that was the first.

6171. Were you retained then?—I was so far retained as this, that he said he would be very glad if I would act for him.

6172. But

6172. But when did you commence to act for him?—How do you mean?

6173. Don't you understand?—No, I do not.

6174. When did you do your first act as conducting agent?—Since you ask me the first date, the first time I saw him he was good enough to show me his address.

6175. I do not want to know anything that passed between you and Major Knox; I only want you to fix the date, if you can, when you first commenced to act as conducting agent; the first act, whatever that act was, I do not want to know?—The first thing ever I did for Major Knox was to go to Sligo.

6176. When was that?—I think about the end of August.

6177. You wrote a letter to Mr. Brennan in London to bring him over here, did you not?—Yes.

6178. When did you write that?—I cannot fix the time; after the petition was presented, and after I heard it was going to be prosecuted, I went to Mr. Macdonogh and said, "Such and such charges are made against such and such persons."

6179. You are not bound to say anything that passed between you and Mr. Macdonogh; I did not ask it, and am not to be understood as asking it; I asked you a very simple question; when did you write the letter to Brennan?—I cannot fix the date, but as soon as I possibly could after I conferred with Mr. Macdonogh.

6180. Fix it as nearly as you can; was it December, January, or February?—It was some time in February.

6181. Mr. *Macdonogh*.] This present month he means?—Yes.

6182. Mr. *Palles*.] About when?—Brennan stated the date when he got the letter; can you tell me about when you sent it; was it about a week ago?—Oh! much more than a week.

6183. Who gave you his address?—I did not get his address.

6184. How did you send the letter?—I gave it to a correspondent in Dublin, and asked him to find it, as Mr. Macdonogh told me he was the person who was charged in the bill.

6185. Do you mean you had not the means of finding Brennan yourself?—I had not.

6186. How long was your correspondent looking for him before he came over?—I do not know.

6187. Who is your correspondent at Dublin?—Mr. Dargan.

6188. When did Mr. Dargan tell you he had succeeded in finding Brennan?—He never told me.

6189. And you knew nothing in the world about it till Mr. Macdonogh stated here you could produce him?—Indeed I did; I saw Brennan in Dublin after that, and he told me then that he was there, and would be, of course, here.

6190. Did you send him 3*l.* to bring him from London?—I did.

6191. When was that?—At the same time I wrote to him; I never wrote but one letter.

6192. That is, you wrote, and gave the letter to your correspondent?—Yes.

6193. At what time did Mr. Macnamara give you the document that was served on Brennan; did he send it him?—No.

6194. Did Mr. Knox give it him?—No.

6195. How did you know it?—I heard of it.

6196. From whom did you hear it?—I do not remember.

6197. From whom did you hear it; you can tell me that, I am sure?—I will tell you anything I can.

6198. Who did you get it from?—I think Major Knox told me this man was in the hospital.

6199. Of course you have no documents connected with the election?—Yes, I have.

6200. Letters from Major Knox to yourself, or from yourself to Major Knox, I do not ask you for; but what other documents have you?—I do not think I have one.

6201. Mr. Justice *Keogh*.] You say your correspondent did it; what do you mean by that?—He is what you call a town agent.

6202. Did you write this letter to Brennan in the country?—I did.

6203. Where?—In my own house.

6204. In this town?—Yes.

6205. Did you send the letter to Dublin?—I did.

6206. To Mr. Dargan, your correspondent?—Yes.

6207. Did you give him any clue?—No, I did not; I said, "This man is charged in almost every case in the bill of particulars," and they were to get, if they could, his address; I never heard a word about him till I saw him afterwards in Mr. Knox's house in Abbey-street, in the "Irish Times" office.

6208. When did you see him there?—I saw him there Monday week; I never saw him before, and would not have known him, only he then told me.

6209. Do you know where your correspondent got the information?—I do not.

6210. Did you never ask him?—No; when I got the witness I thought it was quite enough; Mr. Macdonogh told me not to allow a single man—

6211. Mr. Justice *Keogh*.] That is what I should expect from Mr. Macdonogh, from his good sense and his good taste, that he would bring forward every witness, and would be no party to keeping any one away?—I knew nothing at all about the man till he came.

6212. Mr. *Palles*.] What was the date on which you were served with the bill of particulars; the 15th of February was the day?—Yes, there was one bill served at four o'clock.

6213. The 15th of February, was it not?—Yes.

6214. Mr. Justice *Keogh*.] You said that when you ascertained that this man's name was mentioned in every charge in the bill of particulars; did you then determine to subpœna him?—No; then I went to Mr. Macdonogh.

6215. Then you wrote the letter to him?—No, I went to Mr. Macdonogh, and said that this man was charged in every case.

6216. When you found the man charged in every case, you consulted Mr. Macdonogh, and then you wrote the letter which was delivered to Brennan?—Yes.

6217. Do you not see, it was proved that you wrote the letter at least as far back as last Saturday week, and the 15th is subsequent to that?—It was subsequent to this bill of particulars.

6218. It could not be; it is a perfect impossibility?—I assure you, my Lord—

6219. It is impossible?—As a matter of fact, it is so.

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W. Lawder. 6220. It is a physical impossibility; this is the 22nd; Friday was the 19th; the bill of particulars was on the 15th, received by you at four o'clock on Monday, and you just told me you saw Mr. Brennan at Major Knox's office on the morning of that day. He could not come by telegram from London. It is the fact, you know; you are at liberty to explain it in any way you can. You have sworn it was after that bill of particulars, and you have given me an elaborate explanation about going to Mr. Macdonogh's, and that it was in consequence of that you wrote for Brennan. Brennan has since sworn that he got your letter last Saturday week, and you say you saw him in Major Knox's office upon the Monday. You are at liberty to explain that, if you can?—I may make a mistake about the date.

6221. It is not the date; it is that you have given me an elaborate and an apparently truthful explanation of your reason for writing from the town of Carrick-on-Shannon to this Mr. Brennan, namely, that you did it after consultation with Mr. Macdonogh, and you now persist in stating that it was after you got the bill of particulars, when the bill of particulars was not delivered until four o'clock last Monday week, and you wrote from Carrick-on-Shannon a letter

which that man swore he received in London upon Saturday, and you yourself swear that you saw him in Major Knox's office upon the Monday?—I may make a mistake about the date, but I will swear most positively—

6222. Well, you do make a very egregious mistake; you have repeatedly sworn to a matter with circumstance; this is not a mistake, but it is a mistake with circumstance?—Well, my Lord, as a matter of fact, I never knew there was such a man in being until then.

6223. That is not the question; you have now been stating what is deliberately impossible; you can go down.

Mr. *Macdonogh* asked for a few minutes to consider whether he should call any further evidence.

Mr. Justice *Keogh* said that that ought to have been done before; but he did not want the consideration of time to induce the learned counsel to spare the production of any number of witnesses. The case ought to be sifted to the bottom, and the parties should not hesitate to produce witnesses in order to save public time.

UTRID AUGUSTUS KNOX, sworn; Examined by Dr. *Kaye*.

U. A. Knox. 6224. I BELIEVE you were Clerk of the Peace for the county of Sligo up to the close of the last year?—Yes.

6225. And resided in Sligo?—Yes.

6226. Do you know a man named Flynn?—I do.

6227. Had you ever any conversation with him about the election?—Yes.

6228. When was that?—It was some time, I think, previous to the revision of last year.

6229. What was the substance of that conversation?—He came to my house one evening accompanied by another man whose name, I think, was Kilcullan, or some such name as that, and they represented themselves to me as being sent on the part of a party of men that they styled "Major Knox's mob." They said they were thirsty souls, and required some drink to keep up their courage, as they were being very much hooted and hissed by their neighbours, in consequence of their desire to assist Major Knox in Sligo. They asked me to give them something to enable them to procure drink for these parties who were their co-partners in the mob. I refused to do so on two grounds.

6230. Did you state so?—I did; I told them that I did not at all approve of mob influence in any way, and I did not wish to see a recurrence of the drunken scenes and rioting which had taken place about a week or ten days before, and for which I understood some parties were in custody.

6231. You gave them no money upon that occasion?—None.

6232. Did you ask him or canvass him for his vote for Major Knox?—Never.

6233. Or to abstain from voting?—Never.

6234. Do you know a man named Tiernen?—I do.

6235. Do you remember accompanying, or being with Major Knox, when he went into Tiernen's house?—I do.

6236. What time was that when you first went

there?—It was some time in the year 1867, as well as I remember.

6237. Did Major Knox, in your presence at that time, canvass Tiernen for his vote?—No.

6238. On any occasion; were you with him at Tiernen's upon any other occasion?—Never.

6239. Upon any occasion when you were with him; that, you say, was the only occasion; did he say to Major Knox that he was labouring under difficulties, and had suffered great loss at former elections, and did Major Knox in reply say to him, that he would make amends; and he would call upon him next day, and get through it all right?—No such conversation took place.

6240. Or anything of the kind?—Nothing of the kind.

6241. Did you lend Tiernen any money at any time?—I did.

6242. When was that?—It was in the year 1867, as far as I remember.

6243. Did you take a security from him for it?—I did.

6244. Have you got the security?—I gave it to Mr. Lawder.

6245. Whose money was that you lent to him?—My own.

6246. Had you any communication with Major Knox on the subject, at all?—No.

6247. Mr. Justice *Keogh*.] What was the amount?—I think it was 10 l.

6248. Was there anything said about a vote in connection with it?—Not a syllable.

6249. Did you ever canvass this man for his vote?—Never.

6250. Mr. Wilson has stated that he got 5 l. from you?—Yes.

6251. When was that?—It was, I think, some time about the revision of last year.

6252. For what purpose did you give that to Mr. Wilson?—That he might in some way or other have it distributed amongst those parties who were described as Major Knox's mobs.

6253. For

6253. For that sole purpose you gave that money?—Solely for that purpose.

Cross-examined by Mr. O'Loughlin.

6254. Tell me, you were clerk of the peace?—At what time, pray?

6255. In 1867?—I was.

6256. And in 1868?—Yes.

6257. And at the revision of 1868?—Yes.

6258. Does Major Knox, when he is in Sligo, live in the same house that you live in?—Occasionally.

6259. That was his place of residence at that time?—Yes.

6260. Are you in the habit of lending money?—I do not make a trade of it.

6261. Are you in the habit of lending money?—No.

6262. To Sligo voters?—Not as a rule.

6263. How many Sligo voters have you lent money to?—That I could not say.

6264. Five?—Possibly so.

6265. Ten?—No.

6266. How many?—Four or five, I daresay.

6267. Did you take I O U's from them all?—I did.

6268. Where are the I O U's?—I have them in Sligo.

6269. Who were the voters besides Tiernen, to whom you lent money on I O U's?—I lent money to a man of the name of Gilmore; I think he was a voter.

6270. Is that Samuel Gilmore?—Yes.

6271. He voted for Major Knox?—I know not how he voted.

6272. Do you mean to swear you do not know how he voted?—I have not the slightest idea; I could not tell you how 20 men in Sligo voted.

6273. How much money did you lend him?—I think it was about 5 l., but I could not say.

6274. And you took an I O U?—Yes.

6275. Was it before the election you lent him the money?—It was.

6276. Who else did you lend money to?—A man named Dowland.

6277. Is that James Dowland?—Yes.

6278. He lives, I believe, in Chapel-lane?—I believe so.

6279. He is a voter?—I believe so.

6280. Did he vote at the last election, or not?—I am not aware.

6281. How much did you lend him?—I lent him sums on two different occasions.

6282. How much?—I cannot tell you the exact amount.

6283. 10 l.?—No.

6284. 15 l.?—No.

6285. 20 l. at one time?—No.

6286. How much did you give him altogether?—I daresay it might have been 12 l. or 14 l.

6287. Have you his I O U for it?—Yes.

6288. Name another voter you lent money to?—I don't think that I can.

6289. Did you lend money to anyone else?—I have had monetary transactions with other parties; voters.

6290. As voters?—No; but other parties who might be voters; they were business matters.

6291. These were not business matters, then; Dowland, a superannuated old coach-guard, and Sam Gilmore; was it done out of charity?—Quite so.

6292. You lent 4 l. or 5 l.?—I did.

6293. You took I O U's?—I did.

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6294. Are you in the habit of taking I O U's for money you give in charity?—Sometimes.

6295. Will you just tell me how Sam Gilmore voted?—I cannot. (*The poll-book was handed to the Witness.*)

6296. Will you look at the top of that page; do you see the column there, "Knox and Flanagan"?—I do.

6297. Would you now go down to Mr. Gilmore's name, and see for whom he voted?—He is marked here as having voted in the column headed "Knox."

6298. During the year 1868, how much money did Major Knox give you?—I have not the least idea.

6299. Did he give you a thousand?—No.

6300. Five hundred?—No.

6301. How much?—I do not think he gave me any money.

6302. What did you mean by saying you had not the least idea?—In this way, that he occasionally gave me money to pay bills in Sligo for him.

6303. Did you think I meant that?—I had no idea; I can tell you this, that he did not give me 20 l., if that is what you want to know.

6304. How much money do you say you lent Dowland?—The exact sum I cannot tell, it might be 12 l. or 14 l.

6305. How long ago was that?—A long time ago; in the early part of 1867.

6306. You never had a business transaction with him?—Unless you call that business.

6307. You went to Tiernan's house with Major Knox?—I was in his house with Major Knox.

6308. You said you did not canvass him on that occasion?—No.

6309. Was it to pay him a visit you went?—I went to introduce Major Knox to him.

6310. As the candidate?—No.

6311. As what?—As a person who came to Sligo, and might hereafter, possibly, seek their suffrages; and I was anxious to introduce him to those parties I knew.

6312. How many did you introduce him to?—I do not know.

6313. How many?—I do not know.

6314. Fifty?—I do not know.

6315. Did you introduce him to every elector you knew?—No.

6316. How many?—Some 15 or 20.

6317. As the probable candidate?—Yes.

Re-examined by Dr. Kaye.

6318. Was he actually in the field as a candidate at that time?—No.

6319. Mr. O'Loughlin.] May I ask in whose handwriting that note is (*handing a note to the Witness*)?—Part of it is in mine, and part of it is Tiernan's.

6320. The body of it is in yours, but the signature is his?—Yes.

6321. Where did you give him the money?—In the post-office in Sligo.

6322. Mr. Justice Keogh.] Do you recollect what sort of money you paid him in?—I think, my Lord, it was in notes and gold, whatever I happened to have in my purse at the time that amounted to the sum he asked me for.

6323. Would it be five notes, two sovereigns and four half-sovereigns?—I dare say it would; I cannot bring my mind to the exact coins in which I paid him.

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6324. He

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U. A. Knox. 6324. He has described it in that way?—I dare say he is quite correct.

23 February 1869. 6325. You say you lent money at different periods?—Yes.

6326. What was the largest sum you lent him in any one person at any one period?—I don't think I lent him more than 10 *l.* at any one time.

6327. What did you lend in the aggregate?—I do not think it was more than about 16 *l.*; I think it was 16 *l.* some odd shillings and pence. One of the cases I can explain to your Lordship; in fact, I can tell you the story. The statement upon which I lent him the money in this transaction, as far as I remember, was for the amount of a decree that his landlord had against him; his goods were seized, as he expressed himself; they were under seizure for rent due to his landlord, and were to be sold on Saturday night. He represented to me what a very great hardship it would be to put him out; I knew his landlord not to be so hard upon him as the man represented to me; I had known him before as the guard of the coach; Dowland has been repeatedly to the landlord; I lent him, I think it was 6 *l.*, the sum, in fact, in the decree, which Dowland showed me.

6328. Mr. Justice *Keogh*.] That was the first time?—Yes, in February 1867.

6329. When was the second?—The second time was in the latter end of the same year, when there was a similar demand. There was a bill or a decree in the Court of Sessions court, or something of that sort; I gave about 10 *l.*, it might be a few shillings over or under.

6330. Had he any claim upon you?—No claim whatever upon me.

6331. As a demand?—No.

6332. But isn't it strange that a man should come and borrow 6 *l.* and not pay it, and then borrow 10 *l.* a year afterwards, and not pay that?—I knew the man to be in needy circumstances; I knew he had borrowed money from people before, and I had no doubt that the man would pay me; none whatever, nor have I. I believe the man to be an honest man; I have known him for some time, and I did not wish to see the man driven on the streets, as the phrase is, if it were in my power to keep his house over his head for some time longer; I also knew he was expecting to receive a pension.

6333. Now about Tiernen's?—He mentioned to me that Captain Henry Fawcett, for whom I had great respect, and who was local inspector of the gaol in which Tiernen was employed as barber, would be security for him, and I remember saying, "It is quite enough to mention Captain Fawcett's name."

6334. Was Mr. Fawcett a gentleman of position and independence?—I cannot say what the man's means were.

Re-examined by Dr. *Kaye*.

6335. All those moneys; were they all your own moneys?—Totally and entirely.

6336. And were they business transactions?

Mr. Justice *Keogh*.] I understood Mr. Knox to say they were his own money, and that he gave them from the motive of charity; but took a security with the intention, that if parties were able, they should pay it, that is how I understood it.

[The Witness withdrew.]

STEPHEN MOOR CHERRY, sworn; Examined by Mr. *Macdonogh*.

S. M. Cherry. 6337. I BELIEVE you are a mercantile gentleman in Sligo?—I am.

6338. Were you authorised in any respect at the last election by Major Knox?—Not in the slightest.

6339. You have heard a person of the name of Shiels examined?—I have.

6340. Had you any authority, direct or indirect, from Major Knox or Mr. Lawder, or any person on behalf of Major Knox, to deal with Shiels?—None whatever.

6341. Mention what occurred between yourself and that man?—I remember on the Monday week before the election, I was posting my books—

Mr. Justice *Keogh*.] I think I ought to tell Mr. Cherry the position in which he is; I will tell you, Mr. Cherry, that you are now about being examined as to transactions which involve a criminal offence; there is evidence given in the case which enables me to say that as far as you are concerned, and if the case stood there, on the evidence which at present exists before me, there would be, I will not say conclusive proof, but strong evidence of your having been engaged in a criminal transaction; you are not, therefore, bound in any way to give any evidence which will tend to criminate yourself. I am bound to tell you that; it is my duty, but at the same time, I can tell you that if you make a full, and to me satis-

factory disclosure, such as I believe to be true *in omnibus*, not in part but in all things, you are then entitled to ask me for a certificate which will be a protection to you against penal consequences. If I am satisfied, when you go off the table, that you have told me the truth, the whole truth, and nothing but the truth, you shall have that certificate; if I think otherwise I shall not give it, and then your statements may possibly tell against you; having given you that instruction, let us now proceed with the examination.

6342. Mr. *Macdonogh*.] Listen, Mr. Cherry, if you please; I hope you understand what the learned judge has said to you?—Perfectly.

6343. You were going to say something about the Monday; you are now going to tell all the truth, whatever it is?—Of course; I have nothing to hide. On the Monday previous to the election I was looking over my books, posting my books; in doing so I was looking down the index of the letter "S," and my eye caught Shiels's name, and the idea came into my head that he had been in the habit of doing business with me, and paying an instalment of three shillings a week for a debt which he owed me. I had been from home, and I had not noticed if he was paying his instalments, and I referred to his account, which I can show. I found that he had not paid his usual instalments from the 31st of August up to that date, as my cash book will prove;

prove; I then and there called one of my young men, and asked him, had Shiels paid on Saturday night.

Mr. *Macdonogh*.] I am not asking any questions, my Lord, but rather wishing him to tell the whole truth.

Witness.] I went to my young man, and asked him, had he paid on Saturday night, or for several previous nights, and he said he had not; I told him to go up and to ask him to come down, or to ask him what was the reason he had not paid; the young man went up, and Shiels sent down a message that he would come down; he did not come down, and I sent another message to him; he came down to me on Wednesday morning, and I took him to my ware-room; not to any private room but to my ware-room; if you please, I would like to describe it: it is an open room; there is no secret about it; any person can come up to it; I asked him how it was he was not paying; he said he thought I was being paid, for he left the money with his sister for that purpose; and he apologized to me for not paying, and promised faithfully to do so; well, my Lord, we talked about other subjects, and in the course of it I learned that he was a voter; I did not at the time know that, because he was a young man, his father was living, and I did not know which of them was; but I learned that he was a voter; the idea occurred to me, perhaps he might wish to oblige me, as I had obliged him; I held a decree for him four years; I never pressed the man; in fact, he asked me not even to tell his employer; and often, when he was a defaulter, I did not do so; I then said to him, "I have obliged you often, and I would as a friend ask you if you would vote for Major Knox"; or something of that sort. No, I did not ask him to vote for Major Knox, I am certain; I asked him not to vote; I said I would not expect of him to vote; I remember that, and said that if he would leave town, I would like if he would do so; he said he could not do so until he consulted his friends; and, my Lord, I said, "It is better for you not to do so, because if they hear it of course they will object"; something to that effect; "and if you like now to say you won't go, I have done with it; I do not want you at all; I do not want to press you in the least, if you think not to go;" he said he would give me an answer, and went away; nothing else occurred at that time; accordingly he came back again; and, my Lord, he stated to me, that he was offered 20*l.* from Flanagan's side, that if I would give him 40*l.* he would go away. I said, "My good man, if you want money from me, I will have nothing to say to you, I only ask you to act as a friend; if you do not like to go you need not;" but he was not satisfied; then he went away, and came back on Saturday morning, and came into the shop, and he then informed me he was going to America, and he asked me to give him some goods.

6344. Mr. Justice *Keogh*.] Now you are on the second interview?—*Witness*. This is the third; the last.

6345. What date is it?—The Saturday morning previous to the election; exactly about 10 o'clock; just as he was going to his breakfast I understood.

6346. The Saturday previous to the election; that is the third interview?—The third, not the last, because I saw him in the evening again; he

said he was going to America, and he asked me would I sell him a few things; would I give him a few things; as I understood, sell them; I sold a few things, and entered them in my book, which I can produce here (*Witness handed the book to the Judge*); he bought those things, my Lord—two shirts.

6347. I have them all here, 1*l.* 10*s.* 6*d.*?—He asked me to give him 20*l.* to proceed to America; I said I would not give him 20*l.*, and I cross-examined him as to his intention of going to America, because I thought perhaps he was not going; but I said, "I will not give you 20*l.*, but I will see if I can arrange to send it to you in Dublin." My Lord, we talked; I really advised him, and said I thought it would be a very good thing for him to go to America; when he said so at first, I said that perhaps he would be better there, and I fell into the trap, my Lord, exactly; that is the fact of the matter; he went away then, but I think I mentioned to him; either I mentioned that I would give him a letter to a friend in America; I had done so, my Lord, the very same week, and I think that is the reason that put it into my head, to another young friend who was going, Mr. George Mullen, and I let him have 10*l.* at the same time, as the cash-book will show; I gave George Mullen, on that occasion, a letter of introduction, and I think, I am not sure now, my Lord, whether it was I said I would—

6348. Is it Mullen or Mr. Mulligan?—Mullen; he lived in the country; he is not a voter at all; here is his name for 10*l.* (*pointing to an entry in the book*); I am not quite clear whether I said I would give him a letter of introduction, or whether he asked me for it, but at any rate he was to call back for the letter of introduction in the evening; I was sending an order to Coster and Brodie for paper, and I have the invoice, which I received; the idea came into my head, that I would send the money to Coster and Brodie, and ask them to pay his passage to America, and to take his receipt; my Lord, I asked them to do so; I wrote a cheque for the amount, and got a cash note on the Provincial Bank for 24*l.* 5*s.* 3*d.*; I then wrote a letter, and I would like to state the substance of it; I do not remember the exact words, but the letter was this: "Gentlemen, enclosed I send you Bank Order for 24*l.* 5*s.* 3*d.*, out of which you will please pay the amount of your account, and you will dispose of the balance in the following way—Mr. John Shiels is going to America, as he informs me; you will please take his passage in a vessel, the first vessel going from Dublin, and you will hand him the balance on board, and take his receipt"; I do not, my Lord, remember anything about Friday, whether I told them to keep it till Friday; Mr. Shiels said something about Friday; I do not remember that, my Lord, because I understood he was going at once; but I may have said, "If you can get a vessel going to America before Friday, if you are going by the steamer after that, or any time, give it," and I think it is very likely.

6349. Did you know when the American steamer sailed from Dublin?—No; I thought he might go to Glasgow, you know, or Liverpool, and take a vessel from that port, and I did not wish to prevent him going either way, whichever he liked. I think that is all with reference to that.

Mr. Justice *Keogh*.] Have you any other thing to examine this gentleman on?

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6350. Mr. *Macdonogh*.] Yes; but I want to comply with your Lordship's wishes. There are these pieces of paper; I want to ask him about one of them. There is a direction to Mr. Hughes, 25, Queen-street. Did you ever write that (*handing it to the Witness*)?—I never wrote it; never saw it, that I am aware of, before.

6351. Do you know whose handwriting it is?—I do not.

6352. Are you able to tell his Lordship whether you gave that to this man Shiels?—I did not, my Lord; all the documents I gave are in my own handwriting, and I am prepared to admit them.

6353. Take all these in your hand (*documents handed to Witness*)?—This is my handwriting, this receipt; certainly this "John Shiels" is not my handwriting. You will find it corresponds with that envelope. That part of it (*pointing*) is mine, my Lord. I corresponded with Logan; I have letters to show it was a *bonâ fide* transaction altogether. There are Logan's letters.

6354. Mr. Justice *Keogh*.] Who is Logan?—He is the man in America I wrote the letter to; but they will show it is a *bonâ fide* affair. This is one of my memoranda, but those other things I have nothing to say to. I believe they were enclosed round my card, and I wish to see that card, if it is here, because it was tampered with by the other side; I saw it here, and no mistake.

6355. Mr. Justice *Keogh*.] That is a most improper observation?—Well, my Lord, there was writing on it I never made.

6356. You have no right to make a comment of that kind, and you are not in a position to justify you in commenting upon the conduct of any person?—I was very indignant.

6357. You have very little reason to be indignant with anybody?—Well, my Lord, I know my own intentions.

Mr. Justice *Keogh*.] You had better not, unless you wish to incur the penalty of contempt of Court, make such an observation as that again.

6358. Mr. *Macdonogh*.] One word about that address; look at that, you see that envelope and that address?—My Lord, I wish to make one explanation about this, "Go on to Enniskillen without stopping; driver will tell you where to stop for your bed," and so on; I understood that this would cost him a few shillings more than if he stopped in the "Black Lion," and I intended to send him the difference, whatever it might be.

6359. What I want to know is, look at the direction of the envelope, do you know any such person?—No, never.

Cross-examined by Mr. *Coffey*.

6360. I will let his story rest as it stands; but you saw this man the night before he left?—He came into my shop for the letter of introduction.

6361. Were you with Mr. Stokes?—Yes, I was; I will tell you that I was going to order a car at Mrs. Buchanan's. When I left my shop I did not know where I would order it; I think I intended going to Mrs. Buchanan's; but as I was going along Mr. Stokes's shop, that was at the corner of Castle-street, I saw Mr. Stokes in the shop. I just went in and I told him what I was going to do, to order a car; he said Mrs.

Buchanan was here, and her driver; and he said he had ordered the car, or something of the sort.

6362. Stokes?—Yes; I think I told Stokes where the car was to stop, he suggested it would be better to go on to Enniskillen at once, and I wrote then what I gave to the driver in Stokes's shop at the time; I gave something to the driver.

6363. You and Stokes arranged that between you?—That was all the arrangement about it; Stokes had said he would order the car; Mrs. Buchanan was a tenant of his, and he would order the car at the time.

6364. Did you know anything about the car going to Bundoran?—No; nor any other car whatever.

6365. Then, I stop that; when did you destroy the letter that Coster, Brodie and company returned to you?—A few days after I received it.

6366. Under whose advice did you burn that letter?—Under nobody's advice.

6367. Under your own?—Under my own.

6368. You took the idea into your head to do it?—I did; I wrote for it for that purpose.

6369. Why did you burn that letter?—I thought it was a private letter; I will tell you the reason; I remember the circumstance quite well. I was leaving home, and of course I leave my young men in charge of all my keys; that is my business place, and I was afraid those young men would see this letter, and I destroyed it, as I was going away to England; that is the reason why I did it.

6370. Now tell me, did you tell the man where he was to go to when he got to Dublin?—I did not; and more than that, and I can prove it if you produce his brother, I did not know, but I will tell you. He came down to me on the Monday morning; I arranged I was to give as much money as would supply his family while he was away in America, until he would get into a position to support his family.

6371. Mr. Justice *Keogh*.] You were to support his family?—I was to give them as much money as would support his family; I said so on Saturday night. Shiels, before he left, said he would send down his brother for money to me on Monday morning, and Shiels did not tell the whole truth, for I gave more money than he acknowledged to.

6372. Mr. *Coffey*.] Indeed; how much more?—I will produce the cash-book to show it; I gave him 30 s. more into his own hands, I gave him that, and my cash-book will show it. His brother came down to me on Monday morning, for what I had promised. I intended to do what I said; I really did. I do not wish to deny it; I must explain this, if you please. His brother came to me on Monday morning for a pound, and, said he, "Mr. Connolly has written for my brother, and he has promised to pay his rent, and a lot of things of that sort, will you please to write to him and tell him not to go, for our family do not believe it," or something to that effect. Said I, "I do not know where his address is; he told me his address was Post Office, Dublin; and if I had known his address I would likely have fallen into the trap, if it were a trap."

6373. I will not ask you any more?—I think not.

6374. Who did you cheque upon to get the 24 l.?—The Provincial Bank. Here it is; there is the item, the 14th day of November.

6375. Mr. Justice *Keogh*.] New let me ask you

you; you say you burned the letter?—I did, my Lord.

6376. Which came back to you?—I did. I wrote back for it, for that purpose.

6377. You got back that letter and burned it?—I tore it, I did not burn it; I did it the way I do other papers of no use; private letters. I have all my other letters filed, but I do not keep private letters.

6378. Did you consider that a private letter, about 25 l.?—I did consider it a perfectly private letter not connected with my usual business, such as invoices and orders for goods; and this kind of letters I always destroy.

6379. You wrote to Messrs. Coster, Brodie & Company to get back the letter?—I did. I told them Shiels was not going to America as he informed me.

6380. Now, sir, did you give that money, or that cheque, with a view to induce this man, John Shiels, to refrain from voting at that election?—My Lord —.

6381. Answer me, yes or no; did you give him that money to induce him to leave Sligo, and to refrain from voting at that election?—It had that object, my Lord.

6382. Did you give him any money in order to induce him to refrain from voting at that election?—It was not as an inducement.

6383. What was it?—I thought he was going to America, and I thought that would assist him.

6384. Then, it was benevolence?—It was.

6385. Charity?—Charity.

6386. You swear to that now, that it was charity?—I thought it was.

6387. You swear it was charity?—Well, he made a certain promise about sending home money to his family.

6388. And that is the only answer you can give me; I would like you to consider that question again?—It was not charity, but it was to assist him.

6389. Well, I will take it so; you swear it was to assist him, and not to induce him to refrain from voting at the election?—Well, that idea was in my mind, that it was to assist the party.

6390. Tell me, sir, do you know this house of Haggerty's?—I do.

6391. Were you there?—I was there on one or two occasions.

6392. In the evening?—I think it was; yes; I was there once in the evening, and once in the middle of the day.

6393. Who was there when you were there?—I must tell you, my Lord—

6394. I do not want these things; I want simple answers?—Mr. Grubb was there, and Mr. Balfour.

6395. Who else?—I did not see any others; they were smoking at the time.

6396. What brought you there?—I just ran in without any object whatever more than that I was passing by to the court-house and back.

6397. And of all houses in the town, you made a point of going into what has been described as an empty house?—No, it was not an empty house; Mr. O'Farrell lived there.

6398. No, he did not; I am asking about Haggerty's house?—There were people standing at the door when I went in.

6399. Who was at the door?—There were some boys I did not know; at least, I don't remember their names.

6400. Is that any reason for going into an empty house; you saw some boys at the door you did not know?—My reason was, to know about voters that were expected to come in from the surrounding districts.

6401. What did you want to know about them?—To know if they had come in; that was all the object I had in view.

6402. Do you recollect telling me the way this transaction commenced was, that you were looking down your book, and you came to the letter S?—Yes.

6403. You told me that was on the Monday previous to the election?—Yes.

6404. If it was the Monday previous to the election (the election takes place upon Tuesday and the Thursday following), how came it that that third interview with Shiels was on the Saturday previous?—My Lord, it was Monday week.

6405. You say it was Monday week?—Yes.

6406. I have nothing further to ask you?—There is another occurrence, my Lord, about Henry. Henry swore I offered him money, my Lord; I did not know the man at all, but I saw Leonard there; I remember distinctly seeing Leonard, and I never offered that man anything whatever.

6407. Where did you see him?—In Mrs. Hall's, and Leonard was there, and why did he not prove it?

6408. Were you at Mrs. Hall's?—Yes.

6409. Did you go to the assistance of those men at Mrs. Hall's?—I will tell you all I did; I was going along Castle-street, and Mr. Chisholm said to me, "Go and place a ladder against the wall." I went, and I placed the ladder against the wall, and I came back again.

6410. What was the ladder placed against the wall for?—I believe it was to let voters who lived in that street go over if they were afraid to go the other road.

6411. What time was it you went to Haggerty's house to inquire about voters?—I did not take any active part till the day after the nomination, and I was incensed by the mob calling out epithets to me going along the street.

Mr. Coffey called the attention of his Lordship to an item in the witness's banker's book, showing that on the morning of the 14th there was a bill for 50l., and the names endorsed upon it were Mr. Green and Mr. Chisholm.

6412. Mr. Coffey.] Was that an accommodation bill, Mr. Cherry?—It was for my accommodation.

6413. For your accommodation?—Yes.

Mr. Justice Keogh.] Well, Mr. Cherry, I do not want to ask you any further questions, but I shall certainly not give you any certificate.

Witness.] If there is any other question to ask me, I will answer it.

Mr. Justice Keogh.] That is all I have to say; you have not satisfied me that you have told the whole truth, but I have come to exactly an opposite conclusion.

[The Witness withdrew.]

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MAJOR KNOX, re-called; Examined by Dr. *Kaye*.

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Dr. *Kaye*.] WITH reference, my Lord, to the error which Mr. Lawder has manifestly made, Major Knox will tell your Lordship in a few questions how it was, and that Brennan arrived after Mr. Lawder consulted Mr. Macdonogh.

Mr. Justice *Keogh*.] That is exactly what I commented on, Mr. Kaye, that Mr. Lawder, being on his oath, told me that the first way he came to inquire for Mr. Brennan, was that he found his name in all the charges, in the bill of particulars; that he then consulted Mr. Macdonogh, and that Mr. Macdonogh, as I would expect from him in all cases, desired that there should be no one kept back, and that, thereupon, Mr. Lawder wrote to Dublin a letter from Carrick-on-Shannon to his correspondent in Dublin, which letter having been sent to London this man came back, and the first he saw of him, he said, was in the office in Abbey-street belonging to Major Knox. That was simply, I said, and say again, giving an explanation which was wholly impossible in point of fact, because the bill of particulars which gave him the information that Brennan's name was mentioned in 11 different charges, was not delivered until last Monday morning, and Brennan said he received the letter in London on the previous Saturday. Mr. Lawder said he wrote his letter to bring him over, and he saw him in Dublin on the Monday. Now, as the Bill of Particulars itself was not delivered until four o'clock on Monday, it is utterly impossible that any steps could have been taken in consequence of that. It is not the fact, the fact is different. It was deliberately giving me a narrative of reasons for doing things which did not exist; that is all.

Dr. *Kaye*.] Quite so, my Lord, but in point of fact that is not the reason why Brennan was sent for at all.

The *Witness*.] It is a slight mistake, my Lord,

which I can explain. I heard one day in the hall of the Four Courts, Dublin, where I had some business, that Mr. O'Loughlen, the barrister, was boasting that we were keeping Mr. Brennan out of the way, and that we did not intend to produce him. I wrote to Mr. Lawder at once; I told him I heard he was charged in these cases. I saw Mr. Lawder the next day, or the next day but one, in Dublin, and both he and I called together, and told Mr. Macdonogh the occurrence. The sole mistake Mr. Lawder has made, is that he was twice in Dublin. It was the first of the two times it occurred. As regards Mr. Brennan's address in London, I can tell you how I knew that. Mr. Cashel Hoey wrote to me one day from the "Stafford Club," and told me that a man named Brennan, who appeared to be in rather a wretched and poor condition, and who appeared to be exhausted, called on him for assistance, and he had referred him to Mr. Doyle, who is our London representative. The man said he was from Sligo. Then Mr. Doyle wrote to me and said, "Shall I give him any assistance?" I said, "No, it might be construed into something or other." However, when I heard this rumour, and had seen Mr. Macdonogh, I telegraphed to Mr. Doyle. I saw Mr. Dargan, and he sent over to a London agent. I got a free pass for him in the train, and he came.

Mr. Justice *Keogh*.] I am quite sure that that is the true explanation, but it is in the recollection of counsel on both sides that Mr. Lawder said it was in consequence of finding Brennan's name in 11 different charges in the Bill of Particulars. It shows at all events that people ought not to be giving explanations hap-hazard.

6414. Mr. *Macdonogh* (To the *Witness*).] And perhaps you will now be able to fix the time when you wrote?—

Mr. Justice *Keogh*.] I am quite satisfied with the explanation given by Major Knox. I paid the greatest attention to every word he said on the subject.

ROBERT STOKES, sworn; Examined by Mr. *Macdonogh*.

R. *Stokes*.

Mr. Justice *Keogh*.] Now, Mr. Stokes, I don't know whether you were in court when I was speaking to Mr. Cherry, but I shall give you the very same instructions that I gave Mr. Cherry, that you are not bound to criminate yourself in any way. Offering any inducement to a voter, either to vote or refrain from voting, is a criminal offence to be visited by the very heaviest and severest penalties, and you are not bound to give any evidence that will be calculated to criminate yourself. If you do wish to give evidence as regards this transaction, and you give it to my satisfaction, not as regards particular questions you are asked, but as to everything connected with this matter, if I am satisfied that you have told the truth, the whole truth and nothing but the truth, you are entitled then to ask, and shall receive from

me a certificate which shall protect you from penalties; but I think it right to tell you, if I am not perfectly satisfied with your not concealing anything, I shall not give you that certificate. Now having given you that caution, you may either refuse to answer the question, which you have a right to do, which may tend to criminate yourself, or not, as you please.

6415. Mr. *Macdonogh*.] I hope you understand the learned judge?—I think I do.

6416. I shall ask you but one question, Mr. Stokes. You have heard certain matters mentioned here; now I am not going to ask about those, because I would rather you would attend expressly to what his Lordship has said; but I want now in justice to my own client to ask you a question. You have heard matters imputed to you in the course of this trial, at the election?—I have.

6417. Now

6417. Now I want to know had you any authority, direct or indirect, from Major Knox, to do any or all of those things?—Not the slightest.

6418. Whatever you did, were those things done without the knowledge or sanction of Major Knox?—They were.

6419. Had you any authority, direct or indirect, from Mr. Lawder, his conducting agent?—On the contrary, he warned me not to have anything to do with anything that would tend to any corruption, or disparage the cause in any way.

6420. He warned you. Now, Mr. Stokes, you remember subsequently Major Knox coming to you, and complaining that he heard you had been meddling with the matter?—He did.

6421. Was he displeased with you upon that occasion; did he express displeasure with your conduct, with what he had heard?—Certainly; a disappointed look he had, or appearance.

6422. Tell his Lordship exactly, as well as you remember, the words Major Knox made use of, or the substance of what Major Knox said, complaining of what he had heard?—That he would rather not be returned for the borough of Sligo than to be under the imputation of having anything that was corrupt, or illegal, or dishonourable attending it.

6423. Do you remember whether he expressed any intention to leave the town at that time?—He did, he told me.

6424. Tell his Lordship where?—As well as I can remember, he told me he would rather give it up than have anything illegal or corrupt done to injure him or injure his character.

6425. Did you make any promise to him as to what you would do, or abstain from doing?—I did.

6426. What did you say?—I told him, as far as ever I knew how, that I would, that I had very little influence, but any influence I had should be very moderately exercised.

6427. Did you give him any express promise with respect to not doing anything improper?—I did, and I hope when I give my evidence that my Lord will see I have not done, since the revision.

6428. Having asked you as to my own client, I forbear asking you anything as to your own acts, because you are to do that, and to tell the whole truth to his Lordship.

Cross-examined by Mr. *Palles*

6429. You said you told Major Knox you would use your influence moderately?—Yes, what lay in my power.

6430. When was it you told him that?—Perhaps it was 10 days or a week before the election; I am not particular as to the time; my memory does not exactly keep the date.

6431. When you said you would use your influence moderately to the Major, what did he say to you?—He said he would be obliged; he bowed; he said nothing that I could recollect.

6432. Mr. Justice *Keogh*.] You said “obliged”?—Yes, thanked me; something of that sort; courteous.

6433. Mr. *Palles*.] You had often seen the Major in Sligo before this?—I often saw him, but not to speak to him.

6434. You knew for some time he was before the electors?—I did.

6435. And you did of course use your influence as well as you could?—Not as well as I could.

6436. Did you use some influence?—Yes, I used some influence.

6437. And you were glad when you saw him to tell him you were using your influence?—I was very glad to meet him.

6438. And you told him how you were getting on?—I do not recollect that I did.

6439. What did you say to the Major when you met him in the course of the canvass?—I know I met him one time and thanked him very much for a favour he did me.

6440. What was that?—Some two years ago, or better, he got a relative of mine a promotion in a model school.

6441. And you felt bound to do as much as you could for him, as he had been kind to you?—I would like to do it.

6442. And when you met him, you said, “Well, Major, we are getting on pretty well to-day,” or “this week”; or, “We have not gone on so well this week”?—I cannot tell.

6443. Tell me the kind of conversation; you are bound to tell everything you know?—As far as my memory goes.

6444. Tell me the substance of any of your conversation?—I could not.

6445. He knew you were using your influence?—It was probable he suspected it.

6446. And he thanked you for it?—I don’t know for my influence.

6447. Was not the Major always very bland?—He is a nice gentleman.

6448. And he was always obliged to you when he saw you were doing your best for him?—I daresay he would be.

6449. How many people did you canvass to vote for the Major?—I think I had some three or four tenants that I hoped would vote for him, but they would not. They promised, some of them, but they did not.

6450. I suppose you told the Major you had asked your tenants?—I do not think I did.

6451. Will you swear you did not; you never told anybody how your tenants would vote?—I did not.

6452. How many else did you canvass besides your tenants?—I do not recollect.

6453. Think?—I do not recollect.

6454. Have you a good deal of influence, or only a very little influence?—It is a little influence.

6455. How many did you canvass?—I do not think I canvassed many.

6456. You can form no idea?—No; all my tenants, but not after the revision.

6457. Before the revision, how many did you canvass?—I expected two of them.

6458. Were you with the Major during the revision?—No.

6459. Mr. Justice *Keogh*.] Tell me, Mr. Stokes, did you accompany Major Knox in his canvass?—Never.

6460. You know that house of Haggerty’s?—I do.

6461. Were you ever there?—I think I was once or twice.

6462. In the evening?—Not in the evening.

6463. What time?—I was once with O’Farrell; he brought me over to show me the communication he opened; for I lived in the house that O’Farrell was going into, and I occupied it.

6464. Who did you meet there on the occasion

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you were there?—I think when I was going back I met young Mr. Petrie and young Mr. Wood.

6465. I did not ask you whom you met going back, but when you were there?—I went in to see O'Farrell, and the opening he had made from one house into the other.

6466. I did not ask you how you went in, but who did you meet there?—I think it was Mr. Petrie and young Mr. Woods.

6467. Who else?—I do not recollect any more.

6468. Did you see Mr. Cherry there?—Not at that time.

6469. At any other time?—I do not know about another time.

6470. Did you see anybody else?—Not that my memory tells.

6471. Search your memory?—Really at present I do not recollect.

6472. You say that you had this conversation with Major Knox about 10 days before the election?—About 10 or 12 days; I am not exact as to the time.

6473. Do you recollect Mr. Cherry writing that paper, telling that man Sheils to go on to Enniskillen, and telling him where he was to go; do you recollect suggesting to Mr. Cherry that it would be better for him to go on to Enniskillen direct?—I do not believe I suggested it.

6474. Did you hear Mr. Cherry swear it?—No, I was out of court.

6475. Being told by me that he did so, will you be good enough to search your memory and say whether it is true or false; did you suggest that Sheils should go on to Enniskillen direct?—*(No answer.)*

The shorthand writer read an extract from Mr. Cherry's evidence bearing on the point.

6476. Mr. Justice *Keogh*.] Now, you have heard what Mr. Cherry swore, what do you say?—It is very possible I did it.

6477. You said just now you did not; what do you say now?—I think it is very possible.

6478. You say you do not know?—Yes.

6479. Did he tell you that this was a person who was going away, not to vote at the election?—I believe he did.

6480. Did you consider, then, that you were carrying out your promise not to do anything illegal for Major Knox?—I did not.

6481. You did not?—I certainly did.

6482. You thought it a legal thing?—I thought it was no harm to send a man away on a car when he was willing to go.

6483. That is your idea of electoral law; when you say you did everything that was right, it was proceeding upon these ideas you have?—If I have acted otherwise, it was through ignorance.

6484. That is what I want to know; let me ask you, can you now recall the names of the persons you met at Haggarty's on any other occasion?—Only Mr. Cherry, young Mr. Woods, and Petrie.

6485. Anybody else; search your memory; just think; anybody else; did you see Leonard?—I saw him forcing his way there.

6486. Forcing his way; on what occasion was that?—The night before the election.

6487. Then you were there the night before the election?—Yes; I was at the door; the streets were greatly crowded.

6488. Were you there the night before the election?—Yes, I was.

6489. Were you in the room?—I do not think I was in that room.

6490. You were in the house?—I was in O'Farrell's house.

6491. You were in Haggarty's house the night before the election?—Yes.

6492. Who was there that night?—I think that is the night Mr. Cherry was there.

6493. Who else was there in the room upstairs; was it upstairs?—I don't believe I was upstairs that night at all.

6494. Who did you see below stairs?—I saw Foulder, the man who was there for protection.

6495. Did you see Mr. Cherry?—I think I did.

6496. On that occasion?—As well as my memory carries it out; I am not certain.

6497. Did you see young Woods?—I believe I did.

6498. Did you see old Mr. Woods?—No.

6499. Did you see Mr. Wilson?—Perhaps I saw Mr. Wilson; I am not very positive.

6500. Did you see on any occasion Mr. Lawder there?—I did not.

6501. Did you see him going in there?—No.

6502. Did you see Mr. Phibbs there?—I did not.

6503. Now try your memory on that subject?—Mr. Harlowe Phibbs?

6504. Did you see him going in there?—With regard to that —

6505. Did you see him going in there?—If I stayed at my own door —

6506. Did you see him going in there?—I believe I did.

6507. How often?—I believe only once, if ever I did in my life.

6508. When was that?—Standing at my own door.

6509. When?—I could not point out the time nor the date.

6510. But about what time?—Perhaps three or four days before the election.

6511. Did you see Mr. Pollock going in there?—Never at any time in my life.

6512. Did you see Mr. Lawder coming in there at any time?—Oh, no.

6513. Is Mrs. Buchanan a tenant of yours?—She is; she gets a good deal of saddlery from me, and I run an account with her.

6514. Did you ever pay for the car that went to Bundoren?—I never did.

6515. Did you promise it?—I told the boy to charge it to me.

6516. Now, what is the fare; the distance is, I believe, 20 miles?—Sixteen, I think.

6517. Sixteen is it; I thought it was 20; what is the fare for the car?—

Mr. *Macdonogh*.] It is 16 Irish miles; 20 English miles.

6518. Mr. Justice *Keogh*.] What is the fare for two persons going and returning; I want you to tell me that; is not it 8*d.* a mile for two persons?—Oh, no; it is according to the house you take it at, and she is not an expensive woman to take a car from.

6519. Take it at the most expensive; they don't generally practise economy at elections; supposing I was going with another person on an outside car, would not we be charged 8*d.* the mile?—I believe that is the legal fare.

6520. Twenty miles out and 20 returning, would be 40 miles; would not that be 1*l.* 12*s.* exactly,

exactly, would not it?—They are not charged 8*d.* a mile for returning; they very seldom charge for return.

6521. If they wished to charge the highest rate, would not that make 1*l.* 12*s.*; I have a reason for asking the question?—It would not.

6522. Now get Mrs. Buchanan's book; I want to see that (*the book was produced and handed to the Judge*); now, take this book in your hand (*the book was handed to the Witness*); do you see there, on the left hand side, "Bundoren"?—I do.

6523. At the other side, do you see Mr. Starkie?—I do.

6524. Are you able, without the assistance of a glass, to see that all that is entered to you?—I believe it is.

6525. It is changed to Starkie, but it was Stokes originally?—I believe it was.

6526. Now look at the other column; cannot you say that there was 1*l.* 12*s.* there; was 1*l.* 12*s.* entered there originally?—I cannot say; I never saw it before.

6527. Take that glass; it will help you to find that out (*the Witness inspected the item in the book through a magnifying glass*); what is it converted into now; is it 10*s.*?—It is 10*s.*

6528. Did it not originally stand 1*l.* 12*s.*?—I could not say that.

6529. Now look at the other entry, "Manor Hamilton;" is not that altered also?—It appears like it.

6530. Is not the name also altered from Stokes to Starkie?—It appears so.

6531. What car was that?—I believe it was the car that Sheils travelled on.

6532. What made you liable for the car to Bundoren?—I ordered it.

6533. For whom?—I did not tell her for whom.

6534. I did not ask you that; for whom did you order it?—For the two MacMullans.

6535. Two voters?—Two voters.

6536. Why were you anxious that they should pay a visit to Bundoren?—They wished it; they asked me to do it.

6537. That was your object?—Yes.

6538. Why did you charge yourself with their expenses?—They said they wished to leave town.

6539. And you gave them the car?—I gave them the car.

6540. To take them there?—To take them there.

6541. Now, Mr. Stokes, I ask you, and my decision with regard to yourself will depend on whether you give me a frank answer or not; with what object did you assist those two men, being voters of the borough of Sligo, to leave Sligo on that day; my decision as regards your individual case, may depend upon your giving me a frank answer to that or not?—My object was to promote Major Knox's return.

6542. Very well, that is a frank answer; do you know where those MacMullans are?—I do not know.

6543. Where did they go to?—I never heard, and never saw anything about them.

6544. Do you know who gave them the means of going away?—I do not; all I provided was the car for them.

6545. Who told you to provide the car for them?—It was my own entire act; I went down to give the order to Mrs. Buchanan's for the car for them; while I went down to do it they met me, and said they wished to do it.

6546. And you gave them no money?—No.

6547. And you do not know who did. Now, do you expect me to believe, Mr. Stokes, that those two men went without anyone giving them any inducement, and you do not know it?—Well, my Lord —

6548. I will give you an opportunity of reconsidering the question; will you now tell me what was the inducement that was held out to those men, and by whom, to get them to leave the place?—Indeed I could not.

6549. And you swear you cannot?—I swear positively.

6550. You know nothing about it?—They only come to me, and I got them the car.

6551. Do not be in a hurry. You have already told me you did it to advance Major Knox's interests; do you persist in swearing to me that you know nothing about the way in which they were induced to leave?—I do not.

6552. Then I will not give you a certificate.

[The Witness withdrew.]

THOMAS WILLIAMS, sworn; Examined by Mr. Macdonogh.

6553. You are a Merchant in Sligo?—Yes.

6554. And I believe a magistrate?—Yes.

6555. Did you hear Mrs. Hall's servant swear that Mr. Williams, a man with a large beard, was frequently at Mrs. Hall's house in the company of Lyons and Gilmore, and others, going through the voters' lodge there; did you hear her state that?—Yes.

6556. Is that true?—No.

6557. How long is it since you were at Mrs. Hall's house; were you there during the election?—I have not been there, inside Mrs. Hall's house, for the last twelve months, under any circumstances.

6558. Then I need scarcely ask you, were you there at the election?—I was not.

6559. Did you hear Leonard swear that you, Mr. Williams, were frequently in Haggerty's house, with Messrs. Lawder, Knox, and others?—I did.

85.

6560. Is that true?—No, I was in once, and once only.

6561. Mention to his Lordship the occasion upon which you were once in that house?—The borough magistrates considered it was necessary to apply to the Government for an additional force of police. An arrangement was made with the resident magistrate, Mr. Colson, to meet at the barrack on Saturday morning at 11 o'clock. Mr. Henry Lyons, Mr. Colson, and myself were there 15 minutes waiting, and the other magistrates did not come; I said to Mr. Lyons, "I will go down to the news-room, or if there are none of them there, I will go home; I would not lose my market. Passing Haggerty's house I saw Leonard, that gave evidence here; I said to him, "Did you see Mr. Wood or any of the magistrates here?" "I did not," said he; "he is probably upstairs;" I ran upstairs, I looked round an empty house; I saw three or four persons there; I did

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T. Williams. I did not stay two minutes; I came out again, and that was the only time I was ever in that house, and that is the reason for my going.

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6562. *Mr. Justice Keogh.* You said something about Mr. Wood?—We expected to meet Mr. Wood and the borough magistrates in consultation; it was a very inconvenient day; they did not come, and I could not stop; I saw Leonard at the door, and I asked him had he seen Mr. Wood, and he said he had not, but it was possible he might be upstairs; I ran upstairs to look for Mr. Wood; I came out again finding he was not there, and from that to the present day I have never been inside the doors of that house.

6563. *Mr. Macdonogh.* I ask do you remember having had a conversation with Major Knox in relation to Mr. Stokes?—I do.

6564. About what time was that?—I cannot say what time it was, probably a week before the election, or something very near to the election.

6565. Tell his Lordship what he said in reference to Mr. Stokes?—I remember calling on Major Knox.

Mr. Coffey objected to the question.

[The Witness withdrew.]

HENRY LYONS, sworn; Examined by *Mr. Macdonogh.*

H. Lyons.

6566. I BELIEVE you are a magistrate of both the county and the borough?—For the county, not for the borough; I have given up the borough commission.

6567. Only for the county?—No.

6568. Did you hear James Kearns and Pat Barry examined?—Yes, it was John Kearns.

6569. Do you remember an evening about 10 days before the election, returning from your place of business in town to your country place?—I do.

6570. Your private residence?—Yes.

6571. Upon arriving at your residence, did you find any persons there?—Yes; I found those two persons there, Barry and Kearns both.

6572. Had you sent any message or invitation to them previously, or either of them?—Never in my life, nor never would, and that is another thing; would have nothing to do with the men decidedly.

6573. Now tell us, if you please, what occurred with those people?—When I came down and saw them I knew one of them; I knew Barry better; he was down at the river side; they came in with me into the house; I asked them if they would be long and they said not long; they came with me into the house; Barry came with me into one room, a sort of office or school-room for the children, and the other man went into the parlour. Barry began to talk to me about the election; when he and I had talked a little together about the thing, he asked me to go in and speak to John Kearns, and said whatever he would do, John Kearns would do. I asked him what was that; he said they would go away, he and John Kearns would go away until after the election if they got 50 l. a piece in cash and their expenses paid. Those were the words he said.

6574. What was your reply?—Well, I said that was impossible, that no person would give them cash at all at all; it was impossible; and I never offered them cash, nor promised cash in my life to either of them.

6575. Did you on that occasion?—Never on that occasion, or any other occasion.

6576. Did you hear them say that you offered them half-notes; is that true?—It is not true; I never offered them any money in any shape, half-notes, whole notes, nor any other money.

6577. Did this proposal to give or to get the 50 l. emanate from them?—It came from himself and not from me in any shape or form; they talked it over candidly in the place, and I let them go home as they came; they went without

promise, money, or a halfpenny in the world from me.

6578. Did they say anything about returning?—They said they would come next evening and see if I could do anything for them.

6579. After they left, did you turn the matter over in your mind?—Certainly; I returned to my sitting-room, thought the matter over, and I said—

6580. Tell me what you did?—What I did was to make up my mind that when I got down the next morning the first thing I should do would be to say, I would have nothing to do with the affair; those were the honest words. The next morning the first thing I did, after getting my breakfast about eight, was, I went down the street to Barry's house from my own private house; I walked about an English mile to the river-side; saw Barry come out of his door as I was approaching the house; he was coming as it were to meet me; when he saw me he turned back, was going up the field at the end of the house, as I think he swore here himself; I called to him I wanted to speak to him; he turned right round; I said, "Barry, I have come up to tell you I shall have nothing whatever to do in any shape or form with that business you had with me last night; don't come to me again;" he was to have come to me that evening.

6581. That is they told you they would come?—Yes, they told me.

6582. And accordingly did you afterwards speak to them again upon the subject?—Never, to the present hour.

6583. And did you give any excuse or sanction to that application?—Certainly not, and never had any intention of such a thing in my life, because I could not do it, and I would not do it on any terms.

6584. In fact you gave them notice that you would not allow any such thing to go on?—Certainly.

6585. Did you act as agent or canvasser for Mr. Knox?—Never; that is a strange thing for me to say; I never asked any voter in Sligo to vote for Major Knox.

6586. I presume you supported him?—I did; I was anxious for his return, but I never made myself officious, nor went into any house in Sligo, and I defy any man to say so.

6587. Did you hear one of those girls examined?—Yes, and I was very rude; I must apologise to his Lordship for that, but I could not listen to the false imputation, for I was never in the house for three years.

6588. You

6588. You apologise to his Lordship for that exclamation?—I do.

Cross-examined by Mr. *Waters*.

6589. You said very pointedly three times you would not give them any cash, and did not promise them any cash, or that it was impossible they could get it?—I did; no one would think of giving them cash. I told them they would not get cash from anybody.

6590. Of course it would be a dangerous thing to give a man cash; you would have to trust the man?—Of course; you might trust some, but not trust others.

6591. It would be much safer that they could come back at a safe period, and get the cash then?—If they went away 50 times, I would not give them anything.

6592. Of your own money?—Nor of anybody else's money; I never would.

[The Witness withdrew.

JOHN GALBRAITH, sworn; Examined by Mr. *Macdonogh*.

6593. You are a merchant in Sligo?—Yes.

6594. Did you hear the evidence given by Mrs. Dunleavy as to going to your house?—I did.

6595. Did you hear her say that you threw down 20 l. upon the counter?—I did.

6596. Was that true?—It was not.

6597. Did you offer her any money or reward of any kind to induce her to keep away her husband?—None whatever.

6598. Was young Mr. Woods there?—He was.

6599. Did he offer her any money upon that occasion?—None whatever.

6600. Did you hear her say that you or Woods, I really don't remember which it was, dictated a letter for her to her husband?—I did.

6601. Is that true?—It is not true.

6602. Did you see her sit down and write a letter herself?—I did.

6603. Tell his Lordship exactly the whole truth of what occurred on that occasion?—Certainly. Mr. William Woods came to me—

6604. Is that the younger?—No, the elder. On the Saturday he asked me, would I send for Mrs. Dunleavy to write a letter to her husband, who he said was in Roscrea, Tipperary. I said I would, and I did so.

6605. That is, you went for her?—I sent for her. Mr. Joseph Woods, the younger, came up, and we went upstairs to my upper ware room. Joseph Woods asked her, would she write a letter to her husband at Tipperary to go with a party to come to vote for Major Knox.

6606. Mr. Justice *Keogh*.] To go with the party?—To come to vote for Major Knox. She said she would, and referred to me, and I said I would feel obliged if she would. She sat down and wrote the letter to her husband at her own dictation. She handed that letter to Mr. Joseph Woods, and I have not seen or known anything of it up to the present, except what I heard in court.

6607. Did you read the letter?—No, I did not.

6608. Or did you hear it read?—Yes, Mr. *J. Galbraith* Joseph Woods read it.

6609. See if you can read it (*handing letter to Witness*)?—I believe that is the purport of what I heard, or something like that.

6610. Is that the whole of the transaction that you know anything about?—It is.

6611. Mr. Justice *Keogh*.] I want to ask you a question; you stated that Mr. Woods, senior, came to you?—Yes.

6612. When did he come to you?—He came on Saturday about 12 or one.

6613. Was that the Saturday before the election?—It was, to the best of my belief.

6614. He asked you to send for Mrs. Dunleavy to ask her to just write a letter to her husband at Tipperary to act with a party to come to vote for Major Knox?—Yes.

6615. And in consequence of that you sent for her, and she wrote this letter, as you say?—That is correct.

6616. Now just let me call your attention to that letter: "Dear Francis, I have arranged matters with friends in Sligo. I am quite satisfied that you should go, after you get this letter, with the party who bring it to you. Dear Francis, you may be quite satisfied. I have all things made right to your satisfaction, so don't come home." After reading that letter, do you persist in saying that it was to come to vote for Major Knox that the letter was written?—That was the idea I had distinctly.

6617. The letter expresses an entirely different one?—I knew nothing of it.

6618. You see now the letter expresses an entirely opposite idea?—It does; but I had nothing to do with the matter.

6619. It is a curious way to ask a man to come to Sligo, his wife telling him not to come?—The reason is that this man Dunleavy—

6620. I don't want to enter into it. The letter speaks for itself.

[The Witness withdrew.

SARAH LISCOE, sworn; Examined by Dr. *Kaye*.

6621. ARE you the housemaid at Mr. William Woods?—Yes.

6622. Have you been there some months?—About four.

6623. Do you know a man named Edward Kelley?—Yes.

6624. Do you remember his coming last November in the evening?—I remember his coming one evening before the election.

6625. Had he anybody with him?—Yes, he had a little boy.

85.

6626. Was it you opened the door for him?—It was.

6627. Did he give you a message?—He did.

6628. What did he ask you?—He asked me if Mr. Woods was in the house.

6629. Did you say he was?—I did.

6630. Did you go to Mr. Woods?—Yes, I did.

6631. Where was Mr. Woods at that time?—He was in the parlour.

6632. Is that upstairs?—Yes.

T

6633. Did

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S. Liscoe.

S. Liscoe. 6633. Did you tell Mr. Woods?—Yes, he told me to tell the man to come upstairs.
 23 February 1869. 6634. Did you go down?—Yes.
 6635. Did you tell him to go upstairs?—Yes.
 6636. Did he go upstairs?—He did.
 6637. Where was the little boy?—He stood at the door.
 6638. Did you see your master and Mr. Kelley

at all in the hall that night?—No, he was not there at all at that time.

6639. Did you see Kelley hand your master a note?—No, not in my presence.

6640. Did you see Kelley going away in a short time?—Yes, I did.

[The Witness withdrew.]

JOSEPH LOUGHIDE WOODS, sworn; Examined by Mr. *Macdonogh*.

J. L. Woods. 6641. ARE you the son of the gentleman who was examined here to-day?—Yes.

6642. Do you remember going to Mr. Galbraith's?—Yes.

6643. Did you see Mrs. Dunlevy there?—Yes.

6644. Had you any authority, direct or indirect, from Major Knox to go there to see Mrs. Dunlevy?—Certainly not. When I went to Mr. Galbraith's I had no idea who I was going to see.

6645. What made you go?—In consequence of a message I received from Mr. Galbraith that he wanted me.

6646. Had your father expressed a desire for you to go there?—No.

6647. Did you see Mrs. Dunlevy?—Yes.

6648. Did you see Mr. Galbraith also?—Yes.

6649. Were you in court when Mrs. Dunlevy swore that Mr. Galbraith threw 20 l. down on the table?—I understood she swore it, but one or the other, I don't care which; it is not a fact, there was not a farthing paid on the occasion by either party.

6650. Was any offer of any money made to that woman?—Certainly not.

6651. Did you hear her swear that you or Mr. Galbraith, I really do not know which, dictated a letter for her?—I did.

6652. Is that true?—It is totally untrue.

6653. Did she write that letter from her own dictation?—She did.

6654. Do you happen to know whether that is it (*handing a letter to the Witness*). I would not swear that was the document, but it was something to a similar effect. Possibly it might have been.

6655. Did you put that in an envelope?—I did not.

6656. Did you ever address any envelope for it?—Never.

6657. I want you to tell his Lordship exactly what you did with that letter?—I brought that letter to Major Knox's lodgings; it was shown to Major Knox in my presence; Major Knox said that he disapproved of it wholly, and that it could not be used in any way until Mr. Lawder had seen it.

6658. Was it shown to Mr. Lawder?—It was shown to Mr. Lawder; I showed it to Mr. Lawdor.

6659. What did he say upon the subject?—He said he would not allow it to be used on any consideration, and that it was most improper.

6660. Did Mr. Lawder express his disapprobation of the whole transaction?—He did, in the strongest terms possible.

6661. What did you do with that letter?—The letter was condemned on consultation. No consultation about it, but Mr. Lawder condemned it peremptorily.

6662. Mr. Justice *Keogh*.] You said this mo-

ment that the letter was condemned on consultation?—What I mean by consultation is the conversation that occurred between Mr. Lawder and myself at the time.

6663. Mr. *Macdonogh*.] What did you do with it?—I left it there, I believe; I left it lying on the table while I was talking to Mr. Lawder. I understood that it was condemned, and looked upon it as such.

6664. And did you ever send it to its destination?—Certainly not.

6665. I asked you before what general authority had you; had you any authority in particular to procure any such letter, or to send to Mrs. Dunlevy?—Certainly not. I went there, not at all expecting to meet Mrs. Dunlevy, and when I went there I thought I was doing a clever thing in getting it written.

6666. And you did it on your own responsibility?—Solely.

6667. And when you showed it to these two gentlemen they condemned it, and disapproved of it?—They did.

6668. About Kelly; tell his Lordship what you know about that?—I saw the person Kelly come into my father's shop, in company with my father. I accompanied them to the end of the shop, and a conversation then occurred about some work that was then on hand by Kelly, carpentering work on a farm my father has about 10 miles from Sligo. Some general conversation occurred about the election. I heard what Kelly swore as to the mahogany, and to the offering of money, and I swear it is positively untrue.

6669. As to the 50 cubic feet of mahogany, I want you to tell his Lordship, those were the very words he used; did that occur?—It did not.

6670. Tell his Lordship the whole of what occurred?—My father said, "Edward, what sort of mahogany is in the hand-rail," meaning the hand-rail in our residence, and he described to my father the various qualities of mahogany, inferior and superior. We had a general talk about it in that way.

6671. Mr. Justice *Keogh*.] Was anything said about feet at all?—I would not swear there was not, but there was nothing said about cubic feet in the way of 50 or 40, or any specific number.

Cross-examined by Mr. *O'Loughlin*.

6672. I want to clear up another matter; you say you showed the letter to Mr. Lawder?—I showed it to Major Knox first.

6673. You showed it to Mr. Lawder?—I did.

6674. Where did you show it to Mr. Lawder?—At Major Knox's lodgings.

6675. Did you show it to him the evening you got it?—I did not.

6676. When?—The following day, the Saturday.

6677. Was Major Knox present when you showed

showed it to Mr. Lawder?—He was in the room, but I came on one side to speak to Mr. Lawder.

6678. Had you previously shown it to Major Knox?—I had.

6679. Did you give that letter to Mr. Lawder?—I did not.

6680. What did you do with it?—It was lying on the table, and I left it there.

6681. In what room?—In the room nearest the hotel.

6682. Was it in Major Knox's room you left

it, I mean the room occupied by Major Knox?—I believe, Major Knox's own special room was next door to that; I believe that was a public room, where every one went in and out.

6683. Look at that envelope (*handing it to the Witness*); do you happen to know whose handwriting that is?—I do not know whose handwriting it is at all.

6684. Can you form any opinion?—No, not at all; I never saw it before.

[The Witness withdrew.

Major KNOX, recalled; Examined by Mr. *Macdonogh*.

6685. Do you remember that letter (*handing letter to Witness*)?—I do; I remember the letter; I think this is it, to the best of my belief.

6686. What did you say when it was shown to you by that young man?—I read the letter, and I told Mr. Woods it was a thing we could have nothing in the world to do with; there was a suspicion about it; it was written, as you see, in a peculiar way; and my idea of the thing was, that it was a trap. However, I said, "You had better take it to Mr. Lawdor, because he knows that better than I do"; so he took it, and I never saw the letter since.

6687. Did you see Mr. Lawder read that letter?—I saw Mr. Woods go over to another part of the room near the window.

6688. That is Woods, junior?—Yes, the one who was here this minute. I saw him go over with Mr. Lawder, and I saw Mr. Lawder with this in his hands, and he read it. Mr. Lawder then came over to me, and said, "This is a thing you must not touch with a pair of tongs; we must have nothing to do with it." I do not know what became of the letter.

6689. Have you lost a number of documents you had in that room?—I have: half the things I had, books and all.

6690. Did you ever see that again?—Never.

[The Witness withdrew.

Mr. LAWDER, recalled; Examined by Mr. *Macdonogh*.

6691. Do you remember the occasion that Major Knox and Mr. Woods have spoken of?—Yes.

6692. Tell us what happened?—Mr. Woods showed me this letter, and said he had shown it to Mr. Knox, and he said he would have nothing to do with it, but show it to me. I said I should have nothing to do with a document of that kind whatever.

6693. What did you do with it?—Mr. Woods took it out of the room after I had read it. I said, "I shall have nothing to do with a document of that kind."

6694. Did you authorise him to send it to anybody?—On the contrary, I told him such a document should not be sent to any elector.

Cross-examined by Mr. *Coffey*.

6695. As I understand, you handed that document back to Mr. Woods?—Exactly.

6696. It was not left in your custody?—No.

6697. You gave it back to him?—I said, "I shall have nothing to do with it."

6698. Tell me, did you ever see that letter again, after you gave it into Woods' possession?—Never.

6699. Did you see it in the room or apartment that Major Knox and you were in, in the evening afterwards?—Never.

Major KNOX, recalled; Examined by Mr. Justice *Keogh*.

6700. I THOUGHT when you were at the hotel you mentioned, that you lost a number of documents that were there?—At the time I was at the lodgings, almost every day I missed things; I told Mr. Leech about it; I did not like to accuse anybody, but I suspected somebody of taking things; I lost lots of things.

6701. When you were at Leech's, you told him of that?—Yes, I did.

6702. There is only one other thing I will trouble you upon; you mentioned that when that transaction took place about Mr. Stokes, I think you said there were some friends of yours, electors, and I think you said the gentleman who acted as family solicitor, Mr. Paton, told you to go on and not to leave?—I consulted him, being

a very old friend, and I thought I could trust him in the matter. What he said was that he thought I was pledged, from the course I had taken, to go on.

6703. Was he acting as your solicitor in the matter?—No, he was Sir Robert Gore's.

6704. Was he assisting at your election?—No, he was not there at the election; he was taking over the office of clerk of the peace at the time.

6705. Is he not the present clerk?—Yes.

6706. Has he acted as your solicitor in the revision?—No, nothing beyond our family; I only consulted him as a friend just then.

[The Witness withdrew.

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Major Knox.

Mr. Lawder.

Major Knox.

WILLIAM EVANS WOODS, recalled by Mr. Justice Keogh.

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6707. I WANT to ask you one question; you were examined here to-day as to Mrs. Dunleavey's testimony; did you recollect when you were so examined that you desired Mr. Galbraith to send for Mrs. Dunleavey in order to induce her to write a letter to her husband to keep him away from the election?—She herself—

6708. Do not render it necessary to repeat the question; when you were examined here to-day, had you on your recollection that you were the person who asked Mr. Galbraith to send for that woman to send a letter to her husband?—I had not.

6709. You forgot that altogether?—I forgot it altogether.

6710. Is the fact so, that you were the person who, after having three interviews with that woman, told Mr. Galbraith to send for her to induce her to write that letter?—I did not say I had three interviews with her.

6711. You called three times; after those calls and that interview, did you ask Mr. Galbraith to send for that woman to get her to write a letter

to prevent her husband coming to the election?—She herself said—

6712. Did you ask Mr. Galbraith?—I did, my Lord, not to get him to come to the election, because I did not think his life would be safe, and I recommended her—

6713. That is not what I am talking of; did you ask Mr. Galbraith to send for that woman?—I did.

6714. Did you ask Mr. Galbraith to get her to write a letter to her husband?—I did not.

6715. You swear that is not true, as sworn by Mr. Galbraith?—It is not correct.

[The Witness withdrew.

Mr. Robinson was heard to address the Court, and sum up the case on behalf of the Respondents.

Mr. Palles was heard to reply on behalf of the Petitioners.

[Adjourned till To-morrow, Ten o'clock.

COPY
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